

SUPREME COURT OF VICTORIA

A guide to **representing yourself** in a

Court of Appeal civil proceeding

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

Supreme Court Registry

Ground floor
450 Lt Bourke St, Melbourne

Phone: 03 8600 2001

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

Post: 210 William Street, Melbourne, VIC 3000

Self-represented Litigant Coordinator

Phone: 03 8600 2031

Email: unrepresented@supcourt.vic.gov.au

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

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.

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About Court of Appeal civil proceedings

Appeals the Court of Appeal can hear

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

Court of Appeal can hear appeals against decisions made:

- by judges in the Trial Division of the Supreme Court of Victoria
- by associate judges in the Trial Division, if the matter was referred to them by a Trial Division Supreme Court judge
- by associate judges in the Trial Division, if the judgment or order was made at the trial of a proceeding under Part 3.2 or Part 3.3 of Chapter 3 of the *Relationships Act 2008*, under s 84 or Part IV of the *Property Law Act 1958*, or for the recovery of land under Order 53 of the *Supreme Court (General Civil Procedure) Rules 2015*
- in a company's application to set aside a statutory demand
- by judges in the County Court of Victoria
- by the Chief Magistrate of the Magistrates' Court
- by the president or a vice president of the Victorian Civil and Administrative Tribunal (VCAT).

Trial Division hears appeals against decisions made by:

- the Magistrates' Court of Victoria (unless made by the Chief Magistrate)
- a Supreme Court Trial Division judicial registrar or associate judge (unless it is a decision that must be appealed to the Court of Appeal)
- a member, senior member or deputy president of VCAT.

ABOUT THIS GUIDE

This guide is for people who want to represent themselves in a Court of Appeal civil proceeding and may not have a lawyer.

Read this guide to find out:

- what types of appeals the Court of Appeal can hear
- what it means to represent yourself in a court proceeding
- the court fees that apply
- the 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.

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 for the online version. References to links in the appendix are only relevant if you are reading the online guide.

If you need to appeal to the Trial Division, see the guides on our website at supremecourt.vic.gov.au/representingyourself.

Stages in the appeal process

A Court of Appeal civil proceeding usually goes through these stages:

STAGE 1	Start the appeal / apply for leave to appeal
STAGE 2	Serve documents on the respondent
STAGE 3	The respondent may respond
STAGE 4	Get your case ready for the judges
STAGE 5	Judges give their decision (with or without a hearing)

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. The Court may order parties to go to mediation at any stage.

Most cases need ‘leave to appeal’

In almost all cases, you need the Court’s permission to have your appeal heard. This is called ‘leave to appeal’.

The Court will only give permission if your case has a real chance of success. If you are not given leave to appeal your case will be dismissed (will not continue).

You do not need permission if you are appealing a decision:

- to refuse a legal action that challenges the legality of someone being detained (in legal terms known as ‘habeas corpus’)
- made under the *Serious Offenders Act 2018*.

IMPORTANT INFORMATION

Legal word

Leave to appeal – permission from the Court to appeal a decision.

Applicant – the person applying to have an appeal heard. An applicant in an appeal proceeding may also be referred to as the **appellant**.

Respondent – an individual or company that an application or appeal is made against.

Filing a document – giving it to the Court of Appeal registry, where it becomes part of the Court file.

Time limits

There is a time limit on appealing a decision in the Court of Appeal. Different time limits apply depending on the type of decision you are appealing. You must complete and file the documents needed to start your appeal within the time limit.

In most cases, you have 42 days from the date of the decision.

However, you have 28 days, from the date of the decision, to appeal against a decision about:

- an extension of time
- discovery, including preliminary discovery
- joinder, removal or substitution of a party
- amendment or strike out of pleadings
- summary dismissal
- summary judgment
- dismissing, or refusing to dismiss, a proceeding for want of prosecution
- security for costs
- the stay of part of a proceeding
- an injunction, freezing order or search order
- a stay of execution of a judgment
- recusal.

The 28-day time limit also applies to an appeal against a decision in an application under section 459G of the *Corporations Act 2001*.

If the time limit has already passed, see [Extension of time to appeal](#).

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 Court of Appeal, individuals are allowed to represent themselves. Companies must be represented by a lawyer. If you are the sole director of a company, you cannot represent your company unless you get the Court's permission. Contact the Court of Appeal registry to discuss how you do this.

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.

IMPORTANT INFORMATION

Who can help me?

Self-represented Litigant Coordinator

The Supreme Court has a Selfrepresented 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.

Registry

Registry staff can provide information on how the appeal process works. They are not allowed to give legal advice or help you prepare or present your case.

Free and low-cost legal help

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

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.

Court fees and costs

Legal proceedings in the Court of Appeal 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 work out your 'grounds of appeal' and your written case – two key things you need for your application and to argue your case.

Court fees

See the **Court of Appeal Fees** table, on our website under the Fees tab.

You may need to pay court fees for:

- Starting an appeal or applying for leave to appeal
- Extension of time application
- Other applications (for example, a 'stay' application)
- Mediation, per day or part day
- Setting down (confirming a date) for the hearing
- Hearing fees, per day or part day.

The fees usually change on 1 July each year.

How to pay court fees

You need to pay court fees at various stages of your proceeding, using PayPal, a credit card or debit card.

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.

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.

Watch the video

Watch the video on our website:

- *Preparing grounds of appeal*

Apply for a fee waiver

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.

To apply for a fee waiver, including if you are automatically entitled to one, complete the 'Application for Waiver of Court Fees' form, available on our website. You need to provide documents that prove the claims you make in your fee waiver application.

Apply to pay the concession rate

If you have a Commonwealth Health Care Card, you can apply to pay the concession rate for your court fees. This is the only type of concession card the Court accepts. Complete the 'Application for standard or concession court fees' form, available on our website. Read the RedCrest Electronic Filing User Guide for instructions on how to apply for a fee waiver or pay the concession rate (redcrest.com.au). If you have questions about using RedCrest, contact the Registry.

IMPORTANT INFORMATION



Legal word

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.



Tip

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

Preparing to appeal

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* - especially Order 64
- Practice Note SC CA 3 – Civil applications and appeals
- Registrar’s note for civil applications and appeals.

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 may want to refer to these cases in your submissions (your arguments for why your appeal should succeed) and/or your list of authorities (your list of cases and other references you will use to support your appeal). Cases from all courts and VCAT are on the AustLII website.

Know how to file documents

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 (redcrest.com.au). If you have questions about using RedCrest, contact the Court of Appeal.

Know how to communicate with the Court

The Court prefers you to communicate by emailing coaregistry@supcourt.vic.gov.au. If you cannot email, send a letter to the registry postal address (see page 2).

IMPORTANT INFORMATION



Tip

You may be able to get copies of documents you need from:

- your previous lawyer, if you had one, in the court or tribunal that made the original decision
- another party to the case
- the court or tribunal’s registry (you may need to pay a fee to get copies)
- the AustLII website, which regularly publishes many court and tribunal decisions.



Legal word

Applicant – the person applying to have an appeal heard. 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.

Party – a person or company directly involved in a court case, including those that have brought the case before a court or who are defending claims made against them.

Filing a document – giving it to the Court of Appeal registry, where it officially becomes part of the Court file.

Serving a document – officially giving or sending it to a person or company, usually by email, mail or in person. There are rules about how to serve different types of documents.

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 your appeal

You can stop your appeal at any time by filing a Notice of Discontinuance form and serving it on the other parties. However, if you do this be aware that you will need to pay the other parties' costs unless:

- each party agrees you do not have to pay their costs
- or**
- the Court of Appeal orders that you do not have to pay the other parties' costs.

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.



Tip

When 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 appeal process. The number looks something like this: **S EAPCI 2019 4321.**

To start an appeal, or apply for leave to appeal, you must file a number of documents with the Court of Appeal.

You file all of these documents at the same time and pay the commencement fee (or apply for a fee waiver) to start the process.

The Court needs these documents to help the judge decide if your case has a real chance of success (if you are applying for leave to appeal). Also, not all cases get a hearing so these documents could be your only chance to explain your arguments to the Court.

The documents you need to file are:

- Form 64A – Application for leave to appeal/Notice of appeal
- written case
- list of authorities
- draft application book index
- draft summary of facts, proceedings and issues
- copy of the authenticated order for the decision you are appealing
- copy of the written reasons for the decision you are appealing.

Form 64A: Application for leave to appeal/notice of appeal

This form contains a number of key sections, including the reasons why you believe the Court should grant you leave to appeal (if you are seeking leave to appeal).

You must also state clearly your ‘grounds of appeal’, which are the legal errors you believe the judge made when making their decision.

If you are appealing a VCAT decision, you need to state each law or legal principle the judge had to apply and you believe they got wrong. These are your ‘questions of law’.

The grounds of appeal and questions of law must be numbered consecutively (one after the other) in this form. You are only identifying which laws and legal principles you believe the judge got wrong, not explaining how you believe these laws or principles were wrongly applied and how that led to a wrong decision. You will give those details in your written case.

IMPORTANT INFORMATION

Tip

A question of law is usually framed as a question and asks what was legally required to be done or considered in your case.

For example, if you are appealing a VCAT decision, was VCAT required to consider depreciation when deciding on a landlord’s claim for compensation? Is VCAT allowed to consider unsworn evidence?

Tip

Working out your questions of law and 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 two things.

Tip

Cases that discuss when leave to appeal will be granted include the following, available online: *Kennedy v Shire of Campaspe* [2015] VSCA 47 and *Note Printing Australia Ltd v Leckenby* (2015) 50 VR 44; [2015] VSCA 105.

Watch the video

Watch the video on our website:

- *Preparing grounds of appeal*

Written case

The written case must give the Court enough information to quickly understand what case you are making. It must:

- contain your arguments for each ground of appeal and question of law dated in the Form 64A (explain how you believe the judge wrongly applied the law or legal principles in your case, and how you believe that led the judge to make a wrong decision)
- be no more than 10 pages, unless the Registrar gives permission for it to be longer
- follow the requirements in section 13 of Practice Note SC CA 3, Civil applications and appeals.

List of authorities

This is a list of the cases, legislation and secondary sources you will use to support your case. Separate it into three parts:

Part A – Cases and legislation you intend to *read from* if the case goes to hearing

Part B – Cases and legislation you intend to *refer to*, but do not intend to read from if the case goes to hearing

Part C – Other sources that support your case, such as textbooks and journal articles.

Draft application book index

An application book is a folder of the documents that will be considered by the Court of Appeal judges.

The draft application book index is a list of all the documents you think should be in the application book. This includes the documents the judge took into consideration when making the decision you are appealing, which you think are relevant to your appeal.

Make sure you read and follow the Registrar's note for civil applications and appeals.

IMPORTANT INFORMATION



Tip

The draft application book index and draft summary are called 'draft' for a reason. You need to get the respondent's input to these drafts and submit a final index and summary in Stage 2 of the appeal process, described later in this guide.



Tip

When preparing your draft summary, read and follow section 15 of Practice Note SC CA 3 – Civil applications and appeals. The practice note includes sample summaries in Annexure A, to help show what level of detail is required.

Draft summary

The draft summary is a short account of the facts, history and issues of the case up until it was filed in the Court of Appeal.

Divide the draft summary into two parts:

Part A – summary of facts

Describe the background facts to the case, in the order they happened.

Part B – summary of proceedings and issues

In this part:

- briefly describe what the case is about (for example, a claim about an injury or money owed)
- name the parties and state whether they were a plaintiff, defendant, applicant or respondent in the court or VCAT proceeding that you are appealing
- briefly describe the steps taken in the court or VCAT, in the order they happened
- briefly state the major issues dealt with at the original hearing, and the outcome
- briefly state the issues that you will raise in the Court of Appeal
- note any relevant interlocutory orders – orders made after the case started and before it was finalised, such as a stay (temporary stop) of the decision being appealed.

IMPORTANT INFORMATION

! Note

Your draft summary must be no more than 10 pages long.

Checklist - STAGE 1

File with the Court:

- Form 64A
- Written case
- List of authorities
- Draft application book index
- Draft summary
- Copy of the authenticated order
- Copy of the written reasons

Pay the court fee or apply for a fee waiver

Other applications to the Court of Appeal

For other applications, for example, an application to 'stay' (temporarily stop) the decision you want to appeal, ask the other parties if they agree to what you are seeking, before you apply.

If they agree, you may not need to file the documents below. Email the Court to find out next steps.

If they do not agree, you must file:

- Form 64B – Application other than for leave to appeal
- affidavit – including any evidence that supports your application
- written submissions (up to 5 pages) explaining in detail why you are making the application, referring to the evidence in your affidavit
- list of authorities (relevant to this application)
- draft application book index (relevant to this application).

These do not need to be filed at the same time as the documents you filed to start the appeal process. However, you should file them as soon as possible.

IMPORTANT INFORMATION

! Note

Tell the registry if you are applying for a stay and you believe it is **urgent**.



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**. You need to complete an exhibit cover sheet for each exhibit. See the Appendix for a link to a template affidavit that includes the exhibit cover sheet called Certificate Identifying Exhibit (Form 43A).

Extension of time to appeal

There is a time limit on appealing a decision in the Court of Appeal. Different time limits apply depending on the type of decision you are appealing. It could be 28 or 42 days from the date of decision. Further information is under the heading 'Time Limits' on page 6 of this guide. If the time limit has passed, you must request an extension of time at the same time you file Form 64A and other documents. You request an extension by filing:

- Form 64B
- affidavit – including a timeline of the events that led up to you not filing your documents in time and any evidence that supports this, such as a medical certificate
- written submissions, of no more than 5 pages, explaining in detail why you should get an extension based on the facts and evidence in your affidavit.

The Court of Appeal Registrar may decide an extension request, without a hearing, based on the documents you submit.

The key issues that are relevant to your extension request are:

- why you did not file your appeal documents in time
- whether your proposed appeal has a real chance of success
- any prejudice to the other party if the extension is granted.

IMPORTANT INFORMATION

! Note

If the Registrar does not give you an extension, you can ask for a judge to consider your request. The judge will make a decision based on the documents you submit. In some cases, your request may be decided at a hearing that you need to attend.

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**. You need to complete an exhibit cover sheet for each exhibit. See the Appendix for a link to a template affidavit that includes the exhibit cover sheet called Certificate Identifying Exhibit (Form 43A).

Who to serve

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

What documents to serve

After you file your documents with the Court of Appeal using the online system Redcrest, staff will check them and advise if you need to make any changes.

You are notified by email through Redcrest when the documents have been accepted and are ready for you to serve with the Courts's seal (official stamp) on them. The notification has a link to where you can download and save or print copies to serve on the respondent.

When to serve documents

Usually you need to serve document within 5 days after they were filed. The notification that the documents have been accepted and are ready for you to serve may also contain instructions about when you need to serve them. Sometimes you will be told to serve them sooner than 5 days, usually in urgent cases.

How to serve documents

Documents can be served in the following ways:

- email
- post/mail
- in person, to the lawyer's address (if represented by a lawyer)
- in person, to the address for service used in the Court or VCAT proceeding you are appealing (if not represented by a lawyer).

Confirming you have served documents

Within 7 days of service, or sooner if the registry tells you to, you must tell the Court who you served, their address (including email address) and when you served the documents.

You give that information by filing:

- Form 64C – List of persons served.

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*.

Checklist - STAGE 2

Serve your documents on the respondent

Confirm you have served documents by filing Form 64C within 7 days of service

Response to appeal / application for leave to appeal

The respondent has 28 days to respond to your documents. The Court can set a shorter or longer period and will advise you if this happens. If the respondent opposes your appeal or application for leave to appeal, they must file a:

- written case
- list of authorities
- a copy of your draft application book index, showing any proposed changes.

The respondent must also tell you, but not the Court, of any changes they propose to your draft summary. They usually do this in writing. Registry will advise the respondent if they also need to tell the Court.

If the respondent does not oppose your appeal / application for leave to appeal, they must file with the Court and serve on you:

- Form 64E – Notice of intention not to oppose or contest.

If this happens, you do not automatically succeed. The Court of Appeal still needs to consider your appeal or application for leave to appeal.

Response to extension of time application

After you have served your documents on a respondent they have 14 days to respond to your extension of time application (the Court can set a shorter or longer period).

If the respondent opposes your application, they must file:

- Form 64D – Notice of opposition to application other than for leave to appeal
- an affidavit
- written submissions – no more than 5 pages.

If the respondent does not oppose, they must file:

- Form 64E – Notice of intention not to oppose or contest.

If this happens, you do not automatically get an extension of time. The Court of Appeal still needs to consider whether to give you one.

IMPORTANT INFORMATION

! Note

For any other applications you have served on a respondent (for example, an application to 'stay' the decision you want to appeal), the respondent has 14 days to respond. The Court can set a shorter or longer period.

If the respondent opposes your application, they must file:

- Form 64D
- an affidavit
- written submissions – no more than 5 pages
- list of authorities
- a copy of your draft application book index, showing any proposed changes.

If the respondent does not oppose, they file:

- Form 64E

If this happens, you will not automatically get the orders you seek. The Court of Appeal still needs to consider whether to make those orders.

Checklist - STAGE 3

The respondent has 28 days to respond to your documents. They must tell you of any changes to your draft summary.

The Court will tell the parties what needs to be done to get the case ready for the judges. This includes who prepares documents and when they need to file them with the Court. The main things that happen to get the case ready are:

Finalise the summary

The Court expects parties to work together to try to agree on the wording of the summary. If they cannot agree, the Court may decide that there will be no summary.

Prepare application book

The Court will consider all parties' comments on the draft application book index, then decide what documents need to be included and how they need to be arranged. The book must:

- be prepared in accordance with the index approved by the Court Registrar
- follow the Registrar's note for civil applications and appeals.

When the application book is filed, the applicant must also:

- file a 'setting down form'
- pay a setting down fee.

Prepare a combined folder of authorities

The combined folder of authorities has copies of each party's list of authorities, and all the cases, legislation and other material referred to in those lists of authorities.

Prepare a list of transcript references

This is a document which contains, for each ground of appeal, a list of relevant page and line numbers taken from the transcript of the hearing in the court or tribunal you are appealing from. They are the particular parts of the transcript that each party wants to bring to the attention of the judges. All parties must agree that the list of transcript references contains all of the references they want included. Once agreed, it must be signed by each party (or their lawyer), then filed with the Court.

Checklist - STAGE 4

Follow the Court's instructions for getting the case ready for the judges

Attend the directions hearing, if one is needed

Unless you have a fee waiver, pay the setting down fee when your hearing is listed and pay the daily hearing fee at least 5 days before your hearing

Prepare for your hearing and know what to expect by watching the Court's videos

IMPORTANT INFORMATION

! Note

You may need to attend a directions hearing to discuss the things the Court needs you to prepare for the judges. The Court will advise you if a directions hearing is needed. Otherwise, the Court will give all parties their instructions by email.

! Note

Unless you have a fee waiver, you must pay a setting down fee (when the date for your hearing is listed), and a daily hearing fee. You must pay the daily hearing fee at least 5 days before the hearing.

▶ 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*

Decisions are made with or without a hearing

The Court will decide if a hearing is needed to make a decision. Not all appeals will have a hearing.

If a hearing is listed (given a hearing date), the registry will notify you of the date, time and location.

The applicant and respondent are expected to attend the hearing. If you cannot attend for any substantial reason, such as a medical emergency, contact the registry immediately.

If a hearing is not listed, this means the judge has enough information to make a decision without a hearing.

Finding out the decision

The Court will notify you of the decision in writing.

IMPORTANT INFORMATION**! Note**

The Court will decide whether applications should be heard separately or together, and in what order.

For example:

- an extension of time application may be considered on its own and before anything else
- an application to 'stay' the decision you want to appeal is usually considered on its own and before your application for leave to appeal or appeal
- an application for leave to appeal is often considered at the same time as your appeal.

Checklist - STAGE 5

Attend the hearing, if the Court decides a hearing is necessary

The Court notifies you of the decision in writing

Know your appeal options if your proceeding is not successful

If your appeal is dismissed

If your appeal or application for leave to appeal is dismissed (rejected), your options vary depending on the situation. See the following table for the most common options.

What was dismissed?	Who made the decision?	Where to appeal
Appeal	Judge(s)	High Court of Australia
Application for leave to appeal	Judge(s) following a hearing	High Court of Australia
	Judge(s) without a hearing AND they said the application is totally without merit	High Court of Australia
	Judge(s) without a hearing AND they did not say the application is totally without merit	Apply within 10 days to the Court of Appeal for a hearing to set aside (cancel) or vary the decision to dismiss. If the Court does not grant you leave to appeal after the hearing, you can appeal to the High Court of Australia.
Extension of time application	Judge(s)	High Court of Australia
	Registrar	Apply to the Court of Appeal. If an extension is not granted, you can appeal to the High Court of Australia.

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

- Form 64A – Application for leave to appeal / notice of appeal
- Form 64B – Application other than for leave to appeal
- Submissions template to accompany Form 64B
- Form 64C – List of persons served
- Written Case for the applicant/appellant
- List of authorities
- Application book index
- Summary for the Court of Appeal
- Affidavit / Form 43A – Certificate identifying exhibit
- Notice of discontinuance

E. Guidance

- Supreme Court (General Civil Procedure) Rules 2015, Order 64
- Practice Note SC CA3 – Civil Appeals
- Registrar’s note for civil applications and appeals

F. Videos

- Preparing for a hearing
- Attending Court - the day of your hearing
- Preparing grounds of appeal