

A guide to **representing yourself** when

**Appealing a decision made
by an associate judge**

in the Trial Division of the Supreme Court

Contact details

Supreme Court staff can answer questions about court process. They cannot give legal advice, or help you prepare or present your case.

Website

supremecourt.vic.gov.au

Self-represented Litigant Coordinator

Phone: 03 8600 2031

Email: unrepresented@supcourt.vic.gov.au

Appointments with the Self-represented Litigant Coordinator are held at the Principal Registry

Principal Registry

Level 2, 436 Lonsdale Street
Melbourne VIC 3000

Phone: 03 8600 2004

Mon-Fri 9.30am-4pm, closed public holidays

Court locations

Visit the Supreme Court website for court locations throughout Victoria. Check your court documents to make sure you attend the correct location for your hearing. Also check the Daily Hearing List on our website.

Security

You must go through security screening before entering a Supreme Court building. Items not allowed include anything explosive, sharp or a potential weapon, including cans and glass bottles. Alcohol is also not allowed.

This guide contains general information only and is not intended to be legal advice.

This guide is licensed under a Creative Commons Attribution 4.0 licence. You are free to re-use the work if you credit Court Services Victoria as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including the Victorian Coat of Arms, Victorian government logo, Supreme Court of Victoria logo, Court Services Victoria logo and content supplied by third parties.

Contents

Supreme Court contact details	2
About this guide	4
Appeals heard in the Trial Division	4
Stages in the appeal process	5
Time limits	5
What it means to represent yourself	6
Court fees and costs	7
Court fees	7
Fee waivers and concession rates	7
Preparing for your appeal	8
Get to know legal terms	8
Get to know Court procedures	8
Get to know your obligations	8
Do your legal research	8
Create a RedCrest account for filing documents	8
Check if you need to order a transcript	8
Know how to stop an appeal	9
STAGE 1:	10
Serve your Notice of Appeal on the respondent	
Complete your Notice of Appeal form	10
Serve your Notice of Appeal on the respondent	10
STAGE 2: File your Notice of Appeal	11
Find out the details for your hearing	11
File your Notice of Appeal in RedCrest	11
STAGE 3: Serve your Notice of Appeal and file your appeal book	12
Serve your Notice of Appeal with hearing details	12
Prepare and file your appeal book	12
STAGE 4:	13
Respondent may respond to your documents	
STAGE 5: Attend the directions hearing, if needed	14
STAGE 6: Get your case ready for the judge	15
Follow the Court's instructions	15
Prepare to present at your hearing	15
STAGE 7: The hearing	16
Finding out your hearing date	16
What to expect at the hearing	16
STAGE 8: The decision	17
When to expect the decision	17
Finding out the decision	17
If your appeal is dismissed	17
Appendix	18
Glossary, Organisations, Legal reference material	18
Forms, Guidance, Videos	18

Appeals heard in the Trial Division

The Supreme Court of Victoria has two main parts: Trial Division and Court of Appeal.

Trial Division hears appeals against decisions made by:

- an associate judge of the Supreme Court of Victoria.

Court of Appeal hears appeals against decisions made by:

- an associate judge of the Supreme Court of Victoria, if they were referred certain powers by a Trial Division judge.

If it is not obvious which of the above applies, from the Court orders made in your original proceeding, contact the Self-represented Litigant Coordinator to discuss your situation.

Knowing which part of the Supreme Court to appeal to is important. Each has a separate process and different forms to complete.

ABOUT THIS GUIDE

This guide is for people who want to appeal a decision made by an associate judge in the Trial Division and may not have a lawyer.

Read this guide to find out:

- which part of the Supreme Court hears your type of appeal
- what it means to represent yourself in a court proceeding
- court fees that apply
- stages in the process and what you do at each stage
- documents you need to provide
- forms you need to complete.

The Appendix has links to the forms and resources you may find helpful. Forms are also available in hard copy from the Principal Registry.

This guide contains general information only and is not intended to be legal advice.

The content in this guide is based on the *Supreme Court (General Civil Procedure) Rules 2015* and *Supreme Court (Miscellaneous Civil Proceedings) Rules 2018*. The Rules are official legal instructions you must follow.

If you are reading a print version of this guide, note that the online version has links to forms and other resources you may need. Visit supremecourt.vic.gov.au/representingyourself for the online version. References to links in the appendix are only relevant if you are reading the online guide.

If your type of case is heard in the Court of Appeal, read our guide *Representing yourself in a Court of Appeal civil proceeding*. It is available on the Supreme Court website or in hard copy from the Court of Appeal Registry, Level 1, 436 Lonsdale Street, Melbourne.

Email: coaregistry@supcourt.vic.gov.au

Stages in the appeal process

Appealing a decision made by an associate judge in the Trial Division usually goes through these stages:

STAGE 1	Serve your Notice of Appeal on the respondent
STAGE 2	File your Notice of Appeal
STAGE 3	Serve your Notice of Appeal and file your appeal book
STAGE 4	Respondent may respond to your documents
STAGE 5	Attend the directions hearing, if needed
STAGE 6	Get your case ready for the judge
STAGE 7	The hearing
STAGE 8	The decision

Time limits

There is a time limit on appealing a decision made by an associate judge.

In most cases, you have 14 days from the date the decision was made to **serve** a Notice of Appeal form on the respondent. The date of the decision is on the Court order.

If there was no other party to the case or the application heard by the associate judge, you have 14 days to **file** a Notice of Appeal.

Extension of time to appeal

If 14 days has passed, you need to apply for the Court's permission to extend the time limit. This is called 'seeking leave to appeal out of time'.

You do this when you complete a Notice of Appeal form in Stage 1 of the appeal process and file this form in Stage 2. The form asks you to briefly explain why you are applying late and any special circumstances, for example, illness or injury.

IMPORTANT INFORMATION

Legal word

Applicant – a person or company who makes an application to the Court, sometimes called the **plaintiff**. As an applicant in an appeal proceeding you may also be referred to as the **appellant**.

Respondent – a person or company that an application or appeal is made against. If you are appealing a decision of an associate judge, the respondent is the other party (or parties) from the original case. The associate judge is **not** a respondent in an appeal.

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, fees for expert reports, medical reports and photocopying. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using the online system RedCrest. More details on using RedCrest appear later in this guide.

What it means to represent yourself

Representing yourself in court means you take responsibility for the tasks that a lawyer would otherwise do for you.

People who represent themselves in court are known as self-represented litigants.

In the Trial Division of the Supreme Court, individuals are allowed to represent themselves. Companies must be represented by a lawyer. If you are the sole director of a company and you wish to represent your company, you must get the Court's permission. Contact the Self-represented Litigant Coordinator if you need to discuss your situation.

Some things you may need to do yourself include:

- become familiar with legal language and legal concepts
- read and understand relevant legislation, rules of procedure and case law
- prepare your case, working out the law that applies and where you believe there was an error in applying the law
- prepare a written statement that explains your arguments in a logical way
- gather relevant documents that support your case
- present your case to the judge, explaining each of your arguments and answering questions about them from the judge, the other party or their lawyer
- understand and follow the correct court procedures.

The Court prefers any documents you prepare to be typed, not handwritten. You will rely on these documents during your proceeding. If they read well and look professional it may help everyone involved get a better understanding of the case you are making.

IMPORTANT INFORMATION

Who can help me?

Registry

Registry staff can provide information on how the appeal process works.

Self-represented Litigant Coordinator

The Supreme Court has a Self-represented Litigant Coordinator who specialises in helping people who do not have a lawyer. They can give information and guidance on Court procedures, but are not allowed to give legal advice. You can make an appointment with the Coordinator to discuss the appeal process and to check you have the right documents. See page 2 for contact details.

Free and low-cost legal help

See the Appendix for a link to organisations that provide free or low-cost legal services and information.

Court fees and costs

Legal proceedings in the Supreme Court can be very expensive.

You need to pay court fees at different stages unless you have a fee waiver (see below). If you lose your case, you may need to pay some or all of the other party's costs. This includes what they spent on lawyers and any other expenses, such as the cost of expert reports.

*** Be aware – these costs can be substantial.**

Consider paying for some legal advice even if it is only to help you with a particular part of the process. For example, it is highly recommended that a lawyer help you prepare your 'grounds of appeal' – concise explanations for why you think the associate judge made the wrong decision from a legal point of view.

See the Appendix for a link to organisations that provide legal information and free or low-cost legal services.

Court fees

You need to pay court fees at various stages of your proceeding, using PayPal, a credit card or debit card. **See the fees table on our website called Prothonotary's Office Fees**, under the Fees tab.

You may need to pay court fees for:

- Filing an appeal from a decision of an associate judge (commencement fee)
- Filing an interlocutory application (e.g. stay application)
- Setting down (confirming a date) for the hearing
- Hearing (per day or part day).

Your fees will depend on the type of proceeding and the division that hears your matter. If you have questions about what fees apply, contact the Self-represented Litigant Coordinator.

Fee waivers and concession rates

You may be eligible for a fee waiver if you can prove that paying the fees would cause you financial hardship. In some circumstances, you may be automatically entitled to a fee waiver. However, you must still apply for it. This includes if you are:

- represented by Legal Aid, a community legal centre or under a pro bono scheme administered by or on behalf of the Victorian Bar, the Law Institute of Victoria or Justice Connect
- serving a prison sentence or are in a detention facility
- under 18 years of age.

If you have a Commonwealth Health Care Card, you can apply to pay the concession rate. This is the only type of concession card the Court accepts. If you do not have this card, and do not have a fee waiver, you pay the standard fee.

Read the *RedCrest Electronic Filing User Guide* for instructions on how to apply for a fee waiver or pay the concession rate. If you have questions about using RedCrest, contact the Principal Registry.

IMPORTANT INFORMATION

! Note

You pay fees online in RedCrest, using:

- PayPal
- credit card, or
- debit card.

Fees normally change on 1 July each year.

💡 Tip

The Law Institute of Victoria has a free referral service that helps you find a private lawyer. See the Appendix for a link to organisations that provide legal information and free or low-cost legal services.

💡 Tip

If you have a current Commonwealth Health Care Card you can apply to pay the concession rate shown in the fees table. If you do not have this card, and do not have a fee waiver, you pay the standard fee.

📖 Legal word

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, fees for expert reports, medical reports and photocopying. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

Fee waiver – permission from the Court to not pay the court fees.

Financial hardship – decided after taking into account your day-to-day living expenses, liabilities and assets.

Preparing for your appeal

Get to know legal terms

See the Important Information box for common legal words and terms.

Get to know Court procedures

Read the following documents carefully, as they provide important information and guidance:

- *Supreme Court (General Civil Procedure) Rules 2015* – rule 77.06
- Practice Note SC Gen 8 - Appeals from associate judges
- Practice Note SC Gen 7 – Transcript in Civil Proceedings.

Get to know your obligations

As a party in a civil proceeding, you need to understand what's known as overarching obligations. These are in sections 16-26 of the *Civil Procedure Act 2010*.

Do your legal research

Make sure you understand the law that applies to your case by doing some legal research. Read about cases similar to yours, and note any cases where the law you are relying on has been applied in a way that you think proves your arguments. You can find cases from all courts on the AustLII website.

Create a RedCrest account for filing documents

You file documents with the Court using the online system RedCrest (redcrest.com.au). You need an email address to create a RedCrest account. If you do not have an email address and cannot get one, contact the Self-represented Litigant Coordinator to discuss your situation.

You are notified in RedCrest when any documents you file are ready for you to serve with the Court's seal (official stamp) on them. The notification has a link to where you can download and print copies.

Read the *RedCrest Electronic Filing User Guide* for information and instructions. If you have questions about using RedCrest, contact the Principal Registry (redcrest.com.au).

Check if you need to order a transcript

A transcript must be arranged by the parties and paid for in advance for all final hearings and sometimes for other hearings. Read Practice Note SC Gen 7 (Transcript in Civil Proceedings) for details of when and how to get the transcript. Contact the Self-represented Litigant Coordinator if you want to discuss your situation.

IMPORTANT INFORMATION

Tip

See the Appendix for links to forms, legislation and resources you may find helpful.



Legal word

Applicant – a person or company who makes an application to the Court, sometimes called the **plaintiff**. An applicant in an appeal proceeding may also be referred to as the **appellant**.

Respondent – a person or company that an application or appeal is made against. If you are appealing a decision of an associate judge, the respondent is the other party (or parties) from the original case. The associate judge is **not** a respondent in an appeal.

Filing a document – giving it to the Registry where it officially becomes part of the Court file. You do this using RedCrest.

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Directions hearing – a short hearing held to work out matters of timing, such as dates for when certain things need to happen and who does them.

Practice note – a document that details Supreme Court procedures, instructions, rules, processes and information. As well as general practice notes that apply to all Supreme Court proceedings, some lists have their own practice notes with specific information for their list.

Know how to stop an appeal

The process for stopping an appeal differs slightly depending on whether the original proceeding was started by writ. See order 25 of the *Supreme Court (General Civil Procedure) Rules 2015*.

In most cases, you can stop the appeal with the consent of all parties or permission from the Court.

Be aware that if you stop your appeal, you usually need to pay the respondent's costs up to that point unless:

- you and the respondent agree you do not have to pay their costs
- or
- the Court orders that you do not have to pay their costs.

To stop your appeal, complete a Notice of Discontinuance form stating that you are stopping your appeal and sign it. See the Appendix for a link to the form.

Ask the respondent to sign the form too, to show they agree. Then file the form and wait for RedCrest to advise that a copy with the Court's seal (official stamp) is available. Download and print the sealed copy and serve it on the respondent.

If the respondent will not sign the form, you need to get the Court's permission to stop your appeal. Contact the Self-represented Litigant Coordinator to discuss your situation.

IMPORTANT INFORMATION

Tip

Whenever you contact the Court, quote the proceeding number for your case. You can find the number on the associate judge's order and other court documents for the proceeding. It looks something like this: **S ECI 2019 54321**.

Tip

Before you file documents, the Court encourages you to contact the Self-represented Litigant Coordinator. The Coordinator cannot give legal advice, but can talk to you about Court process and check you have the right documents.

Legal word

Hearing transcript – a written copy of the exact words spoken during a hearing.

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, fees for expert reports, medical reports and photocopying. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

You must start your appeal within 14 days of the decision you want to appeal (if you are starting later, see below).

To start your appeal:

- complete a Notice of Appeal form, and
- serve it on the respondent.

Complete your Notice of Appeal form

Put the division and list name in the top left-hand corner of the form. You can find these details at the top of the order you are appealing. Say on the form if you are appealing the whole decision or part of it. If you are appealing part of the decision, say which part.

If you are starting your appeal more than 14 days after the original decision, complete the 'Leave to appeal' section in the form. This is your request for the Court's permission to hear your appeal late.

Understand what the judge can order

Rule 77.06.9 of the *Supreme Court (General Civil Procedures) Rules 2015* states the powers the judge has when deciding on your appeal. It might help you work out what grounds of appeal are relevant. For example, the judge has the power to:

- consider further evidence on questions of fact, whether from an affidavit or from a sworn statement
- draw conclusions based on facts
- give any decision or make any order that should have been given in the original proceeding
- make any other order the case may require.

Grounds of appeal

Clearly state on the Notice of Appeal your 'grounds of appeal' – concise explanations for why you think the associate judge made the wrong decision from a legal point of view. Number your grounds of appeal paragraphs, so it is easy for the judge to refer to a paragraph number during the proceeding. **For example:**

Grounds of Appeal

- 1.
- 2.
- 3.

Keep your grounds of appeal concise and to the point. You will get a chance to present your case in full during the final hearing in Stage 7.

Serve your Notice of Appeal on the respondent

You can now serve your completed Notice of Appeal on the respondent, or respondents if there is more than one (see Important Information box for details on how to do this).

Checklist - STAGE 1

- Complete a Notice of Appeal form
- Serve it on the respondent

IMPORTANT INFORMATION

! Note

If you are serving an individual, you must serve the Notice of Appeal in person. This means that you (or someone else on your behalf) must:

- leave a copy of the document with the person to be served, or
- if the person does not accept the copy, put it down near them and tell them the nature of the document.

If you are serving a company, you can post your Notice of Appeal to the registered office of the company.

The Court may ask you to swear or affirm an affidavit proving that you have served the document. If you have any questions, contact the Self-represented Litigant Coordinator.

Legal word

Serving a document – formally delivering it to a person or company. There are rules about which documents need to be served in person and which can also be served by email or post. See order 6 of the *Supreme Court (General Civil Procedure) Rules 2015*.

Tip

Although some documents need to be served in person, you don't need to do this yourself. You can ask a friend, family member or a professional to serve the documents for you. They must be prepared to sign an affidavit confirming they served the documents, if the Court requests this.

Tip

Working out your grounds of appeal can be difficult. Consider engaging a lawyer to help you with this part of the process. The success of your appeal depends on the strength of these arguments.

Find out the details for your hearing

Email or phone the Self-represented Litigant Coordinator to find out key details for your hearing, including:

- date
- time
- location
- name of the judge conducting the hearing, and
- if it is a directions hearing or a final hearing.

Remember to quote your proceeding number when you contact the Self-represented Litigant Coordinator. Your proceeding number is the same as for your original proceeding.

Once you have these hearing details, add them to your Notice of Appeal.

File your Notice of Appeal in RedCrest

No later than seven days after serving the Notice of Appeal on the respondent, you must file your Notice of Appeal in RedCrest.

Attach to your Notice of Appeal a list of all the respondents you served, the date you served them and how you served (whether in person or by post). Make sure you sign this form before you file it.

The Court will notify you in RedCrest when your Notice of Appeal, and the attached list of any respondents served, has been accepted and is available for you to download. The Notice of Appeal will now have the Court's seal (official stamp) on it.

IMPORTANT INFORMATION

Tip

Both applicants and respondents are expected to attend any hearings the Court schedules, including the directions hearing (if you have one). If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Principal Registry immediately.

Checklist - STAGE 2

- Find out the date and details for your hearing
- Add these details to your Notice of Appeal
- File your Notice of Appeal

STAGE 3

Serve your Notice of Appeal and file your appeal book

No later than seven days after RedCrest notified you that your Notice of Appeal form is accepted and stamped with the Court's seal, you must:

- serve the Notice of Appeal (which now includes the hearing details) on the respondent, and
- file your appeal book with the Court.

Serve your Notice of Appeal with hearing details

Serve your Notice of Appeal on the respondent. The Notice of Appeal includes the hearing details you found out and added to the form in Stage 2. This step officially advises the respondent of the hearing details.

You need to pay a court fee for 'filing an appeal from a decision of an associate judge', unless you have a fee waiver.

Prepare and file your appeal book

An appeal book is a hard copy folder that contains documents you will rely on during your proceeding. Clearly label each document so it is easy for the judge to find and refer to the documents.

You file this folder of documents (your appeal book) by giving it to the Principal Registry. You can either take it to the Principal Registry counter in person, post it or give it to one of the regional registry offices (who will courier it to the Principal Registry). The Supreme Court website has contact details for regional offices. The appeal book must include the Notice of Appeal and order you are appealing.

You may also need any of these documents below, if they are relevant to the hearing and deciding of your appeal:

- the process before the associate judge (for example, a summons)
- any written submissions made to the associate judge
- all evidence presented to the associate judge during the original proceeding
- transcript of the hearing that led to the order you are appealing
- written reasons provided in the decision made by the associate judge.

Number each page of the appeal book on the bottom right-hand corner. If you don't have the transcript or reasons for the decision, you will need to get these and add them to the appeal book as soon as possible.

Checklist - STAGE 1

- Watch for a notification in RedCrest that your Notice of Appeal is accepted and stamped with the Court's seal
- Download the Notice of Appeal
- No later than seven days later, serve the Notice of Appeal (which includes hearing details) on the respondent
- File your appeal book

IMPORTANT INFORMATION

Tip

Before you file, we recommend contacting the Self-represented Litigant Coordinator. They are not allowed to give legal advice but can discuss court process and check you have the right documents.

Once you have served your documents on the respondent, they may do nothing or they may respond in a number of other ways.

For example, the respondent may:

- **File a Notice of Appearance** and serve it on you. A Notice of Appearance is how a respondent officially lets you and the Court know that they want to be involved in the proceeding.
- **Make an application to the Court** of their own. There are many different types of applications the respondent can make. You can read about them in the *Supreme Court (General Civil Procedure) Rules 2015*, *Supreme Court (Miscellaneous Civil Proceedings) Rules 2018* and the relevant law.
- **File an affidavit opposing your application.**

The respondent must serve on you any documents they file with the Court.

IMPORTANT INFORMATION

! Note

A Notice of Appearance must be filed before the directions hearing (if you have one) or the final hearing. However, the respondent can make their own application to the Court at any time leading up to the final hearing.

Legal word

Affidavit – a document that presents written evidence in a court case. It must be sworn to be true and correct in front of an authorised person, on oath or by affirmation. It is a serious crime to knowingly make a false statement. Attachments to an affidavit are called **exhibits**.

Checklist - STAGE 4

- The respondent may file documents with the Court and serve them on you

In Stage 2, the Court gave you a date for your directions hearing or final hearing, whichever the Court decided was most appropriate for your case.

If your case is only given a date for a final hearing, you can skip this stage.

A directions hearing is a short hearing to decide matters related to the timing of when things happen during the proceeding, including what has to happen, who does it and when it needs to be done.

Following the directions hearing, the Court will send you a formal copy of the Court's orders detailing what you and the other parties need to do to prepare for the trial.

Depending on the complexity of the case, there may be more than one directions hearing.

The applicant and respondent are both expected to attend a directions hearing (and final hearing). If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Court immediately.

IMPORTANT INFORMATION

Legal word

Directions hearing – a short hearing to decide matters related to the timing of when things happen during the proceeding, including what has to happen, who does it and when it needs to be done.

! Note

The directions hearing is **not** when you present your arguments to the Court. This happens at the final hearing.

💡 Tip

You only need to bring to the directions hearing the documents you filed in Stage 2, something to make notes on such as a notepad, tablet or laptop and your diary (so you can check if dates proposed are suitable).

▶ Watch the video

Watch the video on our website:

- *Preparing a grounds of appeal*

Checklist - STAGE 5

- Attend the directions hearing, if one is needed

Follow the Court's instructions

If you had a directions hearing, the orders made after that hearing will tell you what you need to do to get your case ready for the judge. This includes which documents to prepare and when they need to be filed with the Court.

Watch the video guide on our website: *Preparing for a hearing*.

Prepare to present at your hearing

Prepare yourself for the hearing by watching the video guide on our website: *Attending Court - the day of your hearing*.

IMPORTANT INFORMATION

Watch the video

To help prepare for your hearing and know what to expect, watch the videos on our website:

- Preparing for a hearing
- *Attending Court - the day of your hearing*

Checklist - STAGE 6

- Follow the Court's instructions about what you need to do to prepare for the hearing
- Get information on how to prepare for your hearing and what to expect on the day by watching the Court's videos

Finding out your hearing date

The Court will send you an order that confirms the date for your final hearing.

What to expect at the hearing

To help understand what to expect at the trial, including what to bring with you, how to address the judge, where to sit and what you will need to do, see the video on our website:

Attending Court – the day of your hearing.

IMPORTANT INFORMATION

Watch the video

To help prepare for your hearing, watch the video on our website:

- *Attending Court – the day of your hearing*

Checklist - STAGE 7

- Attend the final hearing

When to expect the decision

The judge usually 'reserves' their decision (judgment). This means they do not give a judgment on the day of the hearing but at a later date. This gives the judge time to consider both parties' submissions and write reasons for their decision.

You can expect a decision within weeks or months of the final hearing, depending on the complexity of the case.

Finding out the decision

The Court will email you a date and time when you need to return to Court to get the judge's decision. This is called the 'handing down' of the decision. Applicants and respondents are expected to attend. However, if you do not attend the Court will email you the decision.

At the handing down of the decision, if you lose the appeal the respondent usually asks the Court to order you to pay their costs. If you win, you can ask the Court to order the respondent to pay your costs.

If your appeal is dismissed

If your appeal is dismissed (rejected), you can seek leave to appeal this decision to the Court of Appeal.

See the guide on our website: *Representing yourself in a Court of Appeal civil proceeding*.

IMPORTANT INFORMATION

Legal word

Costs – fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, fees for expert reports, medical reports and photocopying. If you are representing yourself and you win, you can claim your out-of-pocket expenses but you cannot claim the time you spent working on your case as a cost.

Checklist - STAGE 8

- Attend the handing down of the decision
- Know your options if your appeal is dismissed

Appendix

If you are reading a print version of this guide, note that the online version has links to forms and other resources you may need. Visit supremecourt.vic.gov.au/representingyourself for the online version. References to links in the appendix are only relevant if you are reading the online guide.

A. Glossary

B. Organisations that may be able to help you

C. Legal reference material

D. Forms

- [Notice of Appeal](#)
- [Form 64C - List of Persons Served](#)
- [Notice of Discontinuance](#)

E. Guidance

- [Supreme Court \(General Civil Procedure\) Rules 2015 \(sections 77.03 – 77.08\)](#)
- [Supreme Court \(General Civil Procedure\) Rules 2015 – Order 6](#)
- [Civil Procedure Act 2010 \(sections 16-26 and sections 41-42\)](#)
- [Practice Note SC Gen 8 – Appeals from Associate Judges](#)
- [Practice Note SC Gen 7 – Transcript in Civil Proceedings](#)

F. Videos

- [Completing an affidavit](#)
- [Preparing for a hearing](#)
- [Attending Court - the day of your hearing](#)
- [Preparing a grounds of appeal](#)