

Federal Court Practice Note – eBooks (GPN-eBooks)

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The Federal Court has issued a [new practice note](#) (dated 17 August 2022) on the preparation and filing of electronic court books, appeal books, books of authorities and other documents (collectively, **eBooks**). The practice note sets out the Court's extensive requirements for eBooks that are to be provided to the Court.

The practice note is accompanied by a new ['Technical guide to the provision and filing of eBooks'](#) (**Technical Guide**), which, in part, expands upon the requirements of the eBooks practice note.

Importantly, the practice note prevails over inconsistent terms in any other practice notes as well as any inconsistent provisions in the Federal Court Rules (pending amendment of those Rules). It is therefore important for litigators (particularly junior lawyers) to be familiar with its requirements.

When does it apply?

The practice note applies to any party required or proposing to file or provide an eBook. It also makes clear that, in all matters, the Court expects parties to confer on the use of eBooks.

What is required?

eBooks, regardless of format, must be a text-searchable pdf.

The practice note otherwise describes two alternative acceptable eBook formats, with 'Format 1' being the Court's preference (and mandatory for eBooks of authorities).

Format 1

The key requirement of Format 1 is that there is an **index** that contains [cross-document relative hyperlinks](#) to the documents referred to. A cross-document relative hyperlink is a hyperlink that, when accessed, opens a separate copy of the hyperlinked document. The practical effect of this is to allow multiple documents listed in the index to be opened and viewed concurrently.

The Technical Guide explains that Format 1 requires the hyperlinked document to be [attached](#) to the PDF index, as opposed to the index containing a link to a document stored or saved in a different location. Complying with this requirement will ensure that, if the PDF index is moved to a new storage location, the attachments will move with it (thereby avoiding any issues with 'broken' hyperlinks).

CHAPTER III



Law Council
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CU's Hyperlinking in Adobe KM Guide explains how to make cross-document relative hyperlinks in Adobe Acrobat. Likewise, the CU Hyperlinking in Nuance KM Guide will also assist if Nuance is your pdf-program of choice.

The index must be a table with rows containing sequentially numbered tabs, document titles, and dates (where applicable), and group documents where appropriate.

Format 2

Format 2 is a single PDF document with an index and bookmarks for each document referred to in the index. The index is also to include an [internal relative hyperlink](#) to each document listed. An 'internal relative hyperlink' is a hyperlink that will, when activated, link to a certain page within the document.

Lawyers may already be familiar with the requirements of Format 2. For example, this format is very similar to the what is required by the Supreme Court of Victoria's [notice to the profession](#) on affidavits. Like Format 1, the index should have rows containing document number, title and date of the document, and the corresponding page numbers.

Again, the Hyperlinking in Adobe Guide and Hyperlinking in Nuance Guide provide instructions on how to make internal relative hyperlink in Adobe Acrobat or Nuance.

When else will it be important to know about the practice note?

As noted above, the eBooks practice note prevails, to the extent of any inconsistency, over any other practice notes. Helpfully, the [List of Authorities and Citations](#) practice note and the [Content of Appeal Books and Preparation for Hearing](#) practice note have been updated to expressly reflect the requirements of the eBooks practice note.

However, the eBooks practice note may apply to numerous other aspects of a proceeding, for example, to the preparation of expert reports (otherwise governed by the [Expert Evidence](#) practice note), which commonly include large volumes of material as exhibits.

Uploading large eBooks

The Technical Guide also provides practical guidance on the filing of large file-sized eBooks. If the file size of an eBook is:

1. less than 30MB, the eBook must be electronically filed on the Commonwealth Courts Portal;
2. between 30MB and 50MB, the eBook must be provided in a single pdf to the relevant district registry of the court to be electronically lodged; and

CHAPTER III



Law Council
OF AUSTRALIA

*Federal Litigation and
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3. more than 50MB, the eBook must be provided as a single volume to the district registry of the court to be electronically lodged. The registry will split the eBook into several sealed parts, all less than 50MB, which will become available via the Commonwealth Courts Portal. However, parties should rely upon the unsealed single volume copy of the eBook originally provided to the Court during a hearing.

To provide documents to the court registry, a secure document sharing service, such as mimecast, must be used. Parties should liaise with the relevant district registry of the court for additional technical advice where clarification is required”.