

COURT OF APPEAL

Guidelines for preparation of a civil appeal record book

What is a record book?

A record book is required for all civil appeals and all applications for leave to appeal or extension of time to appeal.

A record book contains copies of the documents used at the original hearing which are directly relevant to the issues to be considered and determined in the appeal.

Preparation of the record book must commence immediately after the notice of appeal (or application) has been filed in the Court of Appeal Registry. It is especially important to order the transcript immediately to ensure it is available in time. A late record book may result in the hearing being delayed. Significant delay in the preparation of the record book may lead to the appeal being struck out.

Who prepares the book?

The appellant or applicant must prepare the book, unless it has been ordered that the Registry prepares it. There are private companies that specialise in record book preparation.

An individual may, because of their financial circumstances, apply to the Registrar for an order that the Registry prepare the book at no cost to them. Refer to the attached application form.

Applicable rules and practice direction

- Rules 758 and 759, [Uniform Civil Procedure Rules 1999](#)
- [Practice Direction 3 of 2013](#).

Contents

Index

The index to the record book must be approved by the Registrar before the book is prepared. This must be done within 10 weeks of filing the notice of appeal or application unless otherwise directed.

The index must describe each document, as well as any annexures or exhibits attached to the document. Do not include identical documents more than once, although a reference to the relevant page number should be included in the index. Refer to the attached example of an index.

The appellant must send the draft index to the respondents and the Registrar with their outline of argument. The respondent makes any required alterations to the index and returns it to the appellant. The agreed index is then sent to the Registrar for approval with a letter confirming that the parties agree. If the index cannot be agreed after negotiation, the appellant must provide copies of any correspondence so the Registrar can decide on the contents.

Documents

Documents to include:

- those documents from the original hearing which are directly relevant to the issues on appeal
- a copy of the sealed order and the reasons for judgment from the primary court
- a copy of the notice of appeal (or application to the Court of Appeal)
- the transcript of the hearing
- relevant affidavits and exhibits
- the originating document and any pleadings
- the sealed order and reasons for judgment.

Outlines of argument in relation to the appeal must not be included.

The Court may make a costs order against any party who is responsible for the inclusion of irrelevant material.

Pages

- Number every page clearly and consecutively in the bottom centre of each page
- Number the index in lower case Roman numerals
- Number the contents in Arabic numerals
- Print pages double-sided throughout.

Cover sheet

The volume one cover sheet must be on powder blue cardboard. The cover sheet to volume two and any subsequent books must be on white or cream cardboard.

The cover sheet at the front of each volume must include:

- the court heading at the top
- the words 'Record Book' midway
- the volume number and page range contained in the volume (if there is more than one volume to the record book)
- the name of each party's legal representative and their business address, telephone and fax numbers at the bottom.

Binding

- Volumes should be no more than 30mm in thickness (approximately 250 pages)
- Whilst there can be more than one volume, multiple small books will not be accepted, e.g. four books each containing 60 pages should be bound into one book
- Each volume must contain the complete index
- Plastic covers must not be used
- Binding must be secure and not obscure any text
- Velobind, comb or like binding will be accepted. Spiral binding will not be accepted.

The Court of Appeal Registry offers a binding service using Velobind. The current fees are listed in the [Uniform Civil Procedure \(Fees\) Regulation 2019](#) or contact the Registry.



Copies required

- A hard copy must be served on every other party to the appeal
- Three hard copies of the record book must be lodged in the Registry
- A scanned copy of the record book must also be lodged in the registry:
 - saved to a CD/DVD as one PDF document (i.e. using Adobe Acrobat)
 - must be text searchable
 - include the index and be an exact replica of the physical copy
 - use electronic page numbers that reflect the page numbers in the hard copy with the index numbered in Roman numerals and the contents in Arabic numerals.

Timeframes

- The record book must be filed and served by the appellant or applicant within 12 weeks of filing the notice of appeal or application. The Registrar may refuse the filing of books which fail to comply with these guidelines and [Practice Direction 3 of 2013](#).

For more information

- [Practice Direction 3 of 2013](#)
- [Uniform Civil Procedure Rules 1999](#) (particularly Chapter 2 Part 4 and Chapter 18 Part 2)
- [Uniform Civil Procedure \(Fees\) Regulation 2019](#)
- [Supreme Court of Queensland Act 1991](#) and [Civil Proceedings Act 2011](#)
- [Civil case management process](#) information sheet
- [Queensland Courts website](#).

Court of Appeal Registry

Business address	Ground floor, QEII Courts of Law 415 George Street, Brisbane
Postal address	PO Box 15167 City East QLD 4002
Telephone	1800 497 117
Document filing	The Registry accepts documents for filing 8.30am–4.30pm, Monday to Friday. Outside of these hours, apply for a late opening via Law Courts Security (07) 3738 7743. Advise Security of your direct contact details and the urgency to file documents after hours. Security will contact the rostered Registrar who will decide whether to allow or disallow the late opening. Fees apply for late openings.

Application for preparation of Record Book by Registry

**COURT OF APPEAL
SUPREME COURT OF
QUEENSLAND**

CA NUMBER:

Appellant/applicant:

(Insert Name)

AND

Respondent:

(Insert Name)

Application for preparation of Record Book by registry

I

..... of..... apply under Rule 759 to have the Record Book prepared by the registry at no cost to me because of my financial position.

I undertake to pay the Record Book fees to the registrar if I am successful in the appeal/application and costs are awarded in my favour.

Filed by: Name:

Address:

.....

Phone No



Part A – Complete if holder of relevant card or entitlement

Proof in the form of a certified copy of a relevant card, statement, or confirmation letter to support the category you select must be supplied with this application.

Description	Please tick
The holder of any of the following cards under the <i>Social Security Act 1991</i> (Commonwealth)—	
• A current health care card	
• A current pensioner concession card	
• A current Commonwealth seniors health card	
The holder of a current repatriation health card or repatriation pharmaceutical benefits card issued by the department administering the <i>Veterans' Entitlements Act 1986</i> (Commonwealth) or the <i>Military Rehabilitation and Compensation Act 2004</i> (Commonwealth)	
Receiving youth allowance, Austudy payments or a benefit under the ABSTUDY scheme under the <i>Social Security Act 1991</i> (Commonwealth)	
A person granted legal aid in respect of the proceedings	

If you have ticked any of the above items, please proceed to part C.

Part B – Complete if you have NOT completed Part A

Occupation:	
Employer:	
Marital Status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> de facto <input type="checkbox"/> separated	
Dependents: <input type="checkbox"/> wife/husband/de facto <input type="checkbox"/> _____ (# of) dependent children <input type="checkbox"/> other	

Funds	
Cash on Hand	\$
Current bank Balance	\$
A: Total Funds	\$

Household Income Details	
Income (net)	\$ per fortnight
<input type="checkbox"/> Wage/salary <input type="checkbox"/> Benefit	\$
Income from investments	\$
Income from rent	\$
Other income (please state)	\$
B: Total Income:	\$

Household Expenditure Details	
Expenditure	\$ per fortnight
Rent/board	\$
Mortgage repayment	\$
Maintenance for dependents	\$
Food	\$
Telephone	\$
Water	\$
Rates	\$
Court orders	\$
Utilities (electricity/gas)	\$
Other (please state)	\$
C: Total Expenditure:	\$



Grounds of Financial Hardship

If you wish to provide further information to show financial hardship please attach a separate statement.

Part C

VERIFICATION OF STATEMENT

I of ,
.....
(Full name) *(residential or business address/ place of employment),* *(occupation or description)*

states on oath [*or: solemnly and sincerely affirms and declares*]:

The information set out in this statement, and any other attached statement, is true and correct to the best of my knowledge and belief. Where I have given an estimate in this statement or any other attached statement, it is given in good faith to the best of my knowledge and belief.

Sworn [*or: affirmed*] by on at in the presence of:

(Signature of Deponent)

(Signature of person taking statement)

.....

.....

(Full name of Deponent)

(Full name and Qualification of Witness)

.....

.....

Deponent

.....

[Witness to insert following statement only if required (see R.433(1) and (2) UCPR): who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit OR who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it]

WARNING:

- A person who makes a verified statement that the person knows is false in a material particular when the person is required by law to make the statement in the form of a verified statement commits a crime. **Maximum penalty - 7 years imprisonment. s.193 Criminal Code.**
- A person who makes a declaration that the person knows is false in a material particular, whether or not the person is permitted or required by law to make the declaration, before a person authorised by law to take or receive declarations, commits a misdemeanour. **Maximum penalty - 3 years imprisonment. s.194 Criminal Code.**

OFFICE USE ONLY

DATE:

ORDER: The registry is to prepare the Record Book at no cost to the individual.

SIGNED: (Deputy Registrar)



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IN THE COURT OF APPEAL
SUPREME COURT OF QUEENSLAND

CA (file number)
PCF number:(file number)

NELIE AVERING (RESPONDENT) APPELLANT
LYNNE ALLEN (PLAINTIFF/APPLICANT) RESPONDENT

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