

PRACTICE DIRECTION NUMBER 5 OF 2010 (AMENDED)

SUPREME COURT OF QUEENSLAND

APPLICATIONS FOR LEAVE BY VEXATIOUS LITIGANTS

1. This practice direction applies to:-
 - (a) an application for leave to institute a proceeding under s 11 of the *Vexatious Proceedings Act 2005*; and
 - (b) an application under s 7 of that Act by a person subject to the vexatious proceedings order.
2.
 - (a) An application under s 11 must not seek any order other than leave.
 - (b) Such an application must state:

“Leave to institute a proceeding is required because [*I am/name of person is*] subject to a vexatious proceedings order made on [*insert date*].

If leave is granted, the proceeding will be [*a claim/an application/an appeal*] against [*insert name/s of defendant/respondent*] for the following relief on the grounds that [*insert relief sought/grounds of appeal*].”
 - (c) An application must be filed with an affidavit by the applicant as described in s 11(3). If the applicant is not the person subject to a vexatious proceedings order (see s 11(1)(b)), the information referred to in s 11(3) must be provided in relation to both the applicant and that person.
 - (d) Attention is drawn to the prohibition on appeals enacted in s 11(6).
3.
 - (a) An applicant under s 7 must apply in the first instance without having served the application on any other party.
 - (b) The application must be supported by an affidavit setting out the reason why the order should be varied or set aside, and any facts and circumstances relied upon.
 - (c) The Judge hearing the application will consider whether the application should be determined summarily, or whether service on any other party should be required.



Paul de Jersey
Chief Justice
8 August 2013