

Court of Appeal guidelines for preparation of Civil Appeal Record Books

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. However not all documents are necessary – only those 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.

Applicable Rules and Practice Direction

[Rules 758 and 759 Uniform Civil Procedure Rules 1999](#) and [Court of Appeal Practice Direction 3 of 2013](#) are applicable.

The Index to the Record Book

The Index to the Record Book must be approved by the registrar before the Record Books are prepared. This must be done within ten 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. Identical documents do not have to be included in the appeal Record Book more than once, although a reference to the relevant page number should be included in the index.

An example of an Index is attached to this Information Sheet.

The appellant must send a 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.

What to include

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

Those documents from the original hearing which are directly relevant to the issues on appeal are to be included in the Appeal Record Book.

A copy of the sealed **order** and **the reasons for judgment** from the primary court, and a copy of the **Notice of Appeal** must also be included in the Record Book.

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

The types of documents generally included are the transcript of the hearing, relevant affidavits and exhibits, the originating document and any pleadings, the sealed order and reasons for judgment, and a copy of the Notice of Appeal (or Application to the Court of Appeal).

Page numbering

Every page must be numbered clearly and consecutively at the bottom of each page and centred. The index must be numbered in lowercase Roman numerals. The contents of the record book must otherwise be numbered in Arabic numerals.

The pages must be printed double sided throughout the record book.



Binding

Volumes should be no more than 30 mm in thickness (approximately 250 pages).

There can be more than one volume however multiple small books will not be accepted. For example, four books each containing 60 pages should be bound into one book.

Each volume must contain the complete Index

Binding must be flat and secure. Only Velo-bind or like binding will be accepted. Care needs to be taken to ensure that the binding does not obscure any text. Record Books bound with spiral binding **will not** be accepted.

The registry offers a binding service using Velo-bind. The current fees are accessible by viewing the [Uniform Civil Procedure \(Fees\) Regulation 2009](#) or alternatively by contacting the registry.

Cover sheet

A cover sheet must appear at the front of each volume of the Record Book.

The cover sheet should include:

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

The cover sheet should be on white or cream cardboard. Plastic covers must not be used.

How many copies are required?

Three hard copies of the Record Book must be lodged in the registry for Court use. A hard copy must be served on every other party to the appeal.

A scanned copy of the Record Book must also be lodged in the registry. The scanned copy must be saved to a CD/DVD as one PDF document (i.e. using Adobe Acrobat) and **must be text searchable**. The scanned version must include the Index and be an exact replica of the physical copy provided to the Court.

Electronic page numbers of PDF Record Books must reflect the page numbers in the hard copy

Record Books; the electronic numbers must be adjusted so that the index is numbered in Roman numerals and the contents of the record book in Arabic numerals.

Time for preparing Record Book

The Record Book must be filed and served by the appellant or applicant within twelve weeks of filing the Notice of Appeal or Application.

The registrar may refuse the filing of Appeal Record Books which fail to comply with these guidelines and [Court of Appeal Practice Direction 3 of 2013](#).

Who prepares the Record Book?

The appellant or applicant must prepare the Record Book unless it has been ordered that the registry prepare it.

There are a number of private companies specialising in Record Book preparation, such as Law in Order Document Management, and Brisbane Courtbook Services.

Application for the registry to prepare the Record Book

An individual may because of their financial circumstances apply to the registrar for an order that the registry prepare the Record Book at no cost to them.

A form to use for this application is attached to this Information Sheet.

Where else can I go for information about Appeal Record Books, Civil Appeals, and Civil Applications?

- [Court of Appeal Practice Direction 3 of 2013](#);
- [Uniform Civil Procedure Rules 1999](#) (particularly Chapter 2 Part 4, and Chapter 18, Part 2);
- [Supreme Court of Queensland Act 1991](#) and [Civil Proceedings Act 2011](#);
- [Queensland Courts Website](#).

Court of Appeal Registry

Telephone: 07 3247 4313

Postal Address: PO Box 15167
City East QLD 4002

NELIE AVERING (Defendant) **Appellant**

LYNNE ALLAN (Plaintiff) **Respondent**

INDEX TO RECORD

No.	Document	Date	Page
TRANSCRIPT OF PROCEEDINGS			
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COURT OF APPEAL DOCUMENTS			
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NOTE: If the matter is an Application for leave to appeal, or an Application for an extension of time to appeal, substitute 8 9 & 10 with the following :

COURT OF APPEAL DOCUMENTS

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Example

**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

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

Please note: This publication was produced prior to the current government.