

**PRACTICE NOTE: THE PRESENTATION OF WRITTEN ARGUMENT  
BEFORE THE COMPETITION APPEAL COURT**

1. Written argument shall be filed timously and shall contain a table of contents and a table of authorities with reference to the pages in the document on which they are cited.
2. Written argument should contain at the outset a brief summation of the main facts of the case, including an account of proceedings up to that point and of the issues which are to be raised on appeal.
3. If either party has decided to abandon a point taken in proceedings before the Tribunal, this should be made plain in written argument.
4. Written argument must set out the facts which are common cause and those which remain in dispute, .A chronology of events must be set out thereafter.
5. In the section of written argument which deals with the evidence led before the Tribunal, references to the volumes which are placed before the court must be accurately set out. It is unacceptable to use the referencing system employed in the Tribunal if that referencing system does not accord with the record filed before the court.
6. In the section dealing with the applicable law, it is advisable to cite as authority the most recent case of the highest court which provides authority for the proposition advanced. It is undesirable to cite a range of earlier cases which simply reproduce the same *dictum*.
7. Unreported judgments should only be cited when they contain an authoritative statement of a relevant principle of law not to be found in

a reported case of a court of the same status or such judgment is necessary for the understanding of some other authority.

8. Written argument must contain the order which is sought from the court in the exact form that it is so sought.
9. Four bundles of authorities must be provided before the hearing and must include all the cases upon which the party seeks to rely together with all the academic authority cited in written argument.
10. Failure to comply with this direction could mean a delay in the prosecution of the case and the potential for an adverse costs order.