



Where can I get information about the Court of Appeal procedures?

The *Supreme Court (Court of Appeal) Rules 2005* set out the procedures to be followed for all matters filed in the Court of Appeal. The Court of Appeal Rules are available under the links page on the Supreme Court website. If you have questions about a particular point, you may speak to the Court of Appeal Office.

Where do I start?

Most applications in the Court of Appeal are commenced by filing an Appeal Notice (Form 1 or 2). You can get a copy of the form from the Court of Appeal website or at the Court of Appeal Office. The forms are available on the website as Word documents. You will need to complete the forms properly before they will be accepted for filing.

How long do I have to lodge the form?

There are strict time limits which govern when appeals may be lodged. In general, under the *Court of Appeal Rules* parties have 21 days from the date of the decision to lodge the appeal notice. However, if an appeal is interlocutory, the time limit is 14 days. Some legislation provides different time limits. For example, under s 254(4) of the *Workers' Compensation and Injury Management Act 1981*, the time limit is 28 days. You must check the legislation that creates your right of appeal for the correct time limit.

If the notice is not lodged in time, you must seek an extension of time within which to lodge the appeal notice. If you are seeking an extension of time when you file your appeal notice, the appeal notice must be accompanied with an affidavit in support of the application for an extension.

What are the fees?

Fees are payable when you take certain steps in an appeal. Schedule 1 to the *Supreme Court (Fees) Regulations 2002* outlines the fee structure.

You may be eligible for a fee reduction. Some examples of a reason why the fees may be reduced are:

- You are the holder of a concession card;
- You have been granted legal aid in respect of the appeal.

Where do I lodge the documents?

The documents are lodged at the Court of Appeal Office in the Supreme Court Building, Stirling Gardens, Barrack Street, Perth. The office is open between 9 am and 4 pm Monday to Friday, except for public holidays.

If you are lodging a document less than 20 pages long and you are not required to pay a fee for lodging that document, you may file the document by fax.

Documents which attract a fee are not taken to be filed until the fee is paid or a fee reduction has been approved. Simply lodging the documents is not sufficient if there is a fee also due.



How does the other party get my documents?

The Court of Appeal Rules require you to serve any document filed on the other parties to the appeal. The Court does not do this for you. You will need to file a Service Certificate (Form 3) with the Court once you have served the documents.

The other parties must serve copies on you of any documents they lodge with the Court. The Court does not provide you with copies of their documents. Order 72 of the *Rules of the Supreme Court 1971* deals with the service of documents.

It is not the practice of the Court of Appeal to provide stamped copies of appeal notices to parties.

What do I have to do now?

The Court of Appeal Office will send you a letter outlining the next steps in the appeal once the Appeal Notice is filed.

You will need to file an Appellant's Case (Form 7) within 35 days of lodging the Appeal Notice. If your appeal is an interlocutory appeal you will need to file the Appellant's Case within 14 days. Rule 32 sets out what you must put in your Appellant's Case. The Appellant's Case is the argument that you will be putting to the Court of Appeal in support of your appeal.

The respondent is given an opportunity to respond to your case by filing a Respondent's Answer (Form 8). Once the time for the respondent to respond has passed, the Registrar will settle the appeal book index and set a date for the appeal books to be filed.

When do I go before a Judge?

As a general rule, the appeal will not be listed for hearing by the Court of Appeal until the appeal books have been filed.

You may be listed before a single Judge of Appeal or before two Judges of Appeal before your final hearing to deal with applications, to make orders necessary to get your appeal ready for its final hearing, including dealing with the question of leave to appeal, an extension of time or the filing of documents, or to deal with a party's failure to comply with the rules.

Is mediation available?

Yes, a mediation service is available for civil appeals. A mediation is usually conducted by a Registrar of the Court and will involve all the parties to the appeal. Mediation can result in the parties resolving a dispute at less cost than if the appeal proceeding to a hearing.

Where can I get legal advice?

The Court of Appeal Office cannot give litigants legal advice, nor recommend what litigants should do in regard to their case. You may wish to contact Legal Aid of Western Australia, the Law Society of Western Australia or one of the Community Legal Centres to see if they can offer you any assistance.