

# SUPREME COURT OF VICTORIA

A guide to **representing yourself** when

## **Requesting a Judicial Review**

**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](http://supremecourt.vic.gov.au)

### Self-represented Litigant Coordinator

**Phone:** 03 8600 2031

**Email:** [unrepresented@supcourt.vic.gov.au](mailto:unrepresented@supcourt.vic.gov.au)

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

### Principal Registry

Ground floor, 450 Lt Bourke St,  
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.

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

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# About judicial reviews

## What is a judicial review?

A judicial review is when a judge reviews a decision made by a Victorian lower court, tribunal, public official or body (for example, a local council, minister or public servant).

The review examines whether the person who made the decision:

- had the power (was allowed) to make the decision
- obeyed all aspects of the law in making the decision
- considered everything that was legally relevant.

A judicial review does not re-consider the facts of the matter or focus on whether the decision was correct.

You might ask for a judicial review if you believe there has been a:

- **breach of natural justice:** did the decision-maker follow the rules? For example, did they act fairly or allow everyone involved (all the parties) to present their side of the dispute?
- **error of law:** did the decision-maker make a legal mistake? For example, did they misunderstand the law or apply it incorrectly?
- **failure to take into account something that is relevant:** the governing Act (law) often gives the relevant factors the court or tribunal must consider when making their decision.

## Where judicial reviews are heard

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

The Trial Division hears judicial reviews.

### ABOUT THIS GUIDE

This guide is for people seeking a judicial review in the Trial Division of the Supreme Court of Victoria who may not have a lawyer.

Read this guide to find out:

- 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 TBC 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 set out the process 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](https://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.

## Stages in the judicial review process

A judicial review usually goes through these stages:

STAGE 1	Start your application
STAGE 2	Serve your documents on the defendant
STAGE 3	Defendant may respond to your documents
STAGE 4	Attend the directions hearing
STAGE 5	Get your case ready for the judge
STAGE 6	The hearing
STAGE 7	The decision

Sometimes the Court orders parties to attend a mediation – a confidential discussion held between parties with the help of a skilled independent mediator.

The mediator cannot force anyone to resolve a dispute, but can help parties explore options, negotiate and reach a settlement agreement, without the need for a hearing. The Court may order parties to go to mediation at any stage.

## Time limits

There is a time limit on applying for a judicial review.

You have 60 days, from the date the decision was made, to file an:

- Originating Motion for Judicial Review (Form 5G), and
- affidavit.

If 60 days have passed, you need to apply for the Court's permission to extend the time limit.

To do this, file an originating motion and affidavit (see Stage 1 for details on how to do this). Explain in the affidavit why you are applying late and any special circumstances you want the Court to consider.

## IMPORTANT INFORMATION

### Legal word

**Plaintiff** – a person or company who brings a civil case against another in a court, sometimes referred to as the **applicant**.

**Defendant** – the person or company against whom a civil case has been brought.

You usually need to name as defendants both the decision-maker (whose decision you are asking to have reviewed) and anyone else directly affected. For example, name the other party in the court or tribunal decision or a person whose rights are directly affected by the decision.

### 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**.

### Watch the video

For information on how to complete an affidavit, watch the video on our website:

- *Completing an affidavit*

## 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 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?

#### Principal Registry

Registry staff can provide information and guidance on how the judicial review process works.

#### Self-represented Litigant Coordinator

The Supreme Court has a Self-represented Litigant Coordinator who specialises in helping people who don't 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 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 you get a lawyer to help you work out the 'grounds' you will put in your originating motion. Grounds are the legal reasons or arguments you say prove your judicial review should be successful.

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:

- Starting a proceeding (commencement fee)
- Filing an interlocutory application (e.g. stay application)
- Setting down (confirming a date) for the hearing
- Hearing fees 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 ([redcrest.com.au](http://redcrest.com.au)).

## 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 judicial review

### Get to know legal terms

See 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* – specifically order 56
- Practice Note SC CL 9 – Judicial Review and Appeals List
- 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 is known as overarching obligations, which 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](http://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](http://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 in the Supreme Court. 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

### Legal word

**Plaintiff** – a person or company who brings a civil case against another in a court, sometimes referred to as the **applicant**.

**Defendant** – the person or company against whom a civil case has been brought.

**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.

**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 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.

**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.

**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**.

### Watch the video

For information on how to complete an affidavit, watch the video on our website:

- *Completing an affidavit*



## Know how to stop your judicial review

You can stop your judicial review if you have the consent of all parties or permission from the Court.

Be aware that if you stop your application, you usually need to pay the defendant'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.

The usual way to stop a judicial review is to complete a Notice of Discontinuance form. State that you are discontinuing the proceeding and sign the form. Ask the defendant to sign the form too, to show they agree. After they sign it, file the form in RedCrest.

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

There is another way to stop a judicial review, if you and the defendant agree on what you want the Court to order. Set out the orders you want the Court to make and call the document 'Minutes of Consent'. Get the defendant to sign the document, then file it in RedCrest. Wait for the Court to send you an official order confirming that the proceeding has been finalised.

## IMPORTANT INFORMATION

### Tip

Whenever you contact the Court, quote the proceeding number for your case. You are given this number when your documents are accepted by the Court in Stage 1 of the process. 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

**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.

## File an originating motion, affidavit and certifications

To start your application for judicial review, file these documents:

- Originating Motion for Judicial Review (Form 5G)
- Affidavit
- Proper Basis Certification
- Overarching Obligations Certification.

You must file these documents within 60 days of the decision you want reviewed. If you are filing later, you need to state in your affidavit the reasons why the Court should give you permission to apply late.

Pay the commencement fee or apply for a fee waiver.

You can file your 'additional documents' at the same time, if you have them ready (see explanation later in Stage 1).

### Originating motion

Your originating motion (Form 5G) must set out briefly the:

- relief or remedy you want — what you want the Court to do about the original decision, for example, to declare it invalid
- grounds for your application for judicial review — the reasons why you say the original decision-maker did not properly comply with the law in making the decision.

### Affidavit

An affidavit is a formal written statement, which sets out facts known to you. It must be signed under oath or affirmation, verifying that the information provided is true. Your affidavit sets out the facts and circumstances that you will rely on to support your judicial review.

Attach to the affidavit as an 'exhibit':

- a copy of the order or decision that is the focus of the judicial review (sometimes this is a letter or other official document from a Victorian minister, council or other government body)
- any written reasons that were prepared in relation to the decision or order.
- If relevant, a transcript of the original proceeding

An exhibit is an attachment to your affidavit. Complete an exhibit cover sheet for the exhibit. See the Appendix for a link to a template cover sheet called Certificate Identifying Exhibit (Form 43A).

If you do not have the original decision or order and written reasons you must say so in your affidavit and explain why you were unable to get them. You may be able to get copies of the order and written reasons from:

- the lawyer, if you previously had one
- other parties involved in the original decision
- the original decision-maker or the registry of the court or tribunal where your matter was heard.

For more information, see the [Prepare an Affidavit](#) page on our website.

## IMPORTANT INFORMATION

### ! Note

Remember that a judicial review examines whether the person who made the decision had the power to make the decision, obeyed all aspects of the law and considered everything that was legally relevant. It does not consider whether the decision itself was correct.

### ! Note

There are no court fees if your review has arisen from a criminal proceeding.

### ▶ Watch the video

Watch the Court's video on our website:

- [Completing an affidavit](#)

### 📖 Legal word

**Originating motion** – a type of document that starts a civil proceeding. The *Supreme Court (General Civil Procedure) Rules 2015* require a judicial review to be started with an originating motion.

**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**.

**Proper Basis Certification** – a form certifying that your complaint is not frivolous (not having a purpose or value), vexatious (causing or tending to cause annoyance, frustration or worry) or is an abuse of process (misuse of the regular court process).

**Overarching Obligations Certification** – a form certifying that you agree to act honestly, cooperate and make a genuine attempt to resolve the dispute.

## Get a date for your directions hearing

The next step is to get a date for your directions hearing. You need this before you can file your additional documents (see below).

*Do not delay starting this step. You must file your additional documents within seven days of filing your originating motion, affidavit and certifications.*

To get a date for your directions hearing:

- complete a Judicial Review and Appeals List hearing date information form
- complete a draft Summons (Form 46A)
- Email both documents to the address on the form
- Check your email for a Supreme Court notice advising the date, usually sent within one or two business days.

## File additional documents

**No later than seven days** after filing the originating motion, affidavit and certifications, you must file:

- a completed Summons, which includes the date for the directions hearing
- the Supreme Court notice advising the date for the directions hearing.

The Summons includes a place, date and time for the first hearing. The first hearing will usually be for 'directions', which is a short hearing to set out a timetable for the next steps and dates when documents must be filed. Often, the directions hearing will also decide a date for the final hearing.

## When your documents are accepted

After you file your documents in RedCrest, the Court will check them and advise if you need to make any changes.

You will be notified in RedCrest when your documents have been accepted and no other changes are needed. The notification has a link to where you can download and print the approved documents. They will now have the Supreme Court seal (official stamp) on them.

## Checklist - STAGE 1

- File originating motion, affidavit and certifications
- Pay the commencement court fee or apply for a fee waiver
- Get a date for your directions hearing
- No later than seven days after filing your originating motion, affidavit and certifications, file your Summons and the Supreme Court notice advising the date for the directions hearing

## 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.

**Summons** - an official Court document that notifies the defendant of the hearing. See Appendix for a link to the document you need.

### Who to serve

You serve your documents on the defendant, or on each defendant if there is more than one.

You also serve your originating motion on the decision-making body that made the original decision. This is how you officially advise the decision-making body that you are requesting a review of their decision.

### What documents to serve

Serve the documents you downloaded from RedCrest, which have the Court's seal on them. These include the:

- Originating motion
- Affidavit (including the order and any written reasons prepared in relation to the order)
- Summons.

### When to serve documents

You must serve these documents as soon as possible after you were notified in RedCrest that your documents were accepted and stamped with the Court's seal.

The Court cannot progress your case if your documents are not served before the directions hearing.

### How to serve documents

You must serve the originating motion in person, which 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.

The Court may ask you to swear or affirm an affidavit proving that you have served your documents.

You are allowed to serve the additional documents by email or post. However, people usually serve all the documents, including the originating motion, at the same time and in person.

If you have any questions about serving documents contact the Self-represented Litigant Coordinator.

### IMPORTANT INFORMATION

#### 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 do not 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.

### Checklist - STAGE 2

- Serve your documents on the defendant

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

For example, the defendant may:

- **File a Notice of Appearance** and serve it on you. A Notice of Appearance is how a defendant officially lets you and the Court know that they want to be involved in the proceeding. It means they are likely to attend the directions hearing.
- **Make an application to the Court** of their own. There are many different types of applications the defendant can make. You can read about them in the *Supreme Court (General Civil Procedure) Rules 2015* and the relevant law.

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

#### IMPORTANT INFORMATION

##### ! Note

The defendant must file a Notice of Appearance before the directions hearing. However, the defendant can make their own application to the Court at any time leading up to the final hearing.

#### Checklist - STAGE 3

- The defendant may file documents with the Court and serve them on you, in response to your documents

In Stage 1, the Court gave you a date for the directions hearing.

The 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. At the directions hearing, you will usually also find out the date for the hearing of your application.

The plaintiff and defendant are expected to attend the directions hearing. If you cannot attend for any substantial reason, for example if you have a medical emergency, contact the Court immediately.

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 final hearing.

### IMPORTANT INFORMATION

#### ! 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 1, 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

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

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

### Checklist - STAGE 4

- Attend the directions hearing
- Prepare for your final hearing and know what to expect by watching the Court's videos, available on our website

## Follow the Court's instructions

The orders made at the directions hearing will tell you what you have 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*.

Some things you may need to prepare include:

- **List of authorities** – a document you prepare that lists the cases, legislation and other resources such as textbooks and journal articles you say support your case. These are things you will refer to in your submissions – the arguments you want the judge to consider.
- **Outline of submissions** – your outline of submissions draws together your facts of the case, what happened in the original decision or court proceeding, the law that applies (legislation and cases) and your explanation of why you believe there was an error. Arrange the different sections under headings and number each paragraph as you go. You can expand on some or all of these points at the hearing.
- **Affidavit** (in addition to the affidavit you filed in Stage 1) – any additional evidence you want the Court to consider, which was not contained in your original affidavit.
- **Court book** – a clearly-labelled folder of all the documents that you and the defendant intend to rely on during the hearing. For example, it might contain witness statements, expert reports, invoices or other material relevant to your case. Each document is numbered, and listed in an index at the front. The Court will order who is responsible for filing the folder.
- **Your response to the defendant's submissions** – you have the opportunity to respond to the defendant's submissions, if they prepared these and served them on you in response to the documents you served on them in Stage 2.

## Prepare to present at your hearing

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

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

## Checklist - STAGE 5

- Follow the Court's instructions about what documents to prepare and when to have them ready
- Prepare for your hearing and know what to expect by watching the Court's videos, available on our website

## IMPORTANT INFORMATION

### Legal word

**Submissions** – arguments you want the judge to consider. These are a combination of what you write in your outline of submissions and what you say in the final hearing.

### Tip

Include in your outline of submissions all the important points you want the judge to consider. The more clear and complete your outline of submissions, the less you will need to explain them in the hearing.

### Finding out your hearing date

The date for the final hearing is usually decided at the directions hearing you attended in Stage 4. The Court will send you an order that confirms the date.

Judicial reviews do not usually involve the calling of witnesses but will focus on the documents filed by both parties. The plaintiff will usually be given the opportunity to explain their case to the judge first, followed by the defendant. The plaintiff is usually given a right of reply to what the defendant says.

### What to expect at the hearing

To help understand what to expect at the hearing, including what to bring with you, how to address the judge, where to sit and what you will need to do, see the Court's video on our website: *Attending Court – the day of your hearing*.

### IMPORTANT INFORMATION

#### ! Note

The hearing date is usually 6-9 months after the directions hearing, except in urgent cases. This gives all parties enough time to properly prepare their case.

### Checklist - STAGE 6

- 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.

Plaintiffs and defendants 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 do not succeed in your application for judicial review, the Court may order you to pay the defendant's costs. If you win, the Court may order the defendant to pay your costs, if you had any.

### If you are successful in your judicial review

At the end of the judicial review, the judge may decide that the person who made the initial decision **did not**:

- have the power to (was not allowed to) make that decision
- obey all aspects of the law in making the decision, or
- consider everything that was legally relevant.

If the judge decides that any of the above apply, they may:

- cancel the original decision (quash the decision), or
- order the original decision-maker to consider the decision afresh or rehear the case (if the decision maker was a court or tribunal).

### If you are not successful

If you are not successful in your proceeding, you can apply for leave to appeal (permission from the Court) to appeal the decision in 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 7

- Return to Court to receive the decision
- Know your options if your proceeding is not successful

# 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](http://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**

- [Form 5G - Originating Motion for Judicial Review](#)
- [Form 4B - Proper Basis Certification](#)
- [Form 4A - Overarching Obligations Certification](#)
- [Form 46A - Summons](#)
- [Affidavit](#)
- [Form 43A - Certificate identifying exhibit](#)
- [Notice of Discontinuance](#)
- [Judicial Review and Appeals List Hearing Date Information Form](#)

## **E. Guidance**

- [Supreme Court \(General Civil Procedure\) Rules 2015, Order 56 \(Judicial Review\)](#)
- [Civil Procedure Act 2010, sections 16 and 26](#)
- [Civil Procedure Act 2010, sections 41 and 42](#)
- [Supreme Court \(General Civil Procedure\) Rules 2015, Orders 4-6](#)
- [Supreme Court \(General Civil Procedure\) Rules 2015, Order 13](#)
- [Practice note SC CL 9 – Judicial Review and Appeals List](#)
- [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](#)