

PAPUA NEW GUINEA

SUPREME COURT OF JUSTICE

PRACTICE DIRECTION NO 2 SC OF 2024

RE USE OF CORRECT SUPREME COURT FILE REFERENCES

This practice direction is issued in consultation with and the approval of the Chief Justice pursuant to Order 2 rule 4 of the *Supreme Court Rules* 2012.

The direction is that: All lawyers and other persons filing proceedings at the Supreme Court Registry shall use correct file references.

File references for Supreme Court matters are prescribed by O 13 r 3 of the *Supreme Court Rules*, which was introduced by the *Supreme Court (Miscellaneous Amendments) Rules* 2022 and commenced operation on 1 May 2022:

The Registrar shall ensure, unless directed otherwise in a particular case by a Judge, that the file references shown in column 1 of the table below, bearing the descriptions shown in column 2 of the table, are allocated to the categories of matters shown in column 3 of the table.

File reference	Description	Categories of matters
SC APP	Supreme Court Application	Application for leave to appeal, for further time to appeal, for leave to seek review under <i>Constitution</i> , s 155(2)(b), for bail and any other application that may be heard and determined by a Judge
SC REF	Supreme Court Reference	Reference to the Supreme Court under <i>Constitution</i> , ss 18(2) or 19 or <i>Supreme Court Act</i> , s 26
SC RES	Supreme Court Reservation	Reservation of a question of law to the Supreme Court under <i>Supreme Court Act</i> , s 21
SC REV	Supreme Court Review	Review of a decision of the National Court under <i>Constitution</i> , s 155(2)(b)
SC REV (EP)	Supreme Court Election Petition Review	Review, pursuant to Division 5.2 of the <i>Supreme Court Rules</i> , of a decision of the National Court under <i>Constitution</i> , s 155(2)(b)
SCA	Supreme Court Appeal	Supreme Court civil appeal
SCCA	Supreme Court Constitutional Application	Application to the Supreme Court under <i>Constitution</i> , s 18(1)
SCM	Supreme Court Motion	Appeal under <i>Supreme Court Rules</i> , Order 10
SCMP	Supreme Court Miscellaneous Proceeding	Any matter apparently within the jurisdiction of the Supreme Court that is not otherwise described in this table
SCRA	Supreme Court Criminal Appeal	Supreme Court criminal appeal

Particular attention should be given to the SC APP file reference. It must be used for any matter that can be heard and determined by a single Judge of the Supreme Court, for example:

- applications for leave to review in election petition matters;
- applications for leave to review under s 155(2)(b) of the *Constitution* any decision of the National Court;
- applications for leave to appeal against a sentence in a criminal matter;
- applications for leave to appeal against an interlocutory decision of the National Court in a civil matter;
- applications to admit an appellant to bail.

An SC APP file will remain open until determination of the application. If leave is refused, the SC APP file will be closed. If leave is granted, the SC APP file will also be closed and a new file will be opened. For example if it is an election petition review matter and leave is granted, the SC APP file will be closed and a SC REV (EP) file will be opened.

Applications for leave to review by prisoners will continue to be made using form 2 of the Second Schedule in the *Supreme Court Rules* but will be given an SC APP file reference (rather than the past practice of giving such matters an SC REV file reference). Once the leave application is determined, the SC APP file will be closed. If leave is granted, an SC REV file will be opened.

This practice direction is issued on 7th June 2024.



IAN V AUGEREA
Registrar of the Supreme Court