

Court of Appeal – Supreme Court of Victoria

Self-Help Kit

Guide and Information Pack

May 2018



Court of Appeal Registry
Supreme Court of Victoria
Level 1, 436 Lonsdale Street
Melbourne Victoria 3000
W: supremecourt.vic.gov.au



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1 Appeal to the Court of Appeal

This guideline and information pack has been created to assist self-represented litigants who want to appeal a judgment or order against them, or who have a current proceeding in the Victorian Court of Appeal but no longer have representation.

There is no requirement that you have to be legally qualified in order to represent yourself, but research generally shows you are less likely to obtain a successful outcome without representation. A company is required to be legally represented.

If you represent yourself, the Court will be mindful of the fact that you are not legally qualified and will do what it can to assist you, but neither the Court nor the Registry act for you, they can not give legal advice. You are responsible for putting your case forward and must follow all of the rules of the Court.

Please consider the following;

- You have 28 days from the date of the decision to file an appeal with the Court of Appeal. If you are outside of this timeframe, you will need to make an extension of time application together with your application for leave to appeal.
- Most appeals to the Court of Appeal require leave (permission) to appeal.
- To get leave to appeal, you must have grounds of appeal that have a real prospect of success, and your grounds of appeal cannot be fanciful.
- Commencing an appeal can be complicated. You must be able to clearly identify where the judge has made a mistake in the application of the law, as well as be able to file a concisely written legal argument supporting your grounds of appeal.
- We recommend you obtain the typed transcript of the hearing that you wish to appeal, as well as the written reasons for judgment (if any) and the official court order before deciding whether to appeal.
- Sometimes the Court can decide your application without an oral hearing based solely on your written legal argument. It is recommended to seek legal assistance to write your submissions to the court.
- Court fees for commencing an appeal are expensive - the fee must be paid before an appeal can be filed.
- If you lose the appeal, you may need to pay the legal costs of the other party. This may be a considerable amount at the Court of Appeal stage.
- We advise everyone to seek out all options for free legal assistance. A good place to start is to call the free Legal Aid Telephone Helpline on 1300 792

387 and talk to a lawyer about your options of appeal and obtain any referrals to legal services they may recommend. You can also search legal centres and firms in your area of residence for free legal advice.

- If you need to temporarily stop the order that you wish to appeal whilst your application is being decided, you may make an application to the court you are appealing from to stay the order until filing an appeal. Again, we recommend that you seek legal advice as to whether you need a stay.
- If you cannot get legal help and wish to continue representing yourself, you should research the area of law that your matter relates to.
- You must understand the relevant legislation, rules, practice notes and registrar's notes which govern the practice in the Court of Appeal. You should become familiar with the *Supreme Court (General Civil Procedure) Rules 2015* and specifically Order 64 of those Rules which relate to the Court of Appeal, as well as Practice Note SC CA 3, and the Registrar's Note on the Preparation of a Written Case. There are links to these on our website.

2 Keywords

Here is a list of some common legal terms used in this guideline and which you might hear throughout the application process:

- Abandon** If you file an application for leave to appeal and then decide not to continue with it, you abandon it. You must file a notice of abandonment to do this. Or, if you are supposed to do something by a certain time but do not, the Court can take your application to have been abandoned and may order it dismissed.
- Abridge** This means the time to do something can be shortened if the Registrar or Court thinks it is important.
- Affidavit** This is a written statement that sets out facts to support some applications. For example, you will need an affidavit if you apply for extra time to prepare your application for leave to appeal. You have to swear or affirm (make a legal promise) that the information in your affidavit is true.
- Applicant** The person or company making an application, including an application for leave, to the Court. An **appellant** is a person or company that is appealing as of right.
- Barrister** This is what the lawyers who speak in court are called.
- Bench** The Judges of Appeal who will hear an application or appeal.
- Consent** Agreement from all parties on something, usually an order.

- Evidence** This is information that shows something did or did not happen.
- Exhibit** This is something that is used as evidence, like a document.
- File** This is what you do when you give legal documents to the Registry and they are accepted.
- Ground(s) of appeal** These are the legal reasons for your appeal.
- Hearing** This is where one or more Judges of Appeal will listen to you make arguments in Court. The judge(s) may ask you questions at the hearing. You do not have a right to a hearing of an application, including for leave to appeal. The judges will decide whether they want to hold one or not. In order to decide the application. If you are given leave to appeal or have a right to appeal, there will be a hearing.
- Judgment** This means the written reasons a court gives when it decides your case. For example, if the judges dismiss your application for leave to appeal, the judgment will tell you why. Judgments from other cases are legal authorities. Any judgments that have points of law and facts that are like the ones in your case might help your arguments.
- Judicial Registrar** The judicial officer in charge of the Court of Appeal Registry.
- Leave to appeal** This means permission of the Court to appeal your case. You must get leave before you can appeal your conviction and/or sentence.
- Legal authority** This means things like legislation, court rules and judgments. You should include a list of authorities with your notice and written case when you file your application for leave to appeal.
- Legal practitioners** This means all kinds of lawyers, barristers and solicitors.
- List/listed** ‘The list’ is a list of the cases that will be heard by the Court on a particular day. When your application for leave to appeal has been scheduled to be dealt with, it is referred to as ‘listed’.
- List of Authorities** This is a list of the legal authorities and other materials your case relies on. It should be filed with your written case when you file your application for leave to appeal.
- Litigant** A person or company involved in the Court proceeding.
- Prothonotary or Deputy Prothonotary** these are Registry Officers who authorise different documents at the Court. Authorisation by them makes documents official. They also have certain powers, including the power to grant or refuse fee waiver applications

- Record** Means all of the evidence and transcript from the trial.
- Refer for Dismissal** If you do not follow the Court rules, the Registrar can draw the judges' attention to your failure to follow the rules and ask them to consider dismissing your case.
- Respondent** The individual or company that an application or appeal is made against.
- Seal** The Court of Appeal stamp of authorisation. Orders are sealed with the Court's stamp.
- Service** Delivering a document to another party.
- Solicitor** This is a lawyer who does not speak in Court, but who works with clients and barristers to prepare cases.
- Transcript** This is a printed record of everything that was said in the courtroom.

3 What Can Be Heard at the Court of Appeal?

The Court of Appeal reviews decisions made by the trial division of the Supreme Court, by the County Court and VCAT decisions made by the President or Vice-President of VCAT only.

Almost all cases need to be given leave to appeal (permission of the court) before they can proceed. Very few types of cases have a right of appeal any longer. Among the very few cases that have a direct right of appeal are:

- Appeals against a refusal to grant habeas corpus
- Appeals under the Serious Sex Offenders (Detention and Supervision) Act 2009

If you do have a right of appeal, you file a notice of appeal but that is the only thing that is different as far as the process goes. Everything else is exactly the same, including the forms, so you should consider that what this guide says about leave applications also applies to notices of appeal.

4 Leave to Appeal Application Process

If you are thinking about appealing you should obtain a copy of the order, written Reasons for Judgment made by the Judge, the transcript of the hearing, the court book (if any) and copies of any documents on the court file that the Judge took into consideration in hearing your matter.

To apply for leave to appeal, you must file all of the following documents together as an 'application package' at the Court of Appeal Registry:

- Application for leave to appeal (Form 64A);
- Written case and list of authorities.
- Draft leave application book index.
- Draft summary.
- Copy of the order and reasons for Judgment

Once you have all these documents completed, email all of the documents together to the Court of Appeal Registry at coaregistry@supcourt.vic.gov.au. If you do not have internet access you may file in hard copy at the Registry.

Once your application package is lodged, it will be reviewed by a Registry Lawyer before being accepted for filing. This process may take up to 24 hours. You must not serve your documents until directed to do so.

It is essential that you provide the Court with an e-mail address when filing an appeal.

A fee is payable when the documents are accepted for filing by the Registry. Any fees can be paid at our front counter via cash, bank cheque, money order, EFTPOS, or credit card. Bank cheques and money orders can also be sent via mail and credit card payments can be made over the telephone. If payment of the fee will cause you financial hardship you may apply for a Fee Waiver. You do this by completing the Fee waiver form and include it in your package of documents to be filed with the Court

Application for Leave to Appeal - Form 64A

Form 64A is the form to use to file an application for leave appeal. It must be filed within 28 days from the date of the order or judgment of the Court or Tribunal below that you want the Court of Appeal to review.

The Leave to appeal application contains your Grounds of Appeal and your reasons why the Court should grant you Leave to appeal. Your Grounds of appeal are the legal errors you say the judge has made in coming to the decision.

To get Leave to appeal you must have Grounds of appeal that have a real prospect of success, your grounds of appeal cannot be fanciful or weak.

You must be able to clearly show where the Judge has made a mistake in the law and include a concisely written legal argument supporting your grounds of appeal.

Extension of Time

If you file your application for leave to appeal after the 28 days have passed from the date of the decision, you will also need to file an application for an extension of time with your leave to appeal package. Form 64B is the form you use for an extension of time application. Your Extension of time application should be filed with an affidavit and submissions (of no more than 5 pages) stating the reasons

why the application is filed late.

For a trial period of 12 months from 1 May 2017, the Court will automatically grant all applications, other than those concerning interlocutory decisions, for an extension of no more than 14 days to the time to file an application for leave to appeal or notice of appeal. Applications seeking an extension of 14 days or less will not require a supporting affidavit or submissions.

Please see the Court of Appeal Notice to the profession – Applications for Extension of time Rule 64.08 on the Supreme Court website

Written Case & List of Authorities

The written case is your legal argument which must not exceed 10 pages in total unless the Judicial Registrar has granted permission to do so. It must be set out in accordance with the Registrar's Note on the Preparation of a Written Case, and thus be concise and address each ground of appeal specified in Form 64A.

The written case must be accompanied by a separate document called list of authorities. This is essentially a list of legislation, case law and other legal sources which support your grounds of appeal.

The list of authorities is separated into three parts:

- Part A: authorities and legislation from which you intend to read;
- Part B: authorities and legislation to which you intend to refer, but from which not to read; and
- Part C: secondary sources such as textbook and journal articles which may be of substantial help to support your case.

Draft Leave Application Book Index

You must file a draft leave application book index with your application for leave to appeal. The application book index is a list of all documents the Judge took into consideration at the hearing which you think are relevant to your grounds of appeal. The Court will ask the respondents for their input on the index before the Registrar finalises the index of the Application book and orders the book to be prepared and filed.

The Registrar's Note on the Preparation of Application Books gives details on how to prepare your index. This document is available on our website.

Draft Summary

The draft summary is a short account of the facts, history and issues of the case up until it is filed in the Court of Appeal. The purpose is to help the Court understand what the case is about and what has happened in the court or tribunal below. Please note that the summary is a simple account of facts which is to be written in a

unbiased manner. The court expects the parties to cooperate to produce an agreed summary.

The summary of facts and history component must:

- describe, in chronological order, the facts that form the background to the case and are relevant to the issues for determination;
- briefly describe the nature of the case; and
- identify the parties involved.

The summary of proceedings and issues component must:

- briefly state the major issues dealt with including how they were decided in the court below; and
- briefly state the issues to be raised on the application for leave to appeal.

Section 12 of Practice Note SC CA3 explains what the summary must contain and how it is to be presented to the Court.

5 What happens next?

- Once the Registry is satisfied that all of the documents in the application package comply with the Rules, you will be notified by email that they have been accepted attaching the sealed documents for service. After you receive this notice you have 5 days to serve all of the respondents with a copy of the application package. After you serve the respondents you have 7 days to file a list of the persons served (Form 64C) with the Registry.
- The next step is up to the respondent(s). They have a number of choices: they can file a written case in response to your application, a notice of intention not to respond or contest, or a cross-application for leave to appeal. Their materials must include a document that sets out their position on the draft application book.
- The respondent(s) also have to advise you (but not the Registry) separately of any changes they are proposing to the draft summary that you included in the application package. After you receive their proposed changes you have 10 days to incorporate them and file a new document, called an 'agreed summary', with the Registry or to advise the Registrar that you cannot agree on the summary. Remember, however, that the Court expect the parties to cooperate on the summary. This means you need to be very careful about making objections that are without merit to things the respondent(s) want to include in the summary. If the Court decides that a party has unreasonably failed to cooperate in preparing the summary, costs can be awarded against them.
- After the respondent's written case and other materials are filed, the Registrar will settle the application book index (within 28 days) and make any directions that are necessary. You must then prepare and submit one copy of an application book to

the Registry for checking. The Registrar will notify you of any corrections that need to be made to the application book and you then have 14 days to file 3 corrected copies (or 2 copies if no corrections are required) of the application book with the Registry and 1 copy on every respondent.

- When you file the application book, you must also pay the fee to have the matter set down for hearing.
- Once all of the materials are filed and accepted by the Registry, they will be referred to the judge or judges considering the application – note the application can be heard by just one judge. The judge(s) may direct that there be a hearing on the application or they may decide a hearing is not required, in either case the Registrar will notify you in writing of how the judge(s) have decided to proceed.
- Within 28 days before the hearing, or if there is not going to be a hearing within the time directed by the Registrar, the respondent(s) must serve you with 3 copies of authorities and materials they want to present to the Court. They must also serve 1 copy on each applicant. You must take these items and include them with any authorities and materials that you want to present to the Court and put them in a ‘combined folder of authorities and materials’. Three copies of this combined folder must be filed at the Registry and 1 copy served on each respondent within 14 days before the hearing or within the time directed by the Registrar if there is not going to be a hearing.
- At the same that you file the combined folder of authorities, you also have to file and serve an agreed list of transcript references, from the Court or Tribunal that made the decision, which will be relied on by the parties. There is an example of this list attached as an annexure to Practice Note SC CA 3. This list must be an agreed list and so the parties must confer and co-operate to provide a complete and accurate list of transcript references. The list must be signed by a legal practitioner for each party, or by the party themselves if they are unrepresented, before filing with the Court.
- The judge(s) of appeal will then decide your application for leave to appeal. If there is a hearing you will be advised of the date and time for the hearing and on the day you will have 15 minutes to argue your case and the respondent will have 10 minutes to argue their case unless the Court hearing the matter decides to allow you more time. If there is no hearing, the Registrar will advise you of the decision once it is made.
- If a single judge dismisses your application for leave, whether it was with or without a hearing, you may apply to two or more judges to set aside or vary the dismissal, unless the single judge also determined that your application was totally without merit. If the single judge made that determination you cannot apply to set aside or vary the dismissal and your matter is finalised in the Court of Appeal.
- If the judge(s) grant your application for leave to appeal they may want to hear argument on the appeal itself that same day, or they may set the appeal down for

hearing at a later date.

- You will always be advised how the Court has decided to consider your application.

6 Applications Other than for Leave to Appeal or to Set Aside or Vary Dismissal

If you want to file an application other than for leave to appeal, such as an application for stay or extension of time to file, you must file the following documents:

- Application form 64B.
- An affidavit in support.
- Submissions in support that do not exceed 5 pages.

You must also pay the application fee or submit a fee waiver application.

As with an application for leave to appeal, you must not serve the documents until they have been accepted for filing by the Registrar. Very often, but not always, your application will be listed with your application for leave to appeal. If you believe the application is urgent and should be heard before the leave application, you should advise the Registry.

If you are the respondent, in other words, if your opponent files an application for stay or for some other relief, then, within 14 days of being served with the application, you must file the following documents as a package:

- A notice of opposition together with any affidavit in support and submissions not exceeding 5 pages or a notice of intention not to respond or contest, if the application is not contested.

7 Fees and Fee Waivers

No appeal or application will be accepted for filing until the required fee is paid or a fee-waiver application is approved.

7.1 Fees

The current schedule of fees is as follows:

- Application for leave to appeal **\$3661.70**
- Interlocutory application (such as an application for stay) **\$853.20**
- Setting down fee, (including the first day of hearing fees) **\$2189.90**
- Hearing fees, for every day or part of a day **after the first day** **\$1450.40**

7.2 Fee Waiver Application

Under s 129(3) of the *Supreme Court Act 1986* the Prothonotary has the power to waive the payment of court fees if payment of the fee will cause financial hardship. To obtain this waiver you must file an application for waiver of court fees and affidavit of financial circumstances. (see the Fees section of the website for the fee waiver application form). Fee waiver applications require a thorough examination of a person's assets, liabilities, income and expenditures. You will have to provide evidence to support the financial details given in your application and affidavit. For example, you may be required to provide bank statements, pension card details (if applicable), details about any loans or shares, any assets currently owned and an individual's current employment status must all be made available.

If you are successful in having one fee waived, this does not mean any future fees are also waived. A new application is required for each fee that is payable.

8 Tips

The Court of Appeal, like any court, is a formal place. You should dress, act and speak accordingly. As a litigant, your role is to persuade the judges that your arguments are right. Here are some tips that you may find useful:

- Be courteous and respectful.
 - When you speak to a judge he or she should be referred to as 'Your Honour'. When addressing all of the judges at once, 'Your Honours' is the way to refer to them.
 - Do not make personal accusations against your opponents or the judge or Tribunal below.
 - Turn off any mobile phone or other electronic device when you are in court.
- Be on time for your hearing. If you fail to attend your hearing on the listed date, the matter may be considered in your absence and may be struck out. It is essential that litigants attend their hearing at the correct time and date.
- Stand up to speak in court. Listen to the questions that you are asked and answer them carefully and clearly. Make your points logically and plainly.
- If you do not understand something or do not hear a question, politely ask the judge to repeat or rephrase the question. The judges are

sensitive to the fact that you are representing yourself and will not be bothered if you do this.

- Study the evidence and material you have provided to the court and tell the Judge the page and paragraph numbers when referring to certain material. This is essential in appeal hearings where an appeal book has been provided. The appeal book contains the evidence upon which the judges have to make their decision.
- Do not speak to the judges outside the courtroom or send correspondence directly to them or to the Judicial Registrar. All enquiries or correspondence must be made directly to the Court of Appeal Registry.
- Details of the time of the hearing and courtroom are published in the Law List in The Age newspaper on the day of the hearing and on the Supreme Court website <www.supremecourt.vic.gov.au> after 4:00pm the day prior to the hearing.

9 Legal Assistance

9.1 Law Institute of Victoria

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

- Visit the following webpage, www.liv.asn.au/Referral, and follow the prompts;
- Telephone 03 9607 9550; or
- Contact the LIV via email at referrals@liv.asn.au.

The LIV is located at 470 Bourke St, Melbourne.

9.2 Victoria Legal Aid

We strongly encourage self-represented litigants to visit the Victoria Legal Aid (VLA) website, <http://www.legalaid.vic.gov.au>, or contact 1300 792 387 to get some free assistance on the legal telephone helpline.

VLA gives advice on a range of civil issues, including anti-discrimination matters, guardianship and administration matters, debt recovery, Centrelink and social security law issues.

VLA will not be able to help in areas such as business or commercial matters, work injuries, wills and deceased estates, pay disputes and defamation.

9.3 Community Legal Centres

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

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

For a list of CLCs and their relevant contact details, or other general information, please visit their website at www.fclc.org.au

9.4 Justice Connect

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

- Your matter has merit (a good chance of success);
- You are ineligible for legal aid;
- You meet a means test; and,
- Your matter has public interest.

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

9.5 Other Online Information

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

- The Law Handbook: Your Practical Guide to the Law in Victoria: www.lawhandbook.org.au/handbook.php

10 General Information

10.1 Court of Appeal Contact Information

The Court of Appeal Registry is located on Level 1, 436 Lonsdale Street, Melbourne. It is open from 9.30am to 4pm Monday-Friday, except public holidays.

- General phone: 03 9603 9100
- General fax: 03 9603 9111
- Email: coaregistry@supcourt.vic.gov.au

The Court of Appeal hears its cases in three courtrooms situated at 459 Lonsdale Street.

- The **Green Court** is located on the ground floor
- The **Red Court** is located on Level 1
- The **Blue Court** is located on Level 2

General information regarding the Court of Appeal can be found on the Supreme Court website <http://www.supremecourt.vic.gov.au>. Click on the Court of Appeal link and you will find some very helpful and accessible information.

10.2 Role of the Court of Appeal Registry

Registry Officers of the Court of Appeal cannot give you any legal advice. Registry Officers can only assist litigants by providing information and answering procedural and general enquiries.

10.3 Duty Barrister Scheme

Self-represented parties in the Court of Appeal may, depending on their circumstances, be provided with assistance from a barrister on a pro bono (no fee) basis under the Victorian Bar Duty Barristers' Scheme. If you wish to request assistance through the Scheme you must fill out the 'Authority to contact and request for referral to the Victorian Bar Duty Barristers' Scheme' form and return it to the Court of Appeal Registry. Before requesting assistance with a new appeal you should do your best to complete the application for leave to appeal, written case and other documents that are required to be filed.

10.4 Court Network

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

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

For more information, please visit their website at www.courtnetwork.com.au or call 03 9603 7433.

Court of Appeal – Supreme Court of Victoria

FORMS

- Form 64A Application for Leave to appeal documents
- Form 64B Application Other than for Leave to Appeal
- Authority to Contact the Duty Barristers Scheme



Rules 64.02, 64.03, 64.30, 64.31

FORM 64A

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

File No.

BETWEEN

Applicant

and

Respondent

APPLICATION FOR LEAVE TO APPEAL

Date of Document:

Filed on behalf of:

Applicant or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

Respondent's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

Details of additional parties (if any) are attached:

*YES/*NO

1. Decision from which the application for leave is made:

Judicial Officer:

*Court/*Tribunal:

Date of decision made:

*Court/*Tribunal file number:

Is the whole of the decision sought to be appealed or appealed?

[If no, state which part of the decision is sought to be appealed or appealed against].

2. Is leave to appeal required?

3. If leave to appeal is not required, state why:

4. Is an oral hearing of *leave application/*cross-application for leave requested?

5. Reasons for granting leave to appeal:

[If leave is required, set out specifically and concisely the reasons why leave should be granted]

1.

2.

6. Grounds or proposed grounds of appeal:

[Set out specifically and concisely the grounds or proposed grounds of appeal]

1.

2.

7. Orders sought:

8. Other applications:

9. Extension of time requested:

10. Stay applied for:

11. Is the application for leave or appeal urgent?:

12. Persons to be served with notice:

Please note that all of the following are to be filed with this form and that all must comply with the requirements of any applicable Practice Direction. An application for leave to appeal or appeal will not be able to be filed if any of the following are not included or do not comply:

- A written case.
- A list of authorities.
- A copy of the order sought to be appealed or appealed.
- A copy of the written reasons of the court or tribunal in respect of which the application for leave or appeal is made.
- A draft leave application book index or appeal book index.
- A draft summary for the Court of Appeal.

In addition, the applicable filing fee must be paid at the time of filing.

Date:

Signed

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

File No.

BETWEEN

and

APPLICATION FOR LEAVE TO APPEAL AGAINST

WRITTEN CASE FOR THE APPLICANT

1)

GROUNDS

Date:

Signed

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

File No.

BETWEEN

Applicant

and

Respondent

LIST OF AUTHORITIES

Date of Document:

Filed on behalf of:

Party's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

Part A

Part B

Part C

Date:

Signed

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

File No.

BETWEEN

Applicant/Appellant

and

Respondent

[APPLICATION/APPEAL] BOOK INDEX

Date of Document:

Filed on behalf of:

Party's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

List documents to be included in the relevant categories as set out below (re-letter the category if required). Note that categories A, B, G & H are essential.

A. Application for leave to appeal (or appeal)

Application for leave to appeal/
notice of appeal of claim [page]

Applicant's written case

Respondent's written case

Agreed summary

B. Reasons for Judgment

Reasons for judgment of [*Judicial Officer's name*]

**C. Authenticated Order from which application for leave to appeal or appeal is brought
Order**

D. Significant Documents

E. Process and Pleadings

Statement of claim

[page]

Defence

Reply

F. Affidavit Evidence (if any)

Affidavits

Affidavit of [*Deponent's full name*] sworn with exhibits/annexures:

[*list exhibits/annexures*]

G. Transcript

Witnesses

[*Witness' full name*]

Examination in chief

Cross-Examination

Re-Examination

[*Witness' full name*]

Examination in chief

Cross-Examination

Re-Examination

H. Relevant Portions of Court Book

I. Other Relevant Exhibits

Exhibits

Exhibit 1: [*description*]

(tendered at AB...)

J. Interlocutory Orders made on application for leave to appeal/appeal

Date

Signed:

[*Signature of lawyer/self-represented party*]

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

File No.

BETWEEN

Applicant

and

Respondent

SUMMARY FOR COURT OF APPEAL

Date of Document:

Filed on behalf of:

Party's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

A. Summary of Facts

B. Summary of Proceedings and Issues

Rules 64.03, 64.08, 64.10, 64.13, 64.38

FORM 64B

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

File No.

BETWEEN

Applicant/Appellant

and

Respondent

APPLICATION OTHER THAN LEAVE TO APPEAL

Date of Document:

Filed on behalf of:

*Applicant/*Appellant's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

Respondent's or lawyer's name and address:

Solicitor Code:

Tel:

Fax:

Ref:

Email:

Details of additional parties (if any) are attached:

*YES/*NO

TO: the Registrar

AND TO the respondent [*name and address*]

I wish to apply for the following order:

This application is made on the following grounds:

[insert as applicable]

Date:

Signed

*[Name of lawyer
/self-represented party]*

*delete if inapplicable.

Note:

An application other than for leave to appeal or cross-appeal must be filed with an affidavit and any additional documents required to be filed, at the time of commencing the application, by any applicable practice direction.

An application must be accompanied by the applicable filing fee.

Court of Appeal Registry
Supreme Court of Victoria
Level 1, 436 Lonsdale Street
Melbourne Victoria 3000
DX 210608 Melbourne
T: 03 9603 9100 F: 03 9603 9111
E: coaregistry@supremecourt.vic.gov.au
W: supremecourt.vic.gov.au



**Authority to contact and request for referral to the
Victorian Bar Duty Barristers' Scheme**

Name of person requesting referral to the Scheme	
Residential address	
Telephone number	
Email address	

I request the registry of the Victorian Court of Appeal (**the Court**) to submit this request for assistance to the Victorian Bar Duty Barristers' Scheme (**the Scheme**). A schedule of details of proceedings and assistance requested is attached.

I authorise the registry to provide my name, contact details, the nature of my proceeding before the Court, any documents filed in the Court and any other information necessary to facilitate the referral, to the Scheme.

I understand that the Scheme is a pro bono legal assistance scheme operated by the Victorian Bar, and confirm that I have exhausted all other avenues to obtain legal advice and representation for this matter.

I confirm that my financial position is such that I am unable to afford to retain a private solicitor and/or barrister to assist me.

I understand that the Scheme and any barrister who agrees to assist me operates independently of the Court and that the Court does not accept any responsibility for the operation of the Scheme or the barrister, including as to:

1. whether a referral results in the provision of legal assistance or representation;

2. the scope of any legal assistance or representation (for example, the scope may be more confined than requested and may not involve ongoing assistance or representation); and
3. the quality of any legal assistance or representation.

Signed by person requesting referral to the Scheme	
Name of person requesting referral to the Scheme (please print)	
Date	

Signed by witness	
Name of witness (please print)	
Position of witness (please print)	
Date	

SCHEDULE OF DETAILS OF PROCEEDINGS AND ASSISTANCE REQUESTED

PART A – DECISION APPEALED FROM	
Case name and number	
Court / tribunal	
Judicial officer	
Date of decision	

PART B – COURT OF APPEAL PROCEEDING	
Court of Appeal case name and number	S APCI
Hearing date (if known)	
Assistance requested (please select)	<p><u>Application for leave to appeal</u></p> <p><input type="checkbox"/> Advice on grounds of appeal / appeal prospects</p> <p><input type="checkbox"/> Advice on procedure</p> <p><input type="checkbox"/> Drafting application for leave to appeal / grounds of appeal</p> <p><input type="checkbox"/> Drafting written case / list of authorities</p> <p><input type="checkbox"/> Drafting summary for the Court of Appeal / application book index</p> <p><input type="checkbox"/> Representation at hearing</p> <p><u>Application other than for leave to appeal</u></p> <p>Specify what the application is for, eg. extension of time, stay, security for costs:</p> <p><input type="checkbox"/> Advice on application / application prospects</p> <p><input type="checkbox"/> Advice on procedure</p> <p><input type="checkbox"/> Drafting application other than for leave to appeal or notice in opposition and documents in support</p> <p><input type="checkbox"/> Representation at hearing</p>