

Procedural Fact Sheets (Civil) – Supreme and District Courts

The disclosure process

The following information is general procedural advice only and should not be relied on as legal advice. If you need legal advice, you should contact a lawyer.

What is disclosure?

Disclosure is a process requiring opposing parties to exchange documents that are relevant to the issues in dispute in the proceeding.

The process of disclosure takes place once the parties have filed and served the court documents, known as pleadings, explaining the nature of their dispute. The pleadings include the:

- Statement of claim.
- Defence (and counterclaim).
- Reply (and answer).

The process of disclosure ensures that:

- No party is surprised by the case the opposing party (or parties) intends to prove at trial.
- The parties are informed of the issues that will be heard and determined by the court.
- The parties can do their best to reach agreement on any dispute about facts before the trial.

How to disclose

Chapter 7 Part 1 of the [Uniform Civil Procedure Rules 1999 \(Qld\)](#) (UCPR) sets out the rules about disclosure:

- Disclosure should take place within 28 days after all pleadings have been filed and served. [rule 214](#)
- You must prepare a list of documents and serve that list on the opposing party using [form 19](#).
- If the opposing party requests copies of any documents in the list, you must provide these ([rule 214](#)), unless the documents are subject to a claim of privilege. [rule 212](#)

What to disclose

You must disclose all documents in your possession, or under your control, that are directly relevant to an allegation in issue in the proceeding. [rule 211](#) These include:

- Written materials (whether on paper or some other medium).
- Any disc, tape, or other material from which sounds, images, writing, or messages can be produced.

Documents subject to a valid claim of privilege do not have to be disclosed ([rule 212](#)), e.g. legal professional privilege applies to communications between a lawyer and their client for the dominant purpose of obtaining legal advice or for use in existing or anticipated litigation.

There are serious consequences for failing to properly comply with the duty of disclosure, e.g.:

- You will not be able to tender that document at trial unless you have leave of the court.
- You may be liable for contempt of court.
- Your case may be dismissed.
- You may be ordered to pay part or all the opposing party's costs of the proceeding. [rule 225](#)

Read Chapter 7, Part 1 of the [UCPR](#) to understand your obligations in the disclosure process and the consequences should you fail to properly carry out these obligations.

More information about [the disclosure process](#) is available from [LawRight](#), an independent, community legal centre that coordinates pro bono legal services for individuals and community groups involved in current or potential proceedings in Queensland courts. Depending on your circumstances, LawRight may be able to provide you with legal advice and assistance.

