

Annexure A to Practice Direction 13 of 2010

Queensland
JUSTICES ACT 1886
Section 83A(5)(aa)

Application for Disclosure Obligation Direction

Magistrates Court: <place>
Applicant (*Defendant) : <insert name>
Respondent (*Complainant) : <insert name>
Complaint/Charge: <insert nature of complaint or charge>

I, <name of applicant> make application to the Court seeking a disclosure obligation direction pursuant to section 83A(5)(aa) of the *Justices Act 1886* namely, disclosure under the Criminal Code, Chapter 62, chapter division 3, for a direction that [*state precisely, the nature of the disclosure obligation direction/s sought*].

1. A written request for disclosure was made by the applicant on <insert date> and:

(* delete inapplicable option)

* an unsatisfactory response to the written request for disclosure was received from the respondent on <insert date>.

* no response was received by the applicant to the written request for disclosure within the nominated time allowed under chapter 9A of the *Criminal Practice Rules 1999*.

2. A written request for disclosure made on <insert date> and the response to the written request for disclosure (if any) received on <insert date> are attached hereto.

3. The applicant/respondent
(*delete inapplicable option)

* has requested

* has not requested

an oral hearing of this application in their Request for Disclosure/Response to Request for Disclosure.

TAKE NOTICE that the application will be heard in the Magistrates Court at:

Place: <location>

Time: <time allocated by court/ court registry>

Date: <date allocated by court/ court registry>

PARTICULARS OF THE APPLICANT

Name:
Applicant's address:
Applicant's lawyer:
Firm name:
Lawyer's business address:
Address for service:
DX (if any):
Telephone:
Fax:
Email address (if any):

Signed:
Designation:
Date:

PARTICULARS OF THE RESPONDENT

Name/Organisation:
Respondent's address:
Respondent's lawyer:
Firm name:
Lawyer's business/business address of respondent:
Address for service:
DX (if any):
Telephone:
Fax:
Email address (if any):

Notice to Applicant

1. *You must have complied with rule 43C of the Criminal Practice Rules 1999 before filing this application. You must attach to this application the following supporting documents:*
 - * A copy of the applicant's communication requesting disclosure (the Request for Disclosure).
 - * If a response was received by the prosecution, a copy of that response (the Response to Request for Disclosure).
 - * A copy of all relevant correspondence exchanged between parties after the response is received, if applicable.

2. *A copy of this application and other documents must be served on the respondent no later than the day before the date set by the court for the hearing of evidence in the proceeding.*

3. *At the Directions Hearing, you must present the Magistrate with a draft order containing the particulars of the order sought, including any particulars of the thing sought to be disclosed and/or timeframes for disclosure.*

Annexure B to Practice Direction 13 of 2010

Queensland
Justices Act 1886
Section 83A, 83B

**Application Alleging Non-compliance with Disclosure
Obligation Direction**

Magistrates Court: <place>

Applicant (*Defendant) : <insert name>

Respondent (*Complainant) : <insert name>

Complaint/Charge: <insert nature of complaint or charge>

I, <name of applicant> make application to the Court seeking an order that:

4. A person, namely <insert name>, file an affidavit and/or give evidence in court, explaining and justifying the failure to comply with a Disclosure Obligation Direction made on <insert date> in the Magistrates Court at <location>.
5. The applicant intends to seek an order as to costs (delete if not applicable)
6. The applicant estimates the hearing should be allocated <insert time estimate> hours/minutes (delete if not applicable).

**TAKE NOTICE that the application will be heard in the
Magistrates Court at:**

Place: <location>

Time: <time allocated by court/ court registry>

Date: <date allocated by court/ court registry>

PARTICULARS OF THE APPLICANT

Name:
Applicant's address:
Applicant's lawyer:
Firm name:
Lawyer's business address:
Address for service:
DX (if any):
Telephone:
Fax:
Email address (if any):

Signed:
Designation:
Date:

PARTICULARS OF THE RESPONDENT

Name/Organisation:
Respondent's address:
Respondent's lawyer:
Firm name:
Lawyer's business/business address of respondent:
Address for service:
DX (if any):
Telephone:
Fax:
Email address (if any):