

LAND APPEAL COURT GUIDELINES FOR PREPARATION OF APPEAL RECORD BOOKS

What is an appeal record book?

An appeal record book is required for all appeals to the Land Appeal Court. However, an appeal record book is not required to be prepared for interlocutory applications to the Land Appeal Court.

An appeal record book contains material from the Land Court hearing including transcript of evidence, exhibits, copy of the reasons of judgment and orders of the Land Court, copy of the originating application or appeal to the Land Court and Land Appeal Court and any other material directly relevant for consideration and determination by the Appeal Court.

Preparation of the appeal record book must commence immediately after the notice of appeal has been filed in the Land Appeal Court Registry. **It is important that the deadline for the preparation of the record book is met** as the matter may be listed for hearing shortly after the date on which the record book is due to be submitted.

Who prepares the appeal record book

In all cases, it is the responsibility of the **appellant** to prepare the appeal record book as the Land Appeal Court Registry no longer offers an appeal record book preparation service. A service similar to that previously provided by the Registry is available from CCH Workflow Solutions (formerly Discovery Information Management Solutions), (www.discovery.com.au), Law in Order Document Management (www.lawinorder.com.au) and Brisbane Court Book Services (www.brisbanecourtbookservices.com.au). There may be others offering the same service.

The appeal record book's index

Within six weeks of filing the notice of appeal, the appellant must lodge a draft index for the appeal record book, the contents of which must be agreed upon by all the parties to the appeal. The draft index must be provided to the Registrar of the Land Appeal Court for perusal and approval prior to the appellant commencing actual preparation of the appeal record book. The Registrar can provide information to parties about the formatting of the draft index and the contents of the appeal record book. The index must accurately and concisely describe the nature of each and every document, including any annexures and/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 should be included in the index. Transcript and exhibits to be included in the record book should generally be included in event order; that is, in the order in which they happened.

A sample appeal record book index is included in Annexure A. Please note

the setting out of exhibits to affidavits and transcript references.

What to include in the appeal record book

Only those documents from the Land Court and other documents which are directly relevant to the issues in the appeal are to be included in the appeal record book.

A copy of the **judgment/s** or **order/s** from the Land Court (and any variations to the order/s) and a copy of the **notice of appeal** must be included. A copy of **the reasons of judgment** from the primary court **must** also be included in the appeal record book. If the parties do not wish to include a copy of the reasons for judgment, the onus is on the parties to show why such reasons should not be included. **Written outlines of argument** in relation to the appeal **must not** be included in the appeal record book. See Annexure C, for the order and types of material to include. See section 49 of the *Land Court Rules 2000*.

Page numbering of appeal record books

Every page must be numbered clearly and consecutively at the bottom of each page and centred. Pages must be single-sided.

Binding of appeal record books

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, 4 books each containing 60 pages should be bound into one book.

Only Velobind or like binding will be accepted. Appeal record books bound with spiral binding **will not** be accepted. Binding must be flat and secure and not obscure documents or their contents, particularly along the left-hand margin.

Cover Sheet

A cover sheet must appear at the front of each volume of the appeal record book.

The cover sheet should identify the Land Appeal Court file number, the names and status of each party in the Land Appeal Court and in the Land Court (see the heading in Annexure A for example), the name of each party's legal representative and their business address, telephone and fax numbers. The cover sheet should be on a white or cream cardboard cover. Plastic covers should **not** be used. A sample cover sheet is contained in Annexure B.

How many copies are required?

Four copies of the appeal record book must be filed with the Land Appeal

Court Registry, and one copy must be served on every other party to the appeal.

Filing of appeal record book

The appeal record book must be filed by the appellant within ten weeks of filing the notice of appeal or as ordered by the Court.

The Registrar may refuse the filing of appeal record books which fail to comply with these guidelines.

Where else can I go for information about appeal record books

- Land Appeal Court Internet Site (<http://www.landcourt.qld.gov.au>)
- Land Appeal Court Registry

Telephone: (07) 3247 5180
Fax: (07) 3247 4635
Postal Address: GPO Box 5266
BRISBANE QLD 4001
Delivery Address: Bank of Queensland Building
Level 9, 259 Queen Street
BRISBANE QLD 4000

ANNEXURE A
SAMPLE APPEAL RECORD BOOK INDEX

IN THE LAND APPEAL COURT

OF QUEENSLAND

LAC 200X/XXXX

BETWEEN:

DAVID CITIZEN AND MARGE CITIZEN

Appellant

-and-

BRISBANE CITY COUNCIL

Respondent

-and-

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ANNEXURE B
SAMPLE APPEAL RECORD BOOK INDEX

IN THE LAND APPEAL COURT

OF QUEENSLAND

LAC 200X/XXXX

BETWEEN:

JOHN CITIZEN AND JANE CITIZEN

Appellant

-and-

BRISBANE CITY COUNCIL

Respondent

-and-

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ANNEXURE C

SEQUENCE OF DOCUMENTS TO BE INCLUDED IN THE APPEAL RECORD BOOK

This should be treated as a GUIDE only. As each appeal has its own characteristics, it may not be necessary for each of the documents referred to below to be included.

Land Court Trial

1. Transcript of Evidence
2. Affidavits and Exhibits (if any)
3. Court Exhibits (if any)
4. Notice of Appeal to Land Court/Originating Application
5. Reasons for Judgment
6. Order/Judgment