Form CP17

Federal Court (Criminal Proceedings) Rule 3.06

Federal Court of Australia Act 1976 section 23BG(1)

Application for an order discharging the accused

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

To the Prosecutor

at [address nominated by the prosecutor in the Court in which the committal order was made]

The Accused applies for an order discharging the Accused under section 23BG(1) of the *Federal Court of Australia Act 1976*.

The Court will hear this application, or make orders for the conduct of the application, at the time, date and place shown in the Notice of Filing and Hearing attached.[Note: The Court will insert the Notice of Filing and Hearing as a coversheet when this application is accepted for filing.] If you or your lawyer do not attend, then the Court may make orders in your absence.

If you have not already done so, you must file a notice of address for service (Form CP10) in the Registry before attending Court or taking any other steps in the proceedings.

**Accompanying affidavit**

This application must be accompanied by an affidavit stating that no indictment has been filed within the time required by section 23BF of the Act. A copy of the committal order must be attached to the affidavit.

**Address for service**

The Accused's address for service is:

Place: [see CP Rule 1.38]

Email:

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name]  [Insert capacity eg Accused / Lawyer for the Accused] |

*Note*

**Service:** The accused must serve a stamped copy of this application and the accompanying affidavit on the prosecutor at the address nominated by the prosecutor in the court in which the committal order was made: (CP Rule 3.06(4)). See Part 7 of the CP Rules for rules about service.