



Supreme Court of Victoria – Court of Appeal

Registrar's note for civil applications and appeals

1. INTRODUCTION

- 1.1. This is a note for the guidance of parties on the management of civil applications and appeals in the Court of Appeal, published by the Registrar of the Court of Appeal under r 64.24 of the *Supreme Court (General Civil Procedure) Rules 2015* with the approval of the President of the Court of Appeal. It replaces all previous Registrar's notes and applies to all civil proceedings in the Court of Appeal, whenever commenced.¹
- 1.2. This note must be read together with the Rules (in particular Order 64) and Practice Note SC CA 3.
- 1.3. The primary purposes of this note are to:
 - (a) inform parties of the usual directions given by the Registrar and other requirements to be complied with in each proceeding; and
 - (b) assist parties by providing them with practical information on processes and procedures.

2. DEFINITIONS

- 2.1. In this note, unless the context otherwise requires:
 - (a) **leave application book** means an application book relating to an application for leave to appeal or an appeal book;

¹ This note therefore replaces the Registrar's Note on the Preparation of a Written Case dated 30 September 2019, the Registrar's Note on the Preparation of Application Books dated 30 September 2019 and the Guide on the Preparation of a Combined Folder of Authorities dated 30 September 2019.

- (b) **lower court** means the court or tribunal from which the application for leave to appeal or appeal is brought;
- (c) **Registrar** has the same meaning as in Rule 1.13(1); and
- (d) **Rule** or **Rules** refers to the *Supreme Court (General Civil Procedure) Rules 2015*.

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3.1. The remaining sections of this note and annexures are:

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4. THE REGISTRAR

4.1. The Registrar is responsible for ensuring the efficient and expeditious despatch of applications and appeals to the Court of Appeal. This includes:

- (a) assessing documents submitted for filing;
- (b) making procedural orders and giving directions;
- (c) making orders by consent of all the parties;
- (d) settling the contents of an application book;
- (e) determining an application for leave to amend an application (including an application for leave to appeal), a notice of appeal or a written case;

- (f) determining an application by a solicitor for leave to file a notice of ceasing to act;
 - (g) referring applications and appeals to one or more Judges of Appeal for consideration; and
 - (h) listing applications and appeals for hearing.
- 4.2. Parties must comply with directions given and orders made by the Registrar. Pursuant to Rule 64.45, an application for leave to appeal or appeal will be taken to be abandoned in certain circumstances, including when the applicant fails to deliver a leave application book by a due date, or otherwise fails to comply with a Registrar's direction or order within 30 days of a due date (eg. a direction that a document be filed by a particular date).

5. USUAL DIRECTIONS

- 5.1. Annexure 1 to this note contains the usual directions given by the Registrar in relation to all civil applications for leave to appeal and appeals. Those directions can be altered to suit the requirements of the case. Directions may be given by order or in another written form, such as by email or letter.
- 5.2. All parties are responsible for ensuring they comply with the Registrar's directions without prompting by the registry in advance of any due dates. Parties are reminded that they are bound by the overarching obligations in the *Civil Procedure Act 2010* (Vic),² noting that a number of the usual directions require parties to cooperate with each other.³
- 5.3. If a party seeks a variation to any directions given, they must:
- (a) confer with all other parties before approaching the Court;
 - (b) then, by email to the registry and other parties:
 - (i) advise of each party's position on the proposed variation and provide a brief explanation of the reason for seeking it; and
 - (ii) if seeking a variation to an order, provide a minute of proposed order, signed on behalf of all parties who consent.

² *Civil Procedure Act 2010* (Vic), ss 11 and 16 to 26.

³ Particularly in relation to a summary for the Court of Appeal, draft leave application book index and agreed list of transcript references.

6. ELECTRONIC MATERIAL AND THE SUPREME COURT DOCUMENT EXCHANGE SITE

USB flash drives and external file sharing systems

- 6.1. For cybersecurity reasons, the Court of Appeal does not accept any electronic material sought to be provided by:
- (a) a USB flash drive; or
 - (b) a file sharing system external to the Court, such as Dropbox, Google Drive or iCloud Drive.

Supreme Court document exchange site

- 6.2. The Court of Appeal uses a Supreme Court document exchange site to:
- (a) receive an electronic application book and make it available to parties;
 - (b) receive an electronic combined folder of authorities and make it available to parties;
 - (c) receive a document that, although required to be filed via RedCrest, cannot be submitted in that manner due to file size limitations; and
 - (d) receive a document that, although required to be filed via RedCrest, ought not be submitted in that manner due to it being highly confidential.
- 6.3. Access to the document exchange site is via a link that will be provided by email from the registry:
- (a) the link will enable access to a designated folder on the document exchange site;
 - (b) link permissions will differ depending on the purpose for which access is being granted, for example:
 - (i) a party who is to provide documents will be granted permission to both upload and download documents;
 - (ii) a party who only needs to access documents that have been uploaded by someone else will be granted permission to download only;
 - (c) links are created for specific people, using their direct email;
 - (d) links cannot be created for generic or shared email addresses;
 - (e) if another person requires access, such as a law firm staff member who is involved in preparing and uploading an electronic application book or

combined folder of authorities, the legal practitioner with carriage of the matter may request that a link also be created for the staff member concerned.

6.4. To access the document exchange site:

- (a) click the link in the email from the registry;
- (b) follow the prompts and enter the verification code that will be sent to you in a separate email during that process; and
- (c) open the folder and either upload or download files as required.

6.5. Where documents are made available to parties via the Court's document exchange site, parties are expected to download them immediately. The Court's document exchange site is a means of sharing files, not storing them for parties. Parties should assume that their link will be deactivated 7 days after documents have been made available for them to download.

6.6. The Court is not responsible for sharing documents within a party's legal team, including with counsel. That remains the responsibility of the solicitor on the record.

6.7. Where any changes are made to material that has been shared via the Court's document exchange site, such as changes to an application book ahead of a hearing, parties should assume that the version on the document exchange site will not be updated unless advised to the contrary.

7. APPLICATION BOOKS

Timing

7.1. Practice Note SC CA 3 specifies when each party must file and serve their initial draft application book index.

7.2. In relation to a leave application book, the timing of the following steps is included in the usual directions (see section 5 above and Annexure 1):

- (a) parties to endeavour to agree upon a draft index;
- (b) that draft index to be filed and served;
- (c) the leave application book to be prepared, delivered and served; and
- (d) parties to file and serve versions of the summary and written cases, amended solely to include references to the leave application book.

- 7.3. Pursuant to Rule 64.45(2), an application for leave to appeal or appeal will be taken to be abandoned if an applicant does not deliver or serve a leave application book within the time fixed or allowed by the Registrar, including the time set by the usual directions.
- 7.4. It is recognised that occasionally the preparation of an application book will take longer than expected. If the applicant seeks additional time so as to avoid the operation of Rule 64.45(2), a request for an extension must:
- (a) be in writing, copied to the respondent;
 - (b) be made well before the due date (it should not be assumed that the Registrar will be available to consider or determine an extension request close to or on the day it is made);
 - (c) include an explanation of the reason for the request; and
 - (d) state precisely the length of extension requested, giving a proposed new date for compliance.
- 7.5. In relation to a book for an application other than for leave to appeal that is to be considered separately from the application for leave to appeal or appeal,⁴ the Registrar will give directions or make orders as the Registrar considers appropriate regarding the preparation, delivery and service of the book.

Responsibility for preparing an application book

- 7.6. Unless ordered or directed otherwise:⁵
- (a) a leave application book must be prepared, delivered and served by the applicant;
 - (b) an application book for an application other than for leave to appeal that is to be determined separately to the application for leave to appeal or appeal must be prepared, delivered and served by the party making the application.

Overriding principles

- 7.7. Application books must be prepared as economically as possible and must only contain documents necessary for the determination of the application or the appeal to which they relate. It should not simply reproduce all documents that were before the lower court or tribunal.

⁴ For example, a security for costs application.

⁵ An example of a circumstance in which the responsibility may be imposed on a different party is where the applicant is unrepresented.

- 7.8. Parties' submissions in relation to the grounds of appeal are expected to be set out in their written cases filed in the Court of Appeal. Accordingly, written submissions relied on in the lower court must not be included unless necessary, such as where a ground of appeal alleges that a particular submission was not considered or was misconstrued by the lower court. Irrelevant parts of lower court submissions are to be excluded.
- 7.9. Evidence that was not before the lower court must not be included in an application book except as part of an application under Rule 64.13, in which case all such further evidence sought to be relied upon will be included in section B of the application book.
- 7.10. Duplicate copies of documents must not be included in an application book. If a document is listed more than once in the index, state 'Not reproduced' or 'N/R' in the 'Page' column of the index for all entries save for the item that corresponds to where the document will be located.⁶
- 7.11. If unnecessary or illegible documents are included, the costs of that inclusion and rectification will be expected to fall on the practitioner or party responsible.

Application book index

- 7.12. Regardless of the type of application or appeal to which the application book relates, the index must be in accordance with the template at Annexure 3.⁷ That template is available on the Supreme Court website via this link: [Application Book Index - Court of Appeal - Civil | The Supreme Court of Victoria](#)
- 7.13. As shown in the template, the index must comprise all of the following sections, in the following order and with each being labelled exactly as follows:
- A. Appeal documents
 - B. Other applications
 - C. Lower court reasons and orders
 - D. Significant documents
 - E. Lower court process and pleadings
 - F. Lower court affidavits
 - G. Transcript

⁶ See also sections 7.14(d) and 7.55.

⁷ In other words, the same index structure applies regardless of whether the book is for an application for leave to appeal, an appeal or an application other than for leave to appeal that is being determined separately.

H. Court book below

I. Lower court exhibits

J. Court of Appeal reasons and orders

7.14. In the index:

- (a) within a section, sub-headings may be included where appropriate;
- (b) each document must be listed separately and numbered consecutively from first to last (do not restart the numbering in each section);
- (c) if there are no documents within a section, state 'Not applicable' in the 'Description' column and leave the 'No.' column blank;
- (d) if a document is listed more than once, state 'Not reproduced' or 'N/R' in the 'Page' column for all entries save for the item that corresponds to where the document will be located in the application book;⁸
- (e) in a draft index, the 'Page' column should not be completed because the pagination may change during the course of finalising the contents of the application book – that column must be completed as part of preparing the book itself;
- (f) if the application book when prepared in hard copy comprises more than one volume, insert rows labelled 'Volume 1', 'Volume 2' etc. to identify where each volume begins.

Guidance on the contents

7.15. Only those documents that are necessary for the application or appeal for which the book is being prepared are to be included. Guidance as to what documents should be included in each section of an application book is set out below.

A. Appeal documents

7.16. This section contains the core appeal documents filed in the Court of Appeal proceeding, including the originating process, parties' written cases and the agreed summary (if any). All documents in the 'Appeal documents' section must be the versions as filed, bearing the Court seal.

7.17. Unless instructed otherwise, it should not include parties' lists of authorities, as these will be contained in the combined folder of authorities.

7.18. Examples of the documents included in this section are:

⁸ See also sections 7.10 and 7.55.

- (a) application for leave to appeal / notice of appeal (Form 64A);
- (b) cross-application for leave to appeal / notice of cross-appeal (Form 64A);
- (c) notice of contention (Form 64G);
- (d) written cases;
- (e) notice of intention not to respond to or contest the application for leave to appeal or appeal (Form 64E);
- (f) notice under s 35 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- (g) notice under s 78B of the *Judiciary Act 1903* (Cth); and
- (h) agreed summary.

B. Other applications

7.19. This section contains documents filed in the Court of Appeal proceeding that relate to any application other than for leave to appeal, such as an application under Rule 64.13 for the Court to receive evidence that was not before the lower court or an application for a stay of execution. All documents in the 'Other applications' section must be the versions as filed, bearing the Court seal.

7.20. Examples of the documents included within this section are:

- (a) application other than for leave to appeal (Form 64B);
- (b) notice of opposition (Form 64D);
- (c) submissions in support or response;
- (d) affidavit in support or response, including any exhibits to an affidavit; and
- (e) notice of intention not to respond to or contest the application (Form 64E).

C. Lower court reasons and orders

7.21. This section contains relevant reasons for decision and orders made in the lower court. Usually only the reasons and order in respect of the decision sought to be appealed are necessary. Lower court timetabling and similar orders are rarely required.

7.22. If the decision sought to be appealed was made by an associate judge pursuant to a referral under Rule 77.05(1) or r 16.1(3) of the *Supreme Court (Corporations) Rules 2023*, the referral order should also be included in this section.

D. Significant documents

7.23. This section is to contain key documents in the dispute between the parties. These are likely to be referred to in the lower court reasons. Examples are:

- (a) a contract, where the appeal concerns interpretation of the contract;
- (b) critical correspondence relied on in the construction of a contract;
- (c) notes or minutes of meetings or other communications significant to the issues in dispute;
- (d) reasons for decision and any order of a tribunal or other decision-maker which were the subject of appeal to the lower court; and
- (e) an offer of compromise, where the appeal concerns whether leave ought to have been given for an offer of compromise to be withdrawn.

E. Lower court process and pleadings

7.24. This section is to contain the originating process in the lower court and relevant pleadings, for example:

- (a) writ or originating motion;
- (b) statement of claim;
- (c) defence;
- (d) reply; and
- (e) any request for further and better particulars and any response to such request (if relevant).

7.25. Only the final version of pleadings should be included unless an earlier version is relevant to a ground of appeal.

7.26. If written submissions from the lower court are to be included in an application book (see 7.8 above), they should be in this section.

F. Lower court affidavits

7.27. This section contains relevant affidavits that were relied on in the lower court in relation to the decision sought to be appealed.

7.28. Any document exhibited to an affidavit which is to be included, must be listed separately in the index.

7.29. If an affidavit was also contained in a court book below or tendered as an exhibit, parties should consider whether it is most appropriately included in section D

(significant documents), section F (lower court affidavits), section H (court book below) or section I (lower court exhibits). Wherever the affidavit is located, it must be included only once in the application book.

G. Transcript

7.30. This section contains relevant transcript from the hearing in the lower court. In many instances such transcript is either not required or, if it is, only selected pages are necessary.

7.31. If an agreed list of transcript references has been filed in the Court of Appeal proceeding (see section 16 of Practice Note SC CA 3), it must be included as the first document in this section.

7.32. To the extent transcript is included:

- (a) the precise page(s) of transcript must be stated in the index (noting that transcript is not repaginated with application book page numbers, see section 7.41 below);
- (b) consideration should be given to whether or not it is appropriate and useful to separate it, such as by days only or by witness, and to include in the 'Description' column information such as the transcript page numbers for examination in chief, cross-examination and re-examination of a witness.

H. Court book below

7.33. This section contains relevant documents from a court book used in the lower court proceeding. If such documents are to be included, the court book index must also be included as the first document in this section.

7.34. Each document from the court book must be separately listed in the application book index, including a description of the document and court book reference so that it can be identified with precision (eg. CB doc 1, CB doc 4 etc. to identify the item where it appears in the court book index, or CB 25-28, CB 57-60 etc. to identify the pages in the court book where it is located).

7.35. If the document from the court book is an affidavit or was tendered as an exhibit, parties should consider whether it is most appropriately included in section D (significant documents), section F (lower court affidavits), section H (court book below) or section I (lower court exhibits). Wherever the document is located, it must be included only once in the application book.

I. Lower court exhibits

7.36. This section contains relevant documents that were tendered as exhibits in the lower court.

7.37. For each exhibit, the following information must be stated in the 'Description' column of the index:

- (a) the exhibit mark, eg. Exhibit A, Exhibit P1, Exhibit D4 etc.;
- (b) a brief description of the document; and
- (c) the page and line number of the transcript at which the document was tendered and allocated the exhibit mark (that page of transcript need not also be included in section G unless it is otherwise relevant to the issues on appeal).

7.38. If the exhibit is an affidavit or was also contained in a court book, parties should consider whether it is most appropriately included in section D (significant documents), section F (lower court affidavits), section H (court book below) or section I (lower court exhibits). Wherever the document is located, it must be included only once in the application book.

I. Court of Appeal reasons and orders

7.39. This section contains any relevant reasons or orders made in the same Court of Appeal proceeding. For example:

- (a) reasons and orders of a single judge in relation to leave to appeal;
- (b) reasons and orders in relation to a stay application decided earlier in the proceeding;
- (c) orders for the provision of security for costs; and
- (d) suppression, pseudonym or confidential document orders.

7.40. Court of Appeal timetabling orders are rarely required.

Pagination

7.41. The following documents must not be paginated with application book page numbers:

- (a) the application book index; and
- (b) lower court transcript.

7.42. All other pages in the application book must be numbered consecutively throughout the book, and the page numbers must begin with the letter that corresponds with the section in which the pages are located. For example:

- (a) the first page in section A will be numbered A1;

- (b) if the last page in section A is numbered A14 and section B contains documents, the first page in section B will be numbered B15;
- (c) if the last page in section A is numbered A14 and section B does not contain documents, the first page in section C that is required to be paginated will be C15.

7.43. The numbering must appear near the edge of the page, furthest from the spine when printed.

7.44. Application book pagination should not obscure the text of documents, including a document's original page numbers and lower court book page numbers.

Hard copy application book

7.45. A hard copy application book must be prepared in accordance with the requirements set out below.

7.46. When a hard copy is required to be delivered to the Registrar, it must be delivered before 4:00 pm to the Supreme Court Service Centre, situated on the ground floor, Old High Court, 450 Little Bourke Street, Melbourne. As the service centre closes at 4:00 pm, no books will be received after that time. Books must not be left with any security or other staff who may be present after 4:00 pm, and if that occurs, they will not be regarded as having been delivered.

Volumes, cover and spine

7.47. Each volume must comprise loose leaf pages, without any staples, in either a lever arch folder or two ring binder.

7.48. Every volume must have a cover and a spine label and must contain a copy of the index. See Annexure 4 for a sample cover and spine label.

7.49. If there is more than one volume, the following information must be set out on the cover and spine for each of them:

- (a) the volume number;
- (b) the document range for that volume; and
- (c) the page range for that volume.

7.50. The cover must set out:

- (a) the full court heading;
- (b) the name of the lower court and the number of the proceeding in the lower court; and

- (c) for each party, the firm name, address, solicitor code and telephone number of the legal representative, and the name and email address of the lawyer in each firm who has primary responsibility for the matter.

7.51. If space does not permit the inclusion of all the information required in the previous paragraph, the cover may set out the court heading in abbreviated form, and other information may be set out on a page (without pagination) at the front of each folder.

Pages

7.52. All pages must be of paper size A4.

7.53. The text on all pages must be clear, sharp, legible and permanent, and the document must be oriented correctly.

7.54. Individual documents must be printed double-sided. Each document must be separated so that a document does not commence on the rear side of the previous document.

7.55. If a document has been listed in the index more than once, it must be reproduced in the application book only once and, where later (or earlier) referred to, a single page must be included in the book in its place. The inserted page, which need not be paginated, must identify the document and the page or pages of the book where it is reproduced.⁹

Dividers

7.56. A tab divider must be included at the start of each section, with the name of the section appearing on the divider. However, no tab divider is required for a section that does not contain any documents.

7.57. A numbered sub-divider that corresponds with the index must be included before each document.

Electronic application book

7.58. An application book in electronic form must be prepared in accordance with the requirements set out below.

7.59. When an electronic application book is required to be delivered to the Registrar and served on other parties, it must be uploaded to the Court's document exchange site (see section 6 above). Links for that purpose will be provided to the parties. Immediately after uploading the book, the party doing so must confirm that has occurred by email to the registry and other parties.

⁹ See also sections 7.10 and 7.14(d).

7.60. When uploading the book, it must not be in a .zip or similar compressed file format.

7.61. An electronic application book must not be submitted via RedCrest.

Contents

7.62. An application book in electronic form must comprise the index and all documents included in the hard copy, including the same pagination.

7.63. Any pages inserted in the hard copy, such as those referred to in section 7.55 above, must also be included in the electronic book.

File format

7.64. The index and each document must be separate electronic files.

7.65. Unless otherwise directed:

- (a) the index must be in Word format; and
- (b) all other files must be in searchable PDF format and allow for text to be copied and pasted.

7.66. If it is intended to include any files in a different format, such as Excel, that should be brought to the attention of the registry when filing a draft application book index.

File folder structure

7.67. The electronic files must be organised in the folder structure set out in Annexure 5. This mirrors the structure set out in section 7.13 above but includes an additional folder for the index. There must be no sub-folders.

7.68. The folder names must be identical to those set out in Annexure 5 and section 7.13 above, including full stops and spaces. This is to ensure the electronic application book can be uploaded to the Court's network. For parties' assistance, the folder structure can be downloaded via [this link](#) to the Supreme Court website and via the link in Annexure 5.

File names

7.69. The index file may be named 'Application book index', 'App book index' or similar.

7.70. All other file names must be as short as practical, commence with the document number according to the index and include a very brief description sufficient to identify the document. To ensure the files appear in proper sequence, the format

of the document number portion of the file name will depend on the total number of documents within the book, as set out in the following table.

Total number of documents in the application book	File name
Up to 99	Commence with '01', '02', '03' etc. For example: '01 App for leave to appeal'
100 to 999	Commence with '001', '002', '003' etc. For example: '001 App for leave to appeal'
1000 or more	Commence with '0001', '0002', '0003' etc. For example: '0001 App for leave to appeal'

Hyperlinked index

- 7.71. The index must be hyperlinked to each document. Annexure 6 contains guidance on how to create hyperlinks.
- 7.72. The party preparing hyperlinks must check each one to confirm they are all correct and operative. In doing so, the party must ensure that all hyperlinks link to the files uploaded to the Court's document exchange site, not to files located elsewhere such as the firm's local drive or server. Correct hyperlinking may be achieved by first uploading the entire application book to the Court's document exchange site, then using that version of the index and other files to create the hyperlinks.

Changes after a finalised book is delivered and served

- 7.73. Occasionally it is necessary to make a change to an application book after the final version has been delivered and served, such as to insert a missing page or replace an incorrect document. If that is necessary, all parties must agree on the proposed change before approaching the Court for permission to make it.
- 7.74. If a change is made, the pagination of unaffected pages must not be altered. If the effect of a change is to replace a document with one that has fewer pages, it will simply be that some page numbers are not used. If the effect is to insert additional pages, those additional pages must be paginated in an appropriate manner. For example, if the additional pages follow existing page A36, appropriate pagination could be A36A, A36B, A36C etc. or A36.1, A36.2, A36.3 etc.

Application book references in the summary and written cases

- 7.75. After a leave application book in final form has been delivered and served, the standard practice is to require parties to file versions of the summary and their written cases which are amended solely to include, for documents referred to and which are contained in the leave application book, references to where they can be located in the book.
- 7.76. Application book references may be inserted into the text of the written case or by way of additional footnotes.
- 7.77. There is no prescribed format for application book references. Examples of common styles are:
- (a) '[AB doc ##]' to identify the document number, for example:

 '... this dispute concerns the proper construction of a deed of settlement entered into by the parties on 20 April 2024 [AB doc 6]...'
 - (b) '[AB ##]' or '[AB ##-##]' to identify a particular page or page range, for example:

 '²⁵ See also the particulars given of the alleged oral representations at [35] of the statement of claim [AB 25-26].'

Setting down fee and form

- 7.78. At the same time as final copies of a leave application book are delivered (whether by an applicant or respondent), the applicant must file a setting down form (see Annexure 2) and pay the setting down fee.
- 7.79. If the leave application book has been prepared by the registry, the applicant must file a setting down form and pay the setting down fee immediately upon being informed by the registry that the book has been prepared.

8. COMBINED FOLDER OF AUTHORITIES

- 8.1. Unless otherwise directed, a combined folder of authorities will be in electronic form only.

Timing

- 8.2. Practice Note SC CA 3 specifies when each party must file and serve their lists of authorities.
- 8.3. In relation to a combined folder of authorities for an application for leave to appeal or appeal, the usual directions (see section 5 above and Annexure 1) set the timing for it to be prepared, delivered and served.

- 8.4. In relation to a combined folder of authorities for an application other than for leave to appeal that is to be considered separately from the application for leave to appeal or appeal,¹⁰ the Registrar will give directions or make orders as the Registrar considers appropriate regarding the preparation, delivery and service of the folder.

Responsibility for preparing a combined folder of authorities

- 8.5. Unless ordered or directed otherwise:¹¹

- (a) a combined folder of authorities for an application for leave to appeal or appeal must be prepared, delivered and served by the applicant;
- (b) a combined folder of authorities for an application other than for leave to appeal that is to be determined separately to the application for leave to appeal or appeal must be prepared, delivered and served by the party making the application.

Contents and structure

- 8.6. A combined folder of authorities must contain:

- (a) an index;
- (b) copies of all parties' lists of authorities; and
- (c) copies of all legislation, cases (excluding standard authorities on statutory interpretation and the construction of commercial contracts¹²) and other material referred to in all lists of authorities.

- 8.7. The folder must be divided into sections. The first must contain the parties' lists of authorities, however the remaining sections may be adapted to suit the case. In many cases the following structure is appropriate:

- A. Lists of authorities
- B. Legislation
- C. Cases
- D. Other material

- 8.8. The arrangement of legislation, cases and other material within a section should be in alphabetical order unless some other order is appropriate.

- 8.9. In the index:

¹⁰ For example, a security for costs application.

¹¹ An example of a circumstance in which the responsibility may be imposed on a different party is where the applicant is unrepresented.

¹² Practice Note SC CA 3, s 18.2; Court of Appeal section of the Supreme Court website, [here](#).

- (a) each document must be numbered from first to last continuously, as they appear in the folder, without recommencing the numbering in each section; and
 - (b) pinpoint references must be included.
- 8.10. Copies of legislation, cases and other material in the folder may be enlarged in size but should not be reduced, and must be limited to one page per page reproduced. In many cases it will be sufficient and preferable to copy only the headnote and relevant pages of cases and sections of legislation, but some allowance for context should be provided.¹³
- 8.11. Copies of legislation must be sourced from the authorised version as published by the relevant jurisdiction,¹⁴ not from other sources such as AustLII.
- 8.12. Where a case is reported, that report must be included instead of the unreported version.¹⁵ Authorised reports must be used over unauthorised reports.¹⁶
- 8.13. Authorities should not contain a watermark. See Annexure 7 for instructions on how to obtain a case from AustLII without a watermark that can be converted to PDF format.

Hard copy combined folder of authorities

- 8.14. Unless ordered or directed otherwise, a hard copy combined folder of authorities is not required.

Electronic copy combined folder of authorities

- 8.15. A combined folder of authorities in electronic form must be prepared in accordance with the requirements set out below.
- 8.16. When an electronic combined folder of authorities is required to be delivered to the Registrar and served on other parties, it must be uploaded to the Court's document exchange site (see section 6 above). Links for that purpose will be provided to the parties. Immediately after uploading the folder, the party doing so must confirm that has occurred by email to the registry and other parties.

¹³ For example, as well as the substantive provisions to which counsel intends to refer, it is often necessary to provide copies of the interpretation section of a statute.

¹⁴ For Victorian legislation, see www.legislation.vic.gov.au; for Commonwealth legislation, see the Federal Register of Legislation at www.legislation.gov.au.

¹⁵ For example, if referring to *Director of Housing v Sudi* (2011) 33 VR 559, the version found in the Victorian Reports should be provided, not the unreported version of *Director of Housing v Sudi* [2011] VSCA 266.

¹⁶ For example, the Western Australian Reports are to be cited rather than the Australian Corporations and Securities Reports, and the Commonwealth Law Reports and Federal Court Reports are to be cited rather than the Australian Law Reports.

8.17. When uploading the folder, it must not be in a .zip or similar compressed file format.

8.18. An electronic application book must not be submitted via RedCrest.

File format

8.19. The index and each document must be separate electronic files.

8.20. Unless otherwise directed:

- (a) the index must be in Word format; and
- (b) all other files must be in searchable PDF format and allow for text to be copied and pasted.

File folder structure

8.21. All files must be in a single folder named 'Authorities'. There must be no sub-folders.

File names

8.22. The index file name must commence with '0' so that it will appear first. Examples are:

'0 Combined folder index'

'0 Combined folder of auth index'

'0 Comb folder of authorities index'

'0 Authorities index'

8.23. All other file names must be named so that they commence with the number of the document according to the index and include a very brief description sufficient to identify the document. To ensure the files appear in proper sequence, the format of the document number portion of the file name will depend on the total number of documents within the folder, as set out in the following table.

Total number of documents in the combined folder of authorities	File name
Up to 9	Commence with '1', '2' '3' etc. For example: '1 App list of authorities'

Total number of documents in the combined folder of authorities	File name
10 to 99	Commence with '01', '02', '03' etc. For example: '01 App list of authorities'

Hyperlinked index

- 8.24. The index must be hyperlinked to each document. Annexure 6 contains guidance on how to create hyperlinks.
- 8.25. The party preparing hyperlinks must check each one to confirm they are all correct and operative. In doing so, the party must ensure that all hyperlinks link to the files uploaded to the Court's document exchange site, not to files located elsewhere such as the firm's local drive or server. Correct hyperlinking may be achieved by first uploading the entire combined folder of authorities to the Court's document exchange site, then using that version of the index and other files to create the hyperlinks.

9. TEMPLATES FOR FORMS AND OTHER DOCUMENTS

- 9.1. Where a form is prescribed by the Rules, that form must be used and all notes contained within it must be complied with.
- 9.2. Templates to the forms and documents most often used are available on the Supreme Court website. Links to those templates are below.

Prescribed forms

[Form 64A – Application for leave to appeal / notice of appeal / cross-application for leave to appeal / notice of cross-appeal](#)

[Form 64B – Application other than for leave to appeal or cross-appeal](#)

[Form 64C – List of persons served](#)

[Form 64D – Notice of opposition to application other than for leave to appeal](#)

[Form 64E – Notice of intention not to respond or contest](#)

[Form 64F – Application to have dismissal of application for leave set aside or varied](#)

[Form 64G – Notice of contention](#)

[Form 64H – Notice of objection to competency](#)

Other documents

[Affidavit \(including exhibit certificate in Form 43A\)](#)

[Agreed list of transcript references](#)

[Application book index](#)

[List of authorities](#)

[Notice of discontinuance](#)

[Setting down form](#)

[Summary for the Court of Appeal](#)

[Submissions](#)

[Written case](#)

AMENDMENT HISTORY

14 April 2025: This Registrar’s note was issued on 14 April 2025. It replaces the Registrar’s Note on the Preparation of a Written Case dated 30 September 2019, the Registrar’s Note on the Preparation of Application Books dated 30 September 2019, and the Guide on the Preparation of a Combined Folder of Authorities dated 30 September 2019.

Judicial Registrar Pedley

Registrar of the Court of Appeal

14 April 2025

ANNEXURE 1

Usual directions applicable to an application for leave to appeal or appeal

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF APPEAL
CIVIL DIVISION

S EAPCI

[APPLICANT'S /APPELLANT'S NAME]

Applicant/Appellant

and

[RESPONDENT'S NAME]

Respondent

ORDER OF THE COURT OF APPEAL

JUDICIAL REGISTRAR: Judicial Registrar [Name]

DATE MADE: [Date]

ORIGINATING PROCESS: [eg. Application for leave to appeal.]

HOW OBTAINED: [eg. On the Court's own motion.]

ATTENDANCE: [eg. No attendance.]

OTHER MATTERS: 1. [Insert as appropriate.]

THE COURT OF APPEAL ORDERS THAT:

Lower court transcript

1. The applicant must file and serve, in electronic form, transcript of all relevant hearings in the lower court proceeding by 4:00 pm on [date that is 10 days after the application for leave to appeal or notice of appeal was served].

Summary, draft leave application book index and transcript references

2. All parties must confer and:
 - (a) endeavour to agree upon a summary for the Court of Appeal;
 - (b) endeavour to agree upon a draft leave application book index; and
 - (c) if any party relies on references to the lower court transcript, cooperate in preparing an agreed list of transcript references.

3. The applicant must, by 4:00 pm on [date that is 3 weeks after the due date for the respondent's response to the application for leave to appeal or notice of appeal (see Rule 64.11(1))]:
 - (a) in relation to the summary for the Court of Appeal:
 - (i) if it is agreed, file and serve the agreed summary;
 - (ii) if it is not agreed, file and serve a disputed summary in which the parts that are not agreed and the parties' positions on those parts are clearly identified;
 - (b) in relation to the draft leave application book index:
 - (i) if it is agreed, file and serve the agreed draft index;
 - (ii) if it is not agreed, file and serve a disputed draft index in which the parts that are not agreed and the parties' positions on those parts are clearly identified; and
 - (iii) whether it is agreed or disputed, provide a copy of the draft index in Word format by email to the registry (coaregistry@supcourt.vic.gov.au);
 - (c) in relation to references to the lower court transcript:
 - (i) if any party relies on transcript references, file and serve an agreed list of transcript references;
 - (ii) if no party relies on transcript references, notify the Registrar of that fact by email to the registry (coaregistry@supcourt.vic.gov.au).

Leave application book and combined folder of authorities

4. The parties will be informed of the manner in which the leave application book has been settled by the Registrar.
5. The applicant must prepare:
 - (a) the leave application book as settled; and
 - (b) the combined folder of authorities.
6. By 4:00 pm on [date that is 8 weeks after the due date specified in paragraph 3 above], the applicant must deliver to the Registrar and serve on the respondent:
 - (a) a first copy of the leave application book in electronic form, in the following manner:
 - (i) upload it to the Court's document exchange site; and
 - (ii) immediately after uploading it, confirm that has occurred by email to the registry (coaregistry@supcourt.vic.gov.au) and the respondent;

- (b) the combined folder of authorities in electronic form, in the following manner:
 - (i) upload it to the Court's document exchange site; and
 - (ii) immediately after uploading it, confirm that has occurred by email to the registry (coaregistry@supcourt.vic.gov.au) and the respondent.
- 7. The parties will be informed whether any changes or corrections are required to the leave application book or combined folder of authorities. The applicant must make any such changes or corrections.
- 8. By 4:00 pm on [date that is 4 weeks after the due date specified in paragraph 6 above], the applicant must deliver to the Registrar and serve on the respondent:
 - (a) further copies of the leave application book, in the following manner:
 - (i) if no changes or corrections are required, deliver 3 hard copies to the Supreme Court Service Centre at 450 Little Bourke Street, Melbourne;
 - (ii) if any changes or corrections are required:
 - (1) deliver 3 hard copies, as changed or corrected, to the Supreme Court Service Centre at 450 Little Bourke Street, Melbourne;
 - (2) upload it in electronic form, as changed or corrected, to the Court's document exchange site; and
 - (3) immediately after uploading it, confirm that has occurred by email to the registry (coaregistry@supcourt.vic.gov.au) and the respondent;
 - (b) the combined folder of authorities, if any changes or corrections to it are required, in the following manner:
 - (i) upload it in electronic form, as changed or corrected, to the Court's document exchange site; and
 - (ii) immediately after uploading it, confirm that has occurred by email to the registry (coaregistry@supcourt.vic.gov.au) and the respondent.

Setting down fee and form

- 9. By 4:00 pm on [same due date as in the previous paragraph], the applicant must file a setting down form and pay the setting down fee.

Leave application book references

- 10. By 4:00 pm on [date that is 2 weeks after the due date specified in paragraph 8 above]:
 - (a) if there is a summary for the Court of Appeal in the leave application book, and that summary refers to documents that are also in the leave application book, the applicant must file and serve a version of the summary which:

- (i) is amended solely to include leave application book references for those documents (those amendments need not be marked up); and
 - (ii) is paginated with leave application book page numbers so it can be inserted in the leave application book in substitution for the previous version;
- (b) if a party's written case refers to documents that are in the leave application book, that party must file and serve a version which:
 - (i) is amended solely to include leave application book references for those documents (those amendments need not be marked up); and
 - (ii) is paginated with leave application book page numbers so it can be inserted in the leave application book in substitution for the previous version.

DATE AUTHENTICATED: [Date]

PROTHONOTARY

ANNEXURE 2

Setting down form

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF APPEAL
CIVIL DIVISION

S EAPCI

[APPLICANT'S / APPELLANT'S NAME]

Applicant/Appellant

and

[RESPONDENT'S NAME]

Respondent

SETTING DOWN FORM

Date of document:
Filed on behalf of:
Prepared by:
[name and address]

Solicitor code:
Telephone:
Ref:
Attention:
Email:

Set this application for leave to appeal / appeal down for hearing.

Date:

Signed

[Name of lawyer/self-represented party]

ANNEXURE 3

Template application book index

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF APPEAL
CIVIL DIVISION

S EAPCI

[APPLICANT'S / APPELLANT'S NAME]

Applicant/Appellant

and

[RESPONDENT'S NAME]

Respondent

[DRAFT] APPLICATION BOOK INDEX

Date of document:
Filed on behalf of:
Prepared by:
[name and address]

Solicitor code:
Telephone:
Ref:
Attention:
Email:

NO.	DESCRIPTION	DATE	PAGE
A.	APPEAL DOCUMENTS		
1.			
2.			
3.			
4.			
5.			
6.			
B.	OTHER APPLICATIONS		
7.			
8.			
9.			

NO.	DESCRIPTION	DATE	PAGE
10.			
11.			
12.			
13.			
14.			
C.	LOWER COURT REASONS AND ORDERS		
15.			
16.			
D.	SIGNIFICANT DOCUMENTS		
17.			
18.			
E.	LOWER COURT PROCESS AND PLEADINGS		
19.			
20.			
21.			
F.	LOWER COURT AFFIDAVITS		
22.			
23.			
24.			
G.	TRANSCRIPT		
25.			
26.			
27.			
28.			

NO.	DESCRIPTION	DATE	PAGE
29.			
30.			
31.			
H.	COURT BOOK BELOW		
32.			
33.			
34.			
I.	LOWER COURT EXHIBITS		
35.			
36.			
J.	COURT OF APPEAL REASONS AND ORDERS		
37.			
38.			

ANNEXURE 4

Hard copy application book – sample cover and spine

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF APPEAL
CIVIL DIVISION

S EAPCI

[APPLICANT’S / APPELLANT’S NAME]

Applicant/Appellant

and

[RESPONDENT’S NAME]

Respondent

APPLICATION BOOK

VOLUME ##

Docs ## to ##
Pages AB ## to ##

Lower court: [Eg. County Court of Victoria, CI-19-0001]

Date of document:

Filed on behalf of:

Applicant’s details

[Lawyer’s name]

[Lawyer’s address]

Solicitor code:

Tel:

Ref:

Attention:

Email:

Respondent’s details

[Lawyer’s name]

[Lawyer’s address]

Solicitor code:

Tel:

Ref:

Attention:














Email:

Adjust width >	<p>IN THE SUPREME COURT OF VICTORIA AT MELBORNE COURT OF APPEAL CIVIL DIVISION</p> <p>S EAPCI</p> <p>BETWEEN</p> <p>[APPLICANT'S / APPELLANT'S NAME] Applicant/Appellant</p> <p>and</p> <p>[RESPONDENT'S NAME] Respondent</p> <p>APPLICATION BOOK</p> <p>VOLUME ##</p> <p>Docs ## to ## Pages AB ## to ##</p>	< Adjust width
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ANNEXURE 5

Electronic application book – folder structure

A .zip file containing the folder structure, shown below, can be downloaded via [this link](#) to the Supreme Court website. Note, however, that when uploading an electronic application book to the Court’s document exchange site, the folders must not be in a zip or other compressed file format.

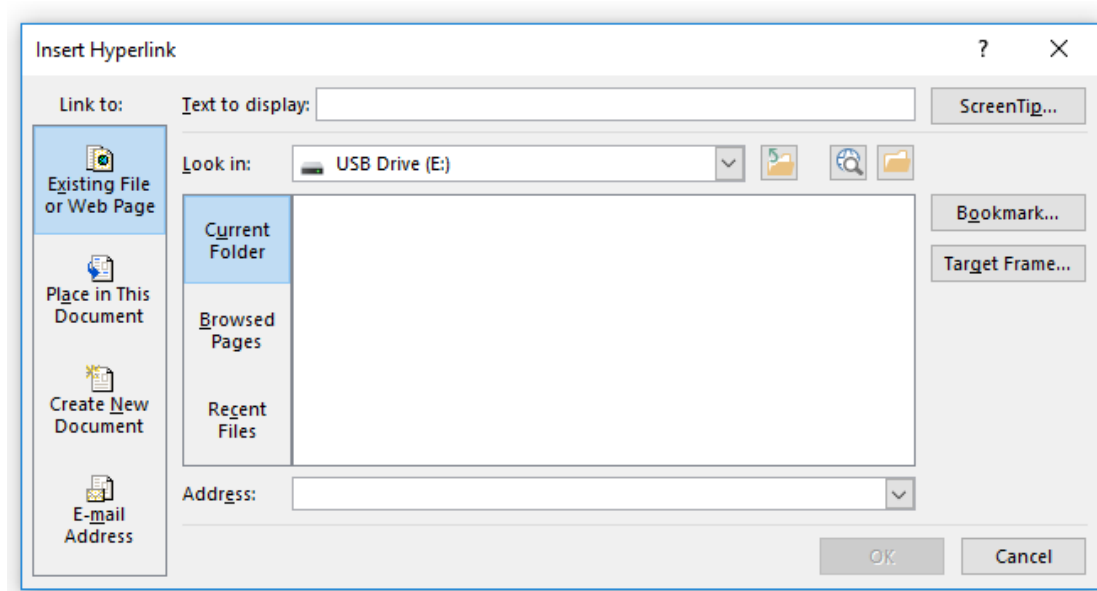
 Name 
 Index
 A. Appeal documents
 B. Other applications
 C. Lower court reasons and orders
 D. Significant documents
 E. Lower court process and pleadings
 F. Lower court affidavits
 G. Transcript
 H. Court book below
 I. Lower court exhibits
 J. Court of Appeal reasons and orders

ANNEXURE 6

Guidance on creating hyperlinks

The hyperlinked index to an electronic application book or combined folder of authorities must be in Word format.

- Step 1 Open the index in Word
- Step 2 Select the text that is to be displayed as a hyperlink – for example, in an application book it may be the text in the 'Description' column
- Step 3 On the **Insert** tab, click **Link** OR right click on the highlighted text and select **Link** from the menu – this will open an **Insert Hyperlink** box
- Step 4 Under **Link to**, select **Existing File or Web Page**, then find the file in the **Look in** list or **Current Folder** list



- Step 5 Select the file and click OK – the hyperlink has now been created, as indicated by the text you had highlighted now being blue and underlined
- Step 6 Repeat steps 2 to 5 until all hyperlinks have been created
- Step 7 Check that all hyperlinks in the PDF work and link to the correct documents

ANNEXURE 7

Obtain a case from AustLII without a watermark and convert to PDF format

- Step 1 Locate the case in AustLII, click **RTF format** in the **Download** menu on the right sidebar (circled in red in the example below) to obtain the case without a watermark
- Step 2 Either save the document in PDF format by using **Save As**, or print to PDF

The screenshot shows the AustLII website interface for the Supreme Court of Victoria - Court of Appeal. The case title is "The Herald & Weekly Times Ltd & Anor v Jessop [2014] VSCA 292 (19 November 2014)". The page includes a red header with navigation links (About, Contact, Copyright & Usage, Privacy, Disclaimers, Feedback) and a search bar containing "[2014] VSCA 292". Below the header is a red navigation bar with tabs for Type (Cases), Jurisdiction (Victoria), Database (Supreme Court of Victoria...), Year (2014), and Citation ([2014] VSCA 292). The main content area displays the case details, including the parties (THE HERALD & WEEKLY TIMES LIMITED and VICTORIAN WORKCOVER AUTHORITY v KERRI JESSOP), the court (SUPREME COURT OF VICTORIA), and the judges (NEAVE and KYROU JJA and GINNANE AJA). The date of judgment is 19 November 2014. The medium neutral citation is [2014] VSCA 292. On the right sidebar, the "DOWNLOAD" menu is expanded, showing options for "RTF format (292 K)" (circled in red) and "Signed PDF/A format". Other options include "SEARCH CONTEXT", "PRINT", "CITED BY", and "JOIN THE DISCUSSION".