**Appeals from VCAT**

**to the Trial Division of the Supreme Court** 

**Principal Registry**

Supreme Court of Victoria  
Level 2, 436 Lonsdale Street

Melbourne Victoria 3000

W: supremecourt.vic.gov.au

**Self-Help Information Pack** October 2018

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## In this information pack, you will find relevant information on making an application for leave to appeal from VCAT to the Supreme Court of Victoria.

## Legislation, rules and all other information are up to date as at the time of making this pack. Please check the legislation and rules before you commence your action. If in doubt, contact the Self-represented Litigant Coordinator’s office on (03) 9603 9240 or by email to [unrepresented@supcourt.vic.gov.au](mailto:unrepresented@supcourt.vic.gov.au) (see section 4.1 below).

# 1 VCAT Appeals to the Supreme Court

If you wish to appeal an order of from the Victorian Civil and Administrative Tribunal (VCAT) to the Supreme Court Trial Division or Court of Appeal, you must seek leave to appeal (permission) in the first instance. Which court you need to seek leave to appeal from will depend on who made the order at VCAT.

If you wish to appeal an order made by a member, senior member or deputy president of VCAT, you will need to apply to the Trial Division of the Supreme Court.

If you wish to appeal an order made by a president or vice president sitting at VCAT, you need apply to the Court of Appeal. Note: the president of VCAT is a Supreme Court judge, while the vice presidents of VCAT are County Court judges.

## 1.1 Time to Appeal

You have a limited time in which you can lodge an appeal:

* You have twenty-eight (28) days to appeal from a decision made at VCAT.
* If filing an appeal from VCAT with the Supreme Court outside of the 28 day limit, you must request an extension of time to apply for leave to appeal.
* The 28 days commence on the date the order is made.

## 1.2 Commencing an Appeal

Appealing a decision of a court or tribunal can be very costly. There are fees payable to the Court to commence an appeal. In most cases if you lose, you must pay the other party’s legal expenses and costs. You need to be sure you have a good chance of success before you start any legal action. It is best to try to settle your legal problem outside of the courts if possible.

The main things to think about before appealing a decision are what are your **questions of law** (what errors in the law do you think the judge or member of VCAT has made)and what are your **grounds of appeal** (what mistakes or errors in the law do you the judge or member of VCAT has made in your case).

It is always best to submit typed/printed documents rather than handwritten ones. Be as concise as you can, and make the document look professional. These will be the main documents used in your court action—if they read well, they may give you a better chance of settling or winning your action.

Even if you intend to represent yourself in court, it may be to your benefit to employ a solicitor just to do the documentation work for you. You can then continue representing yourself for the remainder of your case.

# 2 Appeal Procedure

## 2.1 Appeals to the Trial Division of the Supreme Court

To commence an appeal to the Trial Division of the Supreme Court, you must file a **notice of appeal** seeking leave to appeal.

Within 7 days of filing the notice of appeal, you must file an **affidavit**, stating the acts, facts, matters and circumstances relating to the order you are appealing, why leave to appeal should be granted and the grounds of appeal. If you require an extension of time, then you will also need to state why an extension of time should be granted. This affidavit must also exhibit the order and reasons given for the order; if these are not available at the time of filing, their absence must be accounted for in the content of your affidavit.

Within 7 days of filing the notice of appeal, you must file a **summons for directions** seeking leave to appeal and (if necessary) an extension of time for leave to appeal. Upon filing this document and submitting a ‘Judicial Review and Appeals List hearing date information form’ (available from the Registry) a first directions hearing will be assigned before a Judicial Officer (this may take up to one business day). Note, directions hearings are short listings to set out a timetable for the filing and service of documents and will often set down a date for the trial of the proceeding.

## 2.2 Appeals to the Court of Appeal

As noted above, an appeal against an order of the president or vice president at VCAT will need to be commenced at the Court of Appeal. For further information on the rules and procedures involved with making an appeal before the Court of Appeal and to access relevant forms and other details, please read the Court of Appeal’s ‘Self-represented Litigants Information Pack’ available at the Court of Appeal Registry, or on the Supreme Court’s website ([www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au)).

## 2.3 Service of Documents

There are rules concerning the serving of documents to the Court and to the other parties involved in your case that must be adhered to. Any document required or permitted to be served in a proceeding may be served personally, but unless personal service is required by these rules or by order, it need not be served personally.

Personal service of a document is effected by:

1. leaving a copy of the document with the person to be served or
2. if the person does not accept the copy, by putting the copy down in the person's presence and telling the person the nature of the document.

Where personal service of a document is not required, the document may be served by leaving the document at the proper address of the person on a day when the Prothonotary's office is open, by posting the document or by email where an email address for service has been provided. If you are serving on a solicitor, the document can be served by post, document exchange, fax or by email where an email address for service has been provided.

## 2.4 Filing with the Supreme Court

You should file your documents in RedCrest, the Supreme Court of Victoria’s electronic filing system and serve the documents on the other parties.

If you are representing yourself, please make an appointment with the Self-represented Litigant Coordinator (see section 3.1 below) before you file or serve any documents.

Further information on how to file documents in RedCrest is available at [redcrest.com.au](https://www.redcrest.com.au/eservices/home.page.7) or can be obtained by contacting the Self-represented Litigant Coordinator.

# 3 Legal Assistance

Have you had any legal assistance in relation to your appeal? If you have a legal problem it is always best to seek legal advice. If, however, you do not want or cannot afford legal advice from a solicitor, there are various places you can go to seek initial legal help.

Do some research in the area of law your matter is concerned with, and try to find out everything you can before you commence a legal action. The best place to start is to search the internet for your specific legal problem; there are various websites that can give you advice. A good place to start could be the websites listed in sections 3.1–3.5 below.

Before you start or continue court proceedings, we suggest you try seeking out one or more of the following resources if you do not want or cannot afford legal advice or representation.

## 3.1 Law Institute of Victoria

The Law Institute of Victoria (LIV) offers a legal referral service to members of the community who cannot afford legal representation. A litigant can complete a referral form for a free 30‑minute consultation with a solicitor. To obtain a referral form, or to find out more about the LIV’s legal referral service you can:

* visit the following webpage, [www.liv.asn.au/Referral](http://www.liv.asn.au/Referral), and follow the prompts
* phone (03) 9607 9550 or
* contact the LIV via email at [referrals@liv.asn.au](mailto:referrals@liv.asn.au)

The LIV is located at 470 Bourke St, Melbourne. Their website can be found at [www.liv.asn.au](http://www.liv.asn.au).

## 3.2 Victoria Legal Aid

We encourage self-represented litigants seeking free legal advice to visit the Victoria Legal Aid (VLA) website, available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au), or contact their helpline on 1300 792 387. The VLA helpline gives advice on a range of civil and criminal issues.

## 3.3 Community Legal Centres

Community Legal Centres (CLCs) are independent community organisations that provide free legal services. There are two types of CLC:

* **generalist CLCs** provide services on a range of legal issues to people in their local area. There are generalist CLCs who may be able to assist with your legal issues across metropolitan Melbourne and throughout rural and regional Victoria
* **specialist CLCs** can help with particular areas or law (such as tenancy, consumer, employment, welfare, human rights, environmental issues and immigration law) or assist specific groups of people (such as young people, women, or people with mental illness or disabilities).

For a list of CLCs and their relevant contact details, or other general information, please visit their website at [www.fclc.org.au](http://www.fclc.org.au).

## 3.4 Justice Connect

Justice Connect (formerly PILCH) helps individuals access pro bono assistance and coordinates a number of pro bono schemes in Victoria. Justice Connect may be able to help you find pro bono legal assistance if:

* your matter has merit (a good chance of success)
* you are ineligible for legal aid
* you meet a means test and
* your matter has public interest.

You can find out more information about Justice Connect and getting pro bono help by visiting their website, available at [www.justiceconnect.org.au](http://www.justiceconnect.org.au), or by phoning (03) 8636 4444.

## 3.5 Other Online Information

You can also browse free legal information at various websites, such as:

* The Law Handbook: Your Practical Guide to the Law in Victoria: [www.lawhandbook.org.au/handbook.php](http://www.lawhandbook.org.au/handbook.php).

# 4 General Information

## 4.1 Self-represented Litigant Coordinator

The Supreme Court has a Self-represented Litigant Coordinator who specialises in assisting litigants who, for various reasons, find themselves without legal representation. Just like any court registry officer, the Self-represented Litigant Coordinator cannot give you any legal advice. However, the Coordinator’s office will be able to provide you with procedural and practical advice, as well as information about alternative dispute resolution measures and the availability of any free legal services. Self-help packs on various types of proceedings that can be commenced in the Supreme Court are available in hardcopy at the Supreme Court Registry, can be posted by request or can be found on the [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au) website.

If you would like to make an appointment with the Self-represented Litigant Coordinator, please phone (03) 9603 9240 and ask to make an appointment or send an email to [unrepresented@supcourt.vic.gov.au](mailto:unrepresented@supcourt.vic.gov.au). The Coordinator’s office is located in the Supreme Court Registry (see section 4.2).

## 4.2 Supreme Court Registry and the Court of Appeal Registry

The Supreme Court Registry is located on Level 2, 436 Lonsdale St, Melbourne; the Court of Appeal Registry is located on Level 1. They are open from 9.30am to 4pm Monday–Friday, except public holidays. Contact details include:

* Supreme Court Registry (General) phone: (03) 9603 9300
* Self-represented Litigant Coordinator phone: (03) 9603 9240
* Court of Appeal Registry (General) phone: (03) 9603 9100
* Court of Appeal Registry (General) email: [coaregistry@supcourt.vic.gov.au](mailto:coaregistry@supcourt.vic.gov.au)

The Supreme Court conducts hearings on the ground floor of 436 Lonsdale St, Melbourne for hearings before an Associate Judge or Judicial Registrar or at 210 William St, Melbourne for hearings before a Supreme Court Judge. The Court will also hear matters before a Judge, Associate Judge or Judicial Registrar at the William Cooper Justice Centre (WCJC), located at 223 William St, Melbourne.

The Court of Appeal hears its cases in three courtrooms situated at 459 Lonsdale Street, Melbourne. The Green Court is located on the ground floor, the Red Court is located on Level 1, and the Blue Court is located on Level 2.

## 4.3 Duty Barrister Scheme

The Duty Barrister Scheme of the Victorian Bar provides a roster of duty barristers to assist self-represented litigants in the Supreme Court and Court of Appeal on an ad hoc basis.

A pro bono (free of charge) barrister can only appear in court on your behalf to help you with the hearing; they cannot assist you with your paperwork or give legal advice before the hearing.

Persons seeking assistance are referred to the scheme via the Self-represented Litigant Coordinator or the Court of Appeal.

## 4.4 Court Network

Rather than provide legal advice, Court Network provides support and crisis assistance. Court Network is a unique non-legal court support, information and referral service operating throughout Victoria.

Court Network volunteers can provide support and information about going to court, be with you in person on your day in court, explain how the courts and legal systems operate (in person or by telephone) and refer you to other community services that can help you.

For more information, please visit their website at [www.courtnetwork.com.au](http://www.courtnetwork.com.au) or call (03) 9603 7433.

# 5 Supreme Court Fees

See fees page on our website. [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au)

## 5.1 Fee Waiver Application

**Automatic Waiver**

A fee may be automatically waived, if, at the time the fee is payable, the person or other entity –

(a) is legally represented in the proceeding under a pro bono scheme administered by or on behalf of the Victorian Bar, the Law Institute of Victoria or Justice Connect;

(b) is legally represented in the proceeding on a pro bono basis by a member of the Federation of Community Legal Centres;

(c) has been granted legal aid for the proceeding;

(d) is serving a sentence of imprisonment or is otherwise detained in a detention facility; or

(e) is a person under the age of 18 years.

Fees for late filing, litigation searches, searching a file and photocopying cannot be waived under these categories and can only be waived on the grounds of financial hardship (in accordance with section 129(3) of the *Supreme Court Act 1986*).

**Financial Hardship Waiver**

The prothonotary has the power to waive the payment of court fees if the payment of the fee will cause financial hardship.

Section 129 (3) of the Supreme Court Act 1986 states the following:

The Prothonotary or Deputy Prothonotary at or for the place where a proceeding is to be heard may, having regard to the income, day to day living expenses, liabilities and assets of the person liable to pay a fee prescribed under subsection (1) (a), waive payment of that fee if, in his or her opinion, the payment of that fee by that person would cause him or her financial hardship and, in that case, that prescribed fee is not payable.

Fee waiver applications require a thorough examination of an individual’s assets, liabilities, income and expenditures. The individual must provide evidence to support the details they state in the application. For example bank statements, pension card details (if applicable), details about any loans or shares, any assets currently owned and an individuals current employment status must all be made available.

**Waiver Form**

If you believe you satisfy the eligibility criteria for an automatic fee waiver or wish to apply based on financial hardship, you must complete and submit the [Application for Waiver of Court Fees](https://www.supremecourt.vic.gov.au/law-and-practice/court-of-appeal/application-for-waiver-of-court-fees) form for assessment. You must ensure that you attach the requested documentation to that form.

You may be requested to provide further documentary evidence to support your claim. If you are successful in obtaining a fee waiver, that will apply for any future fees which may be payable in the proceeding. Following the submission of that initial form and until the end of your court proceeding, you will need to notify the Court if your circumstances change.

**VCAT Appeals**

**Rules and Forms**

**Self-Help Information Pack**

October 2018

## 

**Principal Registry**

Supreme Court of Victoria  
Level 2, 436 Lonsdale Street

Melbourne Victoria 3000

W: supremecourt.vic.gov.au

## In this information pack, you will find the relevant rules and forms to appeal a decision from VCAT.

## 

## Legislation, rules and all other information are up to date as at the time of making this pack. Please check the legislation and rules before you commence your action. If in doubt, contact the Self-represented Litigant Coordinator’s office on (03) 9603 9240 or by email to [unrepresented@supcourt.vic.gov.au](mailto:unrepresented@supcourt.vic.gov.au).

# Rules and Legislation

## *Victorian Civil and Administrative Tribunal Act 1998*

**Section 148 - Appeals from the Tribunal**

1. A party to a proceeding may appeal, on a question of law, from an order of the Tribunal in the proceeding-

(a) to the Court of Appeal, if the Tribunal was constituted for the purpose of making the order by the President or a Vice President, whether with or without others; or

(b) to the Trial Division of the Supreme Court in any other case-

if the Court of Appeal or the Trial Division, as the case requires, gives leave to appeal.

1. An application for leave to appeal must be made-
2. no later than 28 days after the day of the order of the Tribunal; and
3. in accordance with the rules of the Supreme Court.
4. If leave is granted, the appeal must be instituted-

(a) no later than 14 days after the day on which leave is granted; and

(b) in accordance with the rules of the Supreme Court.

1. If the Tribunal gives oral reasons for making an order and a party then requests it to give written reasons under section 117, the day on which the written reasons are given to the party is deemed to be the day of the order for the purposes of subsection (2).
2. The Court of Appeal or the Trial Division, as the case requires, may at any time extend or abridge any time limit fixed by or under this section.
3. A party that institutes an appeal must notify the principal registrar.
4. The Court of Appeal or the Trial Division, as the case requires, may make any of the following orders on an appeal-

(a) an order affirming, varying or setting aside the order of the Tribunal;

(b) an order that the Tribunal could have made in the proceeding;

(c) an order remitting the proceeding to be heard and decided again, either with or without the hearing of further evidence, by the Tribunal in accordance with the directions of the court;

(d) any other order the court thinks appropriate.

1. If the court makes an order under subsection (7) (c), it must give directions as to whether or not the Tribunal is to be constituted for the rehearing by the same members who made the original order.
2. A party to a proceeding under a credit enactment that involves a claim not exceeding $3000 cannot apply for leave to appeal under this section unless that party agrees to indemnify the reasonable legal costs of the other parties in the proceeding.

**Section 149 - Tribunal may stay its order pending appeal**

1. The Tribunal, on the application of a party or on its own initiative, may stay the operation of any order it makes pending the determination of any appeal that may be instituted under this Part.
2. The Tribunal may attach any conditions it considers appropriate to a stay of an order under subsection (1).

**Section 117 - Reasons for final orders**

1. The Tribunal must give reasons for any order it makes in a proceeding, other than an interim order, within-
2. 60 days after making the order; or
3. such other period as is specified by the rules or the President.
4. If the Tribunal gives oral reasons, a party, within 14 days, may request the Tribunal to give written reasons.
5. The Tribunal must comply with a request under subsection (2) within 45 days after receiving it.
6. The President may extend the 45-day period referred to in subsection (3),but must give reasons for the extension to the party who requested the written reasons for the order.
7. If the Tribunal gives written reasons, it must include in those reasons its findings on material questions of fact.
8. The reasons for an order, whether oral or written, form part of the order.

## *Supreme Court (Miscellaneous Civil Proceedings) Rules 2008*

**ORDER 4 - APPEALS FROM TRIBUNALS**

**PART 1—INTRODUCTION**

**4.01 Application**

1. Subject to paragraphs (2) and (3), this Order applies to—
   1. an appeal to the Court from a tribunal , including under section 148 of the **Victorian Civil and Administrative Tribunal Act 1998**; and
   2. an application for leave to appeal from a tribunal , including under section 148 of the **Victorian Civil and Administrative Tribunal Act 1998**.
2. This Order does not apply to a proceeding to which Order 7, 7A, 8, 12, 14, 15 or 23 applies, save to the extent provided by that Order.
3. This Order does not apply to an appeal, or an application for leave to appeal, under Part 10 of the **Vexatious Proceedings Act 2014**.

**4.02 Definitions**

In this Order—

***order*** includes decision or determination;

***tribunal*** means any person or body, not being a court, in relation to whose orders a right of appeal to the Court is conferred by an Act.

**PART 2—APPEAL TO TRIAL DIVISION**

**4.03 Appeal to Court constituted by a Judge of the Court**

Except as otherwise provided by any Act or Rule, an appeal to the Court from a tribunal shall be heard by a Judge of the Court.

**4.04 Commencement of appeal or application for leave to appeal**

Except as otherwise provided by any Act or Rule—

* 1. an appeal or an application for leave to appeal under this Part is commenced by filing a notice of appeal in the Court;
  2. subject to Rule 4.08(9), the appeal or the application for leave to appeal shall be commenced within 28 days after the day of the order of the tribunal; and
  3. the appeal or the application for leave to appeal shall not operate as a stay of proceedings unless the Court otherwise orders.

**4.05 Extension of time**

Except as otherwise provided by any Act or Rule, and unless the Court otherwise orders, if an extension of time is needed within which to appeal or apply for leave to appeal—

1. an application for that extension may be made to, and determined by, the Court in conjunction with the appeal or the application for leave to appeal, as the case may be; and
2. if granted, the extension may be granted retrospectively.

**4.06 Notice of appeal**

1. A notice of appeal under this Part shall—
2. be signed by the appellant or the appellant's solicitor;
3. set out or state—

(i) whether an extension of time is needed;

(ii) whether leave to appeal is required;

(iii) the order which is the subject of the appeal or proposed appeal;

(iv) whether the appeal or proposed appeal is from the whole or part only of the order, and, if so, what part;

(v) the question of law upon which the appeal or proposed appeal is brought;

(vi) concisely the grounds or proposed grounds of appeal;

(vii) the order sought in place of that from which the appeal or proposed appeal is brought; and

1. at its end, name all the persons on whom it is proposed to serve the notice of appeal.
2. As soon as practicable after filing the notice of appeal, the appellant or applicant shall—
3. deliver a copy to the registrar or other proper officer of the tribunal; and
4. unless the Court otherwise orders, serve a copy of the notice on all persons directly affected by the appeal or application.
5. The Court may give leave to amend the grounds or proposed grounds of appeal or make any other order to ensure the proper determination of the appeal or application for leave to appeal.

**4.07 Appellant to file affidavit**

1. Within seven days after filing the notice of appeal, the appellant or applicant shall file an affidavit setting out the acts, facts, matters and circumstances relating to—
2. the order of the tribunal;
3. if an extension of time is needed, why an extension should be granted;
4. if leave to appeal is required, why leave to appeal should be given; and
5. the grounds or proposed grounds set out in the notice of appeal.
6. There shall be included as exhibits to the affidavit—
7. a copy of the order from which the appeal is or is proposed to be brought; and
8. a copy of any reasons given for the order—

or their absence as exhibits shall be accounted for in the affidavit.

**4.08 Directions**

1. Within seven days after filing the notice of appeal, the appellant or applicant shall apply on summons—
2. for directions;
3. if necessary, for an extension of time; and
4. if necessary, for leave to appeal.
5. The application under paragraph (1) is taken to be made when the summons is filed.
6. Not less than 14 days before the day for hearing named in the summons, the appellant or applicant shall serve on the respondent to the appeal the summons together with a copy of the affidavit filed under Rule 4.07 and any exhibit.
7. The respondent shall file and serve a copy of any affidavit in answer and shall serve a copy of any exhibit not less than five days before the day for hearing named in the summons.
8. If at any time the Court is satisfied that the hearing of the summons should be expedited, the Court may, on its own motion or on application, bring the summons on for hearing.
9. Subject to paragraphs (7), (8) and (9), on the return of the summons, the Court shall give directions with respect to the appeal or proposed appeal.
10. If an extension of time is needed or leave to appeal is required, the Court may, as appropriate—
11. direct that the application for an extension of time or for leave to appeal be heard and determined by the Court which, if an extension of time or leave to appeal is granted, is to hear and determine the proposed appeal; or
12. hear and determine the application for an extension of time or for leave to appeal.
13. The Court may dismiss the appeal or the application for an extension of time or for leave to appeal (as the case may be) if satisfied that—

(a) the notice of appeal does not identify sufficiently or at all a question of law on which the appeal or proposed appeal may be brought;

(b) the appellant or applicant does not or would not have an arguable case on appeal or to refuse leave would impose no substantial injustice; or

(c) the appeal or application is frivolous, vexatious or otherwise an abuse of the process of the Court.

1. If an extension of time is not required or is granted, and the Court gives leave to appeal, then, except as otherwise provided by any Act and unless the Court otherwise orders—

(a) the appeal is thereupon taken to have been duly commenced by the filing of the notice of appeal;

(b) no further notice of appeal shall be required; and

(c) notwithstanding Rule 4.06, no further copy of the notice of appeal need be served.

1. The Court may, in a proper case, grant a stay of proceedings under the order of the tribunal.

# Court Forms

### *[Continued on the next page]*

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE**

**COMMON LAW DIVISON**

**JUDICIAL REVIEW AND APPEALS LIST**

**No.** S CI

**B E T W E E N**

Appellant

-and-

Respondent

**NOTICE OF APPEAL**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Document: Solicitors Code:

Filed on behalf of: DX:

Prepared by: Telephone:

Ref:

Email:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TAKE NOTICE** that the Appellant seeks leave to appeal to the Supreme Court of Victoria pursuant to section 148 of the *Victorian Civil and Administrative Tribunal Act 1998 (Victoria)* against the order made by …………………….. on ………………………..

**EXTENSION OF TIME**:\*\*

*[State whether an extension of time is required outside of the timeframe specified by the Victorian Civil and Administrative Tribunal Act.]*

*\*\* [Complete or strike out as appropriate.]*

**ORDER SUBJECT TO APPEAL:**

*[Specify the Order/s made and whether the appeal is from the whole or part only of the order and, if so, what part.]*

***QUESTION OF LAW:***

*[Specify the question of law upon which the appeal is brought.]*

**THE GROUNDS RELIED UPON ARE:**

*[State concisely the grounds upon which the appeal is sought.]*

**ORDER SOUGHT:**

*[State the Order/s sought in place of that from which the appeal is brought.]*

It is proposed to serve this Notice of Appeal on:

*[Name all persons]*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signed**  *[Dated]*

*[Print name and Title]*

**FILED** [insert date].

**FORM 46A**

Rule 46.04(1)

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE**

**COMMON LAW DIVISON**

**JUDICIAL REVIEW AND APPEALS LIST**

**No.** S CI

**B E T W E E N**

Appellant

-and-

Respondent

**SUMMONS**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Document: Solicitors Code:

Filed on behalf of: DX:

Prepared by: Telephone:

Ref:

Email:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To: [*identify each party or other person to whom summons is addressed and state address of each person not a party.*]

You are summoned to attend before the Court on the hearing of an application by the Appellant for:

1. *[Leave to appeal to the Supreme Court from the Order of [\*] made [\*]*
2. *[An extension of time, if required]*
3. Directions as to the future conduct of the proceeding;
4. *[Describe any further orders sought]*

The application will be heard before the sitting in the Judicial Review and Appeals List in Court No. Supreme Court, , Melbourne, on

at a.m. or so soon afterwards as the business of the Court allows.

FILED [*insert date*].

This summons was filed by

**IN THE SUPREME COURT OF VICTORIA** **AT MELBOURNE**

**COMMON LAW DIVISON**

**JUDICIAL REVIEW AND APPEALS LIST**

**No.** S CI

**B E T W E E N**

Appellant

-and-

Respondent

**AFFIDAVIT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Date of Document: Solicitors Code:

Filed on behalf of: DX:

Prepared by: Telephone:

Ref:

Email:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

I,……………………………………………,of…………………………….………………..…………………… [make oath and say or solemnly and sincerely affirm] as follows:

SWORN or AFFIRMED at

in the State of Victoria

this ……day of ………..……20

BEFORE ME:

**FORM 43A**

Rule 46.04(1)

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE**

**COMMON LAW DIVISON**

**JUDICIAL REVIEW AND APPEALS LIST**

**No.** S CI

**B E T W E E N**

Appellant

-and-

Respondent

**CERTIFICATE IDENTIFYING EXHIBIT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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This is the exhibit marked “ ” now produced and shown to *[identify deponent*] at the time of swearing/affirming that person’s affidavit on *[insert date]:*

………………………………………

*[Signature of person taking Affidavit]*

**Exhibit “ ”**

*[Describe exhibit]*