



Registrar's Notes on the Preparation of Appeal Books

Table of Contents

INTRODUCTION	2
Generally	2
Essential Contents	2
Reproduction of Documents	2
Organisation of Appeal Book	2
Original Pagination	2
Departure	2
GUIDELINES	3
1. Reproduction	3
2. Volumes	3
3. Pages	3
4. Title Page	3
5. Index	3
6. Documents for Inclusion	4
7. Particular Documents	4
8. Sections and Pagination	5
9. Compliance With Guidelines	5
APPENDIX 1	6
A. Binding	6
B. Setting Down Form	6



Registrar's Notes On The Preparation Of Appeal Books

INTRODUCTION

The Guidelines which are published under Rule 64.10 of Chapter I of the Rules of the Supreme Court with the approval of the President of the Court of Appeal should be read with the following in mind:

Generally

1. An Appeal Book should contain ALL the material from the hearing below upon which any party intends to rely on the hearing of the appeal
2. Appeal Books are working documents for the Court: they must be legible, they must be set out conveniently, and they must be complete.
3. Appeal Books should be prepared as economically as possible and should not contain material that is unnecessary.
4. If unnecessary or illegible documents are included in the Appeal Book, the costs of that work may ordinarily be expected to fall on the practitioner concerned.

Essential Contents

Every Appeal Book must contain:

1. the authenticated judgment or order under appeal;
2. the reasons for judgment, or the charge and any relevant ruling;
3. the Notice of Appeal.

Reproduction of Documents

Unnecessary retyping of documents must be avoided. Most documents to be incorporated in the Appeal Book can be reproduced by photocopying. Pages need no longer contain line numbers. If documents are retyped unnecessarily, the costs of that work may ordinarily be expected to fall on the practitioner concerned.

Organisation of Appeal Book

1. Ordinarily the Appeal Book will be divided into sections. Sections will be marked by tabbed dividers, each lettered in sequence and indicating the contents of the section.
2. The Appeal Book must be paginated throughout but may be paginated section by section and then referred to accordingly: e.g. B32, C13, E276.

Original Pagination

Original pagination of documents included in the Appeal Book should also be shown, even if some pages of a document (such as transcript of oral evidence) are omitted as irrelevant to the appeal. Do NOT repaginate transcript or reasons for judgment.

Departure

In Particular cases, the Registrar may authorise a departure from the Guidelines and may, if warranted, extend time for compliance.

Registrar's Notes On The Preparation Of Appeal Books

GUIDELINES

1. **Reproduction**

- 1.1. The Appeal Book may be either printed or reproduced by photocopying or other multi-graphing process. It shall comprise uniform, facsimile pages on which the text is clear, sharp, legible and permanent.

2. **Volumes**

- 2.1. No one volume of the Appeal Book shall contain more than 350 pages and each volume shall be bound between durable covers.
- 2.2. Every volume must contain a copy of the title page and a copy of the index to the Appeal Book and (if more than one) be numbered on the title page, the cover and, if possible, on the spine.
- 2.3. The cover shall show the title to the appeal and the other information required (by paragraph 4) to be included on the title page. If space does not permit the inclusion on the cover of all the information required on the title page, the cover may contain the title to the appeal in an abbreviated form, but it must contain the names and all other information required in relation to the solicitors acting for ALL parties to the appeal.

3. **Pages**

- 3.1. All pages of the Appeal Book shall be of International Paper Size A4 and be capable of receiving writing in ink.
- 3.2. Wherever practicable, documents for inclusion in the Appeal Book shall not be retyped but shall be reproduced on pages complying with paragraph 3.1. Pages need no longer have line numbering added.
- 3.3. Original pagination of individual documents should be retained, whether or not further pagination as part of the Appeal Book is required (see paragraph 8).
- 3.4. Where a page is prepared by an appellant specially for inclusion in an appeal book, the page shall be typed in a font size no less than 12 point, with double spacing between the lines and a left hand margin of at least 30 millimetres.

4. **Title Page**

- 4.1. The title page shall give the full and correct title of the appeal. It shall identify each party by the correct designation (e.g. Appellant [First Defendant], Cross-Appellant [Respondent/Plaintiff]). It shall also identify both the Court from which the appeal is brought and the number of the proceeding in that Court.
- 4.2. The title page (or, if the Appeal Book comprises more than one volume, the title page to the first volume) shall also, in respect of the solicitors on each side, give the name, address, telephone and facsimile numbers, document exchange number and code reference of the solicitor's firm, the name of the practitioner in that firm having responsibility for the appeal and the firm's code or file reference for the appeal.

5. **Index**

- 5.1. After the title page there shall follow an index containing a complete list of the contents of the Appeal Book, as settled.
- 5.2. The index shall identify each document contained within the Appeal Book, giving its date and, if the document is copied, the page or pages of the Appeal Book at which it appears.

Registrar's Notes On The Preparation Of Appeal Books

- 5.3. In the case of exhibits, the index shall give not only the date of the document but also the exhibit mark and, where possible, the page of the transcript of oral evidence at which the exhibit was so marked.
- 5.4. If a document or other evidence is not included in the Appeal Book but is to be produced on the appeal, that document or other evidence shall be identified in the index and marked with the words “to be produced”.

6. Documents for Inclusion

- 6.1. Subject to paragraph 6.3, documents will ordinarily be arranged in the Appeal Book in the following order after the title page and the index:
- a) originating process (including the schedule of parties) and pleadings, any relevant particulars and the request therefor;
 - b) affidavit evidence (with the exhibits to each affidavit immediately following that affidavit);
 - c) transcript or notes of oral evidence;
 - d) other parts of the Court Book (if any) that are relevant;
 - e) other relevant exhibits arranged in the order in which they were lettered or numbered as exhibits;
 - f) reasons for judgment or charge to the jury and any relevant ruling;
 - g) copy of the authenticated judgment or order (including the schedule of parties) from which the appeal is brought;
 - h) notice of appeal (including the schedule of parties);
 - i) in order of date, any interlocutory orders made in respect of the appeal, whether made by the Court of Appeal or otherwise.
- 6.2. Each document included in the Appeal Book shall be preceded by a page containing a short description of the document and its date and, in the case of exhibits, the exhibit mark. This does not apply to any document prepared by a party and filed in the proceeding (either at first instance or on appeal) if the description of the document and its date are apparent on its first page.
- 6.3. If the Appeal Book comprises more than one volume, the contents of each volume shall be as directed by the Registrar. Subject thereto, the evidence (if lengthy), the Court Book (if voluminous) and the exhibits (if numerous) may comprise a separate volume or volumes. In such cases the first volume of the Appeal Book may contain:
- a) originating process and pleadings (including the schedule of parties, any relevant particulars and request therefor);
 - b) reasons for judgment or charge to the jury and any relevant ruling;
 - c) copy of the authenticated judgment or order (including the schedule of parties) from which the appeal is brought;
 - d) notice of appeal (including the schedule of parties);
 - e) any interlocutory orders made in respect of the appeal, whether made by the Court of Appeal or otherwise.

7. Particular Documents

- 7.1. Interrogatories and answers, affidavits of documents and the Court Book shall be included in the Appeal Book only to the extent that they were put in evidence.

Registrar's Notes On The Preparation Of Appeal Books

- 7.2. A transcript of evidence given orally shall not be retyped specially for inclusion in the Appeal Book. Transcript shall be included only to the extent relevant to the appeal. If pages are omitted, a single page may be inserted at the point of omission identifying the pages omitted.
- 7.3. To the extent that a Court Book is included, an index to the Court Book should also be included. If some pages of the Court Book are omitted from the Appeal Book, the index to the Court Book should so indicate. If documents formerly included in the Court Book were marked below as separate exhibits, they should be included in the Appeal Book according to their exhibit marks.
- 7.4. If in the court below a document was made an exhibit more than once (whether to an affidavit or otherwise) it should be reproduced once only and where later (or earlier) referred to a single page should be included in the Appeal Book in its place, identifying the document and the page or pages of the Appeal Book where it is reproduced.

8. Sections and Pagination

- 8.1. The Appeal Book will ordinarily be divided into sections. Each section must be marked at its start by a tab divider bearing sequential alphabetical marking and a general (but brief) description of the documents contained within the section, as for example:
 - A. PROCESS and PLEADINGS
 - B. TRANSCRIPT
 - C. EXHIBITS
 - D. REASONS (for judgment)
 - E. JUDGMENT (or ORDER) appealed from
 - F. NOTICE OF APPEAL
 - G. INTERLOCUTORY ORDERS
- 8.2. Save for the title page and the index, all pages of the Appeal Book shall be numbered consecutively, section by section, as part of the Appeal Book. The numbering shall appear near the edge of the page, furthest from the spine.
- 8.3. If any section of the Appeal Book consists of only one document and that document is already paginated (e.g. transcript of oral evidence, Court Book, reasons for judgment or charge), that section of the Appeal Book need not be paginated any further. Original pagination will be sufficient within that section, even if some pages of the original document are not included in the Appeal Book.

9. Compliance With Guidelines

- 9.1. Upon its being filed, an Appeal Book will be scrutinised for compliance with these guidelines. If the Registrar considers that the guidelines have not been followed, he may direct the solicitor filing the Appeal Book to make amendments (inter alia) in order to rectify any errors or omissions. An appeal will ordinarily not be placed in the list of appeals awaiting hearing whilst the Appeal Book requires amendment.
- 9.2. It is recognised that occasionally the preparation of an Appeal Book will take longer than expected. The attention of practitioners is drawn to Rule 64.11(2), which empowers the Registrar to extend time for filing Appeal Books. To avoid the operation of Rule 64.16, which will result in the appeal being taken to be abandoned, an application for extension of time must be filed before the due date for filing the Appeal Book.



Appendix 1

A. Binding

- i) Appeal Books must be bound with Plastic Binding coils unless otherwise directed.

B. Setting Down Form

- i) Appeals Books must be accompanied by an appropriately completed *Set Down Form* (see below) together with the relevant Supreme Court Set Down Fee.

IN THE SUPREME COURT OF VICTORIA COURT OF APPEAL CIVIL DIVISION	
BETWEEN:	No. of
 	Appellant ()
and	Respondent ()
Date of document:	Solicitors Code:
Filed on behalf of:	DX:
Prepared by:	Tel:
	Fax:
	Ref:
SET this appeal down for hearing.	
Date:	
..... Solicitors for the Appellant	