

# Summarising a Case

(appropriate for the first part of a case note assignment)

FIRST: *Briefly* set up the framework for your examination of the case

[\(click to see how\)](#)

SECOND: Examine the judgments

*This is the most important part*

[\(click to see how\)](#)

## SETTING UP THE FRAMEWORK

(using 'Norrie' as an example case)

CITATION	NSW Registrar of Births, Deaths and Marriages v Norrie [2014] HCA 11	
Parties	NSW Registrar of Births, Deaths and Marriages	Appellant(s)
	Norrie	Respondent(s)
Court	High Court of Australia; five judges sitting	
Date	2 April 2014.	
Judges	French CJ, Hayne, Kiefel, Bell And Keane JJ	

## PEOPLE AND EVENTS

Who are the people involved?	The NSW Registrar, administrative responsibility for Births, Deaths and Marriages. Norrie, person of non-specific gender
What were the facts? What went wrong? Why are they in dispute?	Norrie born male in Scotland. Underwent a 'sex affirmation procedure' in 1989 but identifies as 'non-specific'. Application for change of status on birth certificate initially approved, later withdrawn. Record re-issued with 'not stated' instead of 'non-specific'. Norrie was unhappy with this outcome.
How did the matter first come to court?	Norrie is unhappy about the term 'not stated' for gender, and the Registrar is seeking clarification of the terminology around gender.

*Be careful not to put too much detail into these background sections – the summary should focus on the way the court uses this information. Extract enough relevant information to give the reader a context for the arguments presented, the reasoning and the decision.*

## PROCEDURAL HISTORY

At first instance	Name of court/tribunal?	Administrative Decisions Tribunal
	Who won?	Registrar
	Why?	Registration of sex limited to 'male' or 'female' not 'non-specific' [22]
First appeal (if there is one) <b>Administrative Decisions Tribunal (+ Appeals Panel)</b>	Who appealed?	Norrie
	On what grounds?	That sex classifications should not be limited to binary divisions of male and female, as argued by the Registrar [22- 23].
	Was the appeal upheld?	No [24]
	Why / why not?	Only binary divisions for gender descriptions are available to the Registrar [23].
Any other relevant procedural history?	<b>SCNSW (CA)</b> Norrie appealed to the Court of Appeal of NSW. Her appeal was allowed, and the Court ordered the Tribunal's decision be set aside and remitted to the Tribunal to consider other classifications possibly included in the Act [26].	

## EXAMINING THE JUDGMENTS

### THIS APPEAL /HEARING

Grounds of appeal	Registrar has requested special leave to move case from ADTAP to HCA, in order to clarify specific sex classifications raised by the SCNSW (CA).
Appellant's arguments	<i>Here, briefly summarise <b>in your own words</b> any relevant information from paragraphs [28 ]and [29]. Take care to separate out the judges' comments on these submissions.</i>
Respondent's arguments	<i>Here, briefly summarise <b>in your own words</b> any relevant information from paragraphs [30] and[ 31]. Take care to separate out the judges' comments on these submissions.</i>

*By understanding the arguments put by counsel for both parties, you will be able to see the development of the judges' reasoning. Remember that the judgments themselves are the focus of your assignment – don't devote unnecessary attention to the nuances of the parties' arguments.*

### DECISION/HOLDING (if multiple judgments, repeat for each judgment)

Decision	<i>Summarise conclusion in paragraphs [45] – [48] and explain how the orders put this decision into effect.</i>
Reasons for decision	<p><i>Work on identifying the progress of the Judges' logic, starting from comments on the submissions in paragraphs [30] . Again, make sure you use your own words and remain objective.</i></p> <p><i>Can you isolate the ratio decedendi?</i></p>