

SUPREME COURT OF QUEENSLAND

PRACTICE DIRECTION 3 OF 2013

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PRACTICE DIRECTION 3 OF 2013

1. This Practice Direction, No 3 of 2013, replaces Practice Direction No 2 of 2010, which is now repealed. Regard must also be had to the *Uniform Civil Procedure Rules 1999* (Qld) Ch 18 r 744 – r 781 and the *Criminal Practice Rules 1999* (Qld) Ch 15 r 63 – r 121.

DEFINITIONS

2. Definitions of relevant terms are contained in paragraph 53 of this Practice Direction.

CALCULATION OF TIME

3. Subject to the rules and unless otherwise specified, for the purposes of this Practice Direction days which fall on weekends or public holidays are included in calculating time periods within which to file or lodge and serve court documents, but court holiday periods declared by a practice direction are not included.

POWER TO VARY TIMES AND GIVE DIRECTIONS

4. Whether or not on the application of any party to a proceeding, the Court, a judge of appeal or registrar may at any time:
 - a) extend or abridge times in relation to the filing and lodging of documents and material;
 - b) give or vary directions about matters relevant to this Practice Direction.

FORMAT OF DOCUMENTS FILED IN THE COURT OF APPEAL

5. Unless the Court, a judge of appeal or registrar directs otherwise, all written outlines of arguments and affidavit material must be printed double-sided on A4 paper in type face no smaller than 12 point in Times New Roman font or 11 point in Arial font and in no less than single line spacing.

INCORRECTLY INSTITUTED APPEAL

6.
 - (1) An appeal filed outside the relevant designated appeal period has not been correctly instituted as an appeal.
 - (2) The registry will not case manage such a proceeding unless an application for an extension of time is filed.
 - (3) If a proceeding is incorrectly instituted and the appellant does not apply to extend time, the Court or a judge of appeal may, whether or not on the application of a purported respondent, direct that the proceeding be listed for hearing in Court. Each party must have at least 2 clear days notice of the hearing date.
 - (4) At the hearing, the Court or a judge of appeal may strike out the proceeding or give directions or make other orders, including costs orders.

ELECTRONIC APPEALS

7. If a party considers an appeal should be conducted electronically, the party must inform the registrar and all other parties of that request at the time the appeal is commenced, or as soon afterwards as is practicable. The Court or a judge of appeal, whether or not at the request of a party, will determine when an appeal will be conducted electronically. The parties must then follow the directions given by the Court, a judge of appeal or registrar in preparing the matter for and conducting the hearing.

PARTY TO INFORM REGISTRAR OF MATTER RELEVANT TO THE HEARING

8. A party must inform the registrar in writing and as soon as practicable of any matters relevant to the listing of the proceeding, including but not limited to:

- a) in criminal proceedings, whether a child is a party to the appeal;
- b) whether there are other pending appeals said to involve similar legal issues;
- c) whether the order subject to appeal is an interlocutory (non-final) order;
- d) whether a party contends that:
 - (i) the appeal should be expedited; or
 - (ii) a previous decision of the Court should not be followed; or
 - (iii) the appeal raises a particularly important issue of law and, if so, what that issue is; or
 - (iv) the Court determining the appeal should be constituted by five judges; or
 - (v) any judge of appeal (including an acting judge of appeal who is ordinarily a Trial Division judge, other than the judge whose order is the subject of the appeal) has made adverse findings as to the credit of any party or for any other proper reason cannot hear the appeal.

FIXING THE HEARING DATE

9. The registrar must fix a hearing date for every proceeding. The hearing date may be fixed at any time convenient to the Court. In fixing the hearing date, the registrar will have regard to the requests of the parties and, where necessary, consult with the President or another judge of appeal. The decision of the registrar as to the hearing date is ordinarily final.

APPEAL DETERMINED ONLY ON EVIDENCE BEFORE COURT WHOSE ORDER IS SUBJECT TO APPEAL.

10. Subject to paragraphs 11, 33 and 40 of this Practice Direction, an appeal is heard and determined by the Court only on the record of the evidence given before the court or tribunal whose order is subject to appeal; any other evidence or material is irrelevant and cannot be relied upon at the appeal hearing.

APPLICATION TO ADDUCE FURTHER EVIDENCE

11. (1) Only in particular circumstances will the Court grant a party leave to adduce evidence which was not before the court which made the order subject to appeal.
- (2) If a party wishes the Court to consider evidence in an appeal which is not in the record of evidence before the court which made the order subject to appeal, the party must file and serve an application to the Court for leave to adduce such evidence. The party must also file and serve supporting affidavit material identifying the new or further evidence and why it was not placed before the court or tribunal whose order is subject to appeal. If this material exceeds 20 double-sided A4 pages, the registrar may require the applicant to place it in an indexed supplementary record book.
- (3) In criminal appeals, see paragraph 33 of this Practice Direction. In civil appeals, see the rules, r 766 and paragraph 40 of this Practice Direction.

WRITTEN OUTLINE OF ARGUMENT IN ALL CIVIL AND CRIMINAL PROCEEDINGS

Parties must lodge and serve written outline of argument

12. Unless otherwise provided by this Practice Direction or directed by the Court, a judge of appeal or registrar, each party to a proceeding must lodge and serve a written outline.

Purpose of outline

13. The purpose of the written outline of argument is:
- a) to assist the Court to a better understanding of each party's contentions before the hearing and to enhance the utility of oral argument at the hearing;
 - b) to ensure that each party is aware of the contentions of every other party; and
 - c) to shorten the hearing by ensuring the real issues are understood by the parties and the Court beforehand; it is not intended to replace oral argument at the hearing.

Format of outline

14. (1) In preparing a written outline of argument, parties:
- a) in criminal proceedings must have regard to paragraphs 34 - 36 of this Practice Direction;
 - b) in civil proceedings must have regard to paragraph 41 of this Practice Direction;
 - c) must refine the real issues in dispute in the appeal; and
 - d) must refrain from exaggeration or mis-statement.
- (2) Where appropriate, a party may include a chronology and/or a factual summary.
- (3) A respondent must not repeat accurate information contained in an appellant's written outline and must indicate what part, if any, of an appellant's written outline is accepted and what part is contested.
- (4) Any reply must indicate what part, if any, of a respondent's written outline is accepted.

- (5) Unless the Court, a judge of appeal or the registrar otherwise directs, a written outline (including any chronology or factual summary) must not exceed 10 pages; it will often be less than 10 pages. If a party is of the opinion that the party's written outline will substantially exceed 10 pages, the registrar should be informed. The Court may refuse to accept that part of a written outline which exceeds 10 pages.
- (6) The name(s) of the person(s) who prepared the written outline and on whose behalf it was prepared, and the date of its lodgement in the registry, must be stated at the end of the written outline.

Appellant's outline

15. An appellant's written outline of argument must:
- a) concisely state the grounds of appeal being argued and any grounds of appeal being abandoned;
 - b) identify any error or errors said to have been made by the court or tribunal whose order is subject to appeal and the basis in principle or authority for that contention;
 - c) where it is contended that a finding of fact should not have been made or that a finding of fact which was not made should have been made, set out the basis for that contention by reference to the evidence; and
 - d) where it is contended that the decision-maker whose order is subject to appeal erred in law, the precise error or errors of law and the basis in principle or authority for that contention.

Respondent's outline

16. A respondent's written outline of argument must:
- a) not repeat matters set out in an appellant's written outline;
 - b) clarify those matters which are not in dispute; and

- c) summarise the respondent's answers to an appellant's arguments, referring to the authorities relied on and the evidence for any factual assertions made, particularly if the facts relied on by an appellant are contested.

Number of copies of outline

17. Parties must lodge five copies of their written outline of argument with the registry and, in addition, serve one copy of it on each other party.

Supplementary outlines may be directed

18. The Court or judge of appeal may direct a party to expand on or supplement a written outline of argument by a further written outline.

Explanation for late lodgement of outline

19. (1) If a party lodges a written outline of argument after the date provided by this Practice Direction or directed by the Court, a judge of appeal or registrar, that party must lodge a written explanation in the registry.
 - (2) The explanation must include details of when the legal representative (if any) was instructed in the appeal, and the reason for the delay.
 - (3) The explanation may be contained either within the written outline or separately. If separately, the party must lodge five copies of the explanation in the registry and additionally serve a copy on each party.

ORAL ARGUMENT CONFINED

20. Unless the Court or a judge of appeal directs otherwise, a party's oral argument at the hearing of the appeal will ordinarily be restricted to issues raised in the written outline of argument. The Court may confine presentation of a party's oral argument to a specified time period.

APPEAL RECORD BOOK REQUIRED IN ALL CIVIL AND CRIMINAL APPEALS

21. An appeal record book must be lodged in all civil and criminal appeals unless otherwise provided by this Practice Direction or directed by the Court, a judge of appeal or registrar. An electronic copy of the appeal record book in searchable PDF format must also be prepared, unless a registrar directs otherwise.

PROVISION OF AUTHORITIES IN CIVIL AND CRIMINAL PROCEEDINGS

22. (1) In all civil and criminal proceedings, where parties rely on cases or legislation, they must lodge and serve a copy of their list of authorities at the time they lodge and serve their outlines of argument. The list must contain a Part A and may contain a Part B. Part A must list all cases and legislative provisions upon which the party definitely intends to rely at the hearing. Part B must list all other cases and legislative provisions to which the party might refer, but upon which the party will not necessarily rely. The list of authorities must state the name of the party lodging the list.
- (2) Parties are strongly encouraged to avoid duplication.
- (3) No later than 2 clear days prior to the hearing, applicants or appellants must lodge three copies of each authority and legislative provision in their Part A list but should not provide copies of the authorities and legislative provisions in their Part B list.
- (4) No later than 2 clear days before the hearing, respondents must lodge three copies of each authority and legislative provision in their Part A list not included in the applicants' or appellants' copies. Respondents should not provide copies of the authorities and legislative provisions already provided by the applicants or appellants, or those in the respondents' Part B list.

- (5) The copies of the Part A authorities and legislative provisions may be printed double-sided but must be legible.
- (6) If a party informs the registrar in writing that the party will suffer financial hardship in supplying copies, the registrar may waive the requirement to provide them.
- (7) Parties in criminal proceedings should see paragraph 37 of this Practice Direction.

TELEPHONE AND VIDEO LINKS

- 23. Where the Court considers it appropriate, a party to a proceeding may appear before or make oral submissions to the Court by telephone or video link.
- 24. A party requesting to use telephone or video link facilities at the hearing must apply to do so in writing to the registrar, no less than 2 clear court days prior to the hearing. The application must set out the reasons for the request. The registrar will advise the parties prior to the hearing if it is to be conducted in full or in part by way of telephone or video link facilities.

DISMISSAL OF PROCEEDING FOR NON-COMPLIANCE

- 25. Failure to comply with any part of this Practice Direction, or with orders or directions given by the Court, a judge of appeal or registrar, may result in the listing of the proceeding for further orders or directions, whether or not on the application of a party. Under the *Supreme Court of Queensland Act 1991* (Qld) or the rules, the Court or a judge of appeal may:
 - a) strike out the proceeding; and/or
 - b) order costs against any party at fault; and/or
 - c) give such directions or make any other appropriate order.

DETERMINATION OF PROCEEDING ON WRITTEN MATERIAL ONLY

26. A party may apply to have a proceeding determined without that party appearing at an oral hearing. If the Court or a judge of appeal directs, a party may present argument solely in writing.

ORDER WHERE A PARTY DOES NOT APPEAR AT THE HEARING

27. (1) If a party who has been informed of the hearing date of a proceeding does not appear and has not applied to have the appeal determined on written material only, the Court or a judge of appeal may:
- a) if the party is an appellant, dismiss the proceeding; or
 - b) determine the proceeding on the material at the hearing; or
 - c) adjourn the proceeding.
- (2) The Court or a judge of appeal may order costs.

WRITTEN SUBMISSIONS AND MATERIAL NOT TO BE FILED AFTER HEARING

28. Unless a Court or a judge of appeal directs otherwise, a party may not lodge written submissions or file material after the oral hearing of a proceeding. If a party considers the interests of justice or ethical obligations require that further submissions or material be received, the party may file and serve an application to lodge further submissions and file material, setting out why the material should be received and its effect. The application may be determined without an oral hearing.

APPLICATION FOR AN INDEMNITY CERTIFICATE

29. An application to the Court for an indemnity certificate under the *Appeal Costs Fund Act 1973 (Qld)* must be made either orally at the appeal hearing or by way of a written

outline of argument filed in the registry within 14 days of the delivery of the judgment of the Court. Any such application and supporting written outline must not exceed 2 A4 pages.

CRIMINAL PROCEEDING

Case management timeline in criminal appeal

30. Unless otherwise directed by the Court, a judge of appeal or registrar:
- a) the appellant's outline of argument must be lodged and served 28 days prior to the hearing date;
 - b) the respondent's outline of argument must be lodged and served 14 days prior to the hearing date;
 - c) parties must lodge lists and copies of relevant authorities and legislation in accordance with paragraphs 22 and 37 of this Practice Direction, no less than 2 clear court days prior to the hearing.

Registry to prepare appeal record book in criminal appeal

31. Unless a registrar directs otherwise, in criminal appeals and appeals under the *Mental Health Act 2000 (Qld) Ch 8 Pt 2* the registry will prepare the required copies of the appeal record book, including an electronic copy in searchable PDF format.

Contents of the appeal record book in criminal appeal

32. Parties are encouraged to reach agreement as to the contents of the appeal record book in criminal appeals. Care should be taken to ensure all relevant transcript is included in the appeal record book. If the parties agree that it is unnecessary to include in the appeal record book all the transcript of evidence, documentary exhibits and judge's summing-up, or if additional material must be included in the appeal record book (for

example, pre-trial hearing transcript or addresses of counsel), the parties must inform the registrar within 14 days of the commencement of the appeal.

Application to adduce further evidence in criminal proceeding

33. (1) A party in a criminal proceeding who wishes to adduce evidence not before the court or tribunal whose order is subject to appeal, must make an application as required by paragraph 11 of this Practice Direction.
- (2) The party must, as soon as practicable and at least 28 days before the hearing date, file in the registry and serve on each party a Form 38 "Application for leave to adduce evidence" under the rules, together with affidavit material containing or supporting that evidence and explaining why the further evidence was not called at trial and why the Court should now receive it.

Written outline of argument in criminal appeal

34. (1) The written outline of argument in criminal appeals must:
- a) when alleging errors in a ruling or a jury summing-up, set out the corresponding appeal record book page references;
 - b) when referring to the evidence at trial, set out the corresponding appeal record book page references; and
 - c) subject to paragraphs 11 and 33 of this Practice Direction, the written outline must refer only to the evidence given at trial; evidence given at the committal proceedings cannot be considered by the Court unless, and only to the extent that, the evidence at the committal proceedings was in evidence at the trial.
- (2) Where it is alleged the jury verdicts are inconsistent, unreasonable or not supported by the evidence:

- a) the appellant's written outline of argument should set out, where possible, the particulars given by the prosecution and a summary of all relevant evidence, with appeal book references;
- b) the respondent's written outline of argument should indicate what parts of the appellant's written outline it accepts and rejects and provide relevant appeal book references.

Written outline of argument in application for leave to appeal against sentence or to extend time to apply for leave to appeal against sentence

35. In an application for leave to appeal against sentence or an application for an extension of time within which to apply for leave to appeal against sentence, the first paragraph of the written outline of argument must include a short statement of the reason(s) said to justify the granting of leave.

Written outline of argument in application to extend time to appeal

36. In an application for an extension of time to appeal against conviction or to apply for leave to appeal against sentence, the first paragraph of the written outline of argument must state the reason(s) for the delay and why the extension of time should be granted.

List of authorities in criminal proceeding

37. In criminal proceedings, parties need not provide copies of Part A authorities which are reported in the Commonwealth Law Reports or the Queensland Reports or of legislation which is contained in Carter's Criminal Law of Queensland (looseleaf service) volumes 1-3.

Abandonment of criminal appeal

38. (1) Appellants in a criminal proceeding other than those under s 118(3) *District Court of Queensland Act 1967* (Qld) may abandon their appeal by signing (either personally or through their legal representative) and filing a Form 30 "Notice of

abandonment of appeal or application" under the *Supreme Court of Queensland Act* 1991 (Qld) and the rules. The notice of abandonment may be filed in the registry by facsimile or post.

- (2) In criminal proceedings under s 118(3) *District Court of Queensland Act* 1967 (Qld), the parties may abandon their appeal in accordance with paragraph 51 of this Practice Direction.

CIVIL PROCEEDING

Case management timelines in civil appeal

39. Unless otherwise directed by the Court, a judge of appeal or registrar:

- a) an appellant must lodge and serve a written outline of argument and a draft index to the appeal record book within 28 days of commencing the appeal;
- b) a respondent must lodge and serve a written outline and response to an appellant's draft index within 21 days of service of the appellant's written outline on the respondent;
- c) an appellant may lodge and serve a written outline in reply within 7 days of service of the respondent's written outline;
- d) subject to paragraph 42 of this Practice Direction, an appellant must lodge an appeal record book index agreed to by the parties within 10 weeks of commencing the appeal;
- e) an appellant must lodge a civil appeal record book and serve a copy on each other party within 12 weeks of commencing the appeal;
- f) once the civil appeal record book is lodged, each party must amend its written outline, but only to include accurate and comprehensive appeal record book page references. Parties must lodge in the registry four copies

of this amended written outline and serve a copy on each other party 14 days after the lodging of the appeal record book;

- g) each party must lodge the list of authorities and the copies of the Part A authorities (or an agreed bundle of authorities) in accordance with paragraph 22 of this Practice Direction no fewer than 2 clear court days prior to the hearing.

Application to adduce further evidence in civil proceeding

40. (1) A party in a civil proceeding who wishes to adduce evidence not before the court or tribunal whose order is subject to appeal, must make an application as required by paragraph 11 of this Practice Direction.
- (2) A party must file and serve the application together with supporting affidavit material as soon as practicable after commencing the appeal.

Written outlines of argument in civil appeal

41. (1) Unless otherwise directed by the Court, a judge of appeal or registrar, each party to a civil proceeding must lodge and serve a written outline of argument in accordance with paragraphs 12 – 19 of this Practice Direction.
- (2) In the case of an application for leave to appeal, the first paragraph of the written outline must include a short statement as to why it is said that leave should be granted, addressing any legislative provisions relevant to the granting of leave (for example, s 4.1.56 *Integrated Planning Act 1997 (Qld)* (repealed), s 498 *Sustainable Planning Act 2009 (Qld)* or s 74 *Land Court Act 2000 (Qld)*).
- (3) In the case of an application for an extension of time to either appeal or for leave to appeal, the first paragraph of the written outline must address the reason for the delay and why time should be extended.

Parties must agree on an index for appeal record book in civil appeal

42. The parties must agree on the contents of a concise index of material to be included in the appeal record book. The index must list only material relevant to the Court's determination of the appeal and must be approved by the registrar. Where the parties do not agree on the contents of the index, the registrar will settle its contents.

Appellant to prepare civil appeal record book

43. The appellant will prepare all copies of civil appeal record books, including an electronic copy in searchable PDF format, except where an order has been made under r 759 of the rules or the Court, a judge of appeal or registrar otherwise directs.

Contents of the appeal record book in civil appeal

44. The appeal record book must:
- a) have an index to all volumes (if more than one) of the appeal record book at the beginning of each volume. The index must describe succinctly each document in terms sufficient to identify it, including each annexure and exhibit attached to another document, and give the page number(s) for each document, including each annexure and exhibit;
 - b) contain only the items listed in the index. Duplication of material in the appeal record book must be avoided;
 - c) not contain the written outlines of argument lodged in the registry for consideration by the Court;
 - d) comply with the "Court of Appeal Guidelines for Preparation of Civil Appeal Record Books" (These guidelines are available from the registry or online at www.courts.qld.gov.au); and
 - e) ordinarily include:

- (i) the reasons for judgment, but if there are no reasons for judgment, a statement to that effect and a copy of the latest pleadings or their equivalent;
- (ii) the order of the court or tribunal subject to appeal;
- (iii) relevant transcript, exhibits, reports, records or other material directly relevant to the Court's consideration and determination of the appeal; and
- (iv) any other relevant material.

Court may order costs when civil appeal record book contains unnecessary material

45. The Court may make a costs order against any party who is responsible for the inclusion of irrelevant or unnecessary material in the appeal record book.

Required copies of civil appeal record book

46. The appellant must lodge three copies of the civil appeal record book with the registry and serve an additional copy on each party to the appeal. An electronic copy of the civil appeal record book in searchable PDF format must also be prepared and lodged, unless the registrar directs otherwise.

Special requirements for application to extend time in civil proceeding

47. (1) An applicant in a civil proceeding for an extension of time to either appeal or to apply for leave to appeal must file a Form 69 "Application to Court of Appeal" under the rules, and supporting affidavit material setting out:
- a) any reason for the delay;
 - b) why time should be extended;
 - c) whether any prejudice might result to a respondent because of the delay;
- and exhibiting:

- (i) the reasons for judgment, but if there are no reasons for judgment, a statement to that effect and a copy of the latest pleadings or their equivalent;
 - (ii) the order of the court or tribunal subject to appeal;
 - (iii) a copy of the proposed Form 64 "Notice of Appeal" to the Court of Appeal; and
 - (iv) any other relevant material.
- (2) The application and the affidavit material in support of it must be included in an appeal record book prepared in accordance with paragraphs 21 and 42-46 of this Practice Direction.

Special requirements for application for leave to appeal in civil proceeding

48. (1) An applicant for leave to appeal must file a Form 69 "Application to Court of Appeal" under the rules and supporting affidavit material in support of it setting out the reasons said to justify the granting of leave and exhibiting:
- a) the reasons for judgment, but if there are no reasons for judgment, a statement to that effect and a copy of the latest pleadings or their equivalent;
 - b) the order of the court or tribunal subject to appeal;
 - c) a copy of the proposed Form 64 "Notice of Appeal" to the Court of Appeal; and
 - d) any other relevant material.
- (2) An application for leave to appeal which is limited by legislative provision to an error of law or jurisdictional question (for example, under ~~s 4.1.56 *Integrated Planning Act 1997 (Qld) (repealed)*~~, s 498 *Sustainable Planning Act 2009 (Qld)* or s 74 *Land Court Act 2000 (Qld)*), (or an application for an extension of time within which to apply for leave to appeal under such a provision) must contain a short

statement of the reasons said to justify the granting of leave. That statement must include what is said to be the relevant error or mistake in law, if any; or why the court had no jurisdiction to make the order subject to appeal; or why the court exceeded its jurisdiction in making the order subject to appeal.

- (3) The application and the supporting affidavit and material must be included in an appeal record book prepared in accordance with paragraphs 21 and 42-46 of this Practice Direction.

Registrar may refuse to accept a civil appeal record book which does not comply with this Practice Direction

49. The registrar may refuse to accept a civil appeal record for lodging if it does not comply with this Practice Direction, the relevant guidelines or the directions of the Court, judge of appeal or registrar.

Civil application to a single judge of appeal

50. Each party to a civil application to be heard and determined by a single judge of appeal is to prepare material in accordance with the directions and time frames provided by the registrar.

Registrar may provide copies of material for inclusion in an appeal record book or material for the Court

- 50A A party may make a written request to the registrar to provide a copy of a document, exhibit or subpoenaed material, not in possession of the party but in the possession of the registrar, for inclusion either in the appeal record book or in material for the consideration of the court or a judge of appeal. Upon payment of the fees prescribed for the copying of court records under Sch 1 *Uniform Civil Procedure(Fees) Regulation* 2009 (Qld), the registrar may supply the requested copy or copies to the party.

Finalisation of civil proceeding prior to hearing date

51. An appellant may finalise a civil proceeding prior to the hearing date by filing a notice of dismissal in Form 68 "Agreement to dismiss appeal" under the rules. The form must be signed by all parties to the appeal.

Submissions on costs of civil proceeding

52. (1) Subject to subsection (2), parties wishing to make submissions on costs must do so in their written outlines of argument and/or orally at the hearing.
- (2) Parties wishing to make submissions or further submissions on costs after the hearing must apply for leave to do so in their written outlines of argument and/or orally at the hearing.
- (3) Where an application made pursuant to subsection (2) is granted, submissions or further submissions on costs must be made in writing within 7 days of the date on which the reasons for judgment are published unless otherwise ordered by the Court, judge of appeal or registrar.
- (4) The submissions must not exceed 2 A4 pages unless otherwise ordered by the Court, judge of appeal or registrar.

DEFINITIONS

53. In this Practice Direction, the following definitions apply unless the context otherwise indicates:

"appeal" includes appeals; cases stated; references of points of law; applications for leave to appeal; applications to extend time to appeal or to apply for leave to appeal and other applications other than applications to a single judge of appeal. Where the context requires, "appeal" may include a cross-appeal and a cross-application for leave to appeal.

"appeal record book" is the compilation of material relevant to the appeal to which the parties will refer in the appeal and upon which the appeal will ordinarily be determined.

"appellant" is the party initiating the appeal. Where the context requires it, "appellant" may include cross-appellant and cross-applicant for leave to appeal.

"Court", other than the court whose order is the subject of the appeal, is the Court of Appeal.

"guidelines" are the Court of Appeal guidelines and information sheets available from the registry or on the Court of Appeal web page at www.courts.qld.gov.au.

"index" is the detailed list of contents of the appeal record book.

"judge of appeal" includes the Chief Justice, the President of the Court of Appeal and an acting judge of appeal.

"President" is the President of the Court of Appeal.

"proceeding" includes an appeal and an application to the Court of Appeal or a judge of appeal.

"registry" is the Brisbane registry of the Supreme Court of Queensland where Court of Appeal forms and documents are filed and lodged.

"respondent" is any party to a proceeding other than the appellant, but includes a respondent who is also a cross-appellant or cross-applicant. Where the context requires it, "respondent" may include the respondent to a cross-appeal or cross-application.

"rules" are, in the civil context, the *Uniform Civil Procedure Rules 1999 (Qld)*; and, in the criminal context, the *Criminal Practice Rules 1999 (Qld)*.

A handwritten signature in black ink, reading "Paul de Jersey". The signature is written in a cursive style with a large, prominent initial 'P'.

Paul de Jersey
(Chief Justice)
19 March 2013