

Sample 2: Minor civil dispute – counter-application

QCAT

Queensland Civil and Administrative Tribunal

Form Number 8 (version 2)
Queensland Civil and Administrative Tribunal Rules 2009 (rule 50)

Minor civil dispute – counter-application

Refer to attached instructions prior to filling out this form.
You must lodge this form in the registry where the application
was lodged.

For office use only

Note: to be completed on each copy

Case number:	
Date:	
Registry:	

PART A APPLICANT'S AND RESPONDENT'S DETAILS
(details from original application)

Case number (if known)

Applicant (party who completed and lodged the original application)

Respondent (party completing and lodging this form)

Party against whom counter-application is made (name)
(only complete if this is not the applicant)

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For more information on QCAT: Call 1300 753 228 or visit www.qcat.qld.gov.au

Sample 2: Minor civil dispute – counter-application cont'd

PART B ADDRESS FOR NOTICES *(Complete only if you wish to change your address for notices. For multiple respondents attach details on a separate sheet.)*

RESPONDENT'S DETAILS

Name
[]

Address
[]
[] **Postcode** []

Contacts
[()] [()] []
Preferred phone number Alternative number Email

REPRESENTATIVE'S DETAILS *(if applicable)*

Tick if you want this to be your address for notices

Tick if you want your representative to represent you in proceedings before the tribunal *(see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the Form 56 - Application for leave to be represented. The tribunal may not give you leave to be represented.)*

Name
[]

Address
[]
[] **Postcode** []

Contacts
[()] [()] []
Preferred phone number Alternative number Email

PART B ADDRESS FOR NOTICES
Details of the party against whom the counter-application is made
(only complete if the party named is not the applicant)

Name
[]

Address
[]
[] **Postcode** []

Contacts
[()] [()] []
Preferred phone number Alternative number Email

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Sample 2: Minor civil dispute – counter-application cont'd

PART C	DETAILS OF COUNTER-APPLICATION
1. The respondent makes a counter-application because:	
(1) The applicant was informed when she purchased the couch that there was slight damage to the springs and frame.	
(2) The applicant was informed that this is why the sale price was reduced from \$2,200.00 to \$1200.00 for an imported couch.	

PART D	DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL
<i>If there is insufficient space here please attach additional pages.</i>	
1. I want the tribunal to make the following order/s: <i>Please set out in numbered paragraphs.</i>	
(1) The applicant's claim be dismissed	
2. The reasons I consider the order/s sought should be made are: <i>Please set out in numbered paragraphs. You need to state the reasons why you are seeking such orders.</i>	
(1) On the 6th November 2016 the applicant came to our Springwood store and was served by a salesperson called Jasmina.	
(2) The applicant was told that the certain imported items of Italian furniture were reduced because they were damaged in transit from our Melbourne depot.	
(3) The applicant agreed to purchase a Missini couch that had been damaged. As Jasmina has not been with the business a long time she did not have the applicant sign the usual visual inspection certificate.	
(4) The applicant purchased the couch on the basis that she received a considerable discount to take into account the damage.	

Sample 2: Minor civil dispute – counter-application cont'd

PART E CHECKLIST AND SIGNATURE
<input checked="" type="checkbox"/> I have completed all questions in the counter-application according to the instructions
<input checked="" type="checkbox"/> I have provided the correct number of copies of the counter-application and attachments (for the number of copies required – see the instructions)
<input checked="" type="checkbox"/> I am ready to proceed with this counter-application

Interpreter
Is an interpreter required? <i>The assistance of an interpreter is subject to approval by the tribunal.</i>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="text"/>
<i>If YES, please specify language</i>

Warning
Section 216 of the <i>Queensland Civil and Administrative Tribunal Act 2009</i> makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – 100 penalty units.

SIGN AND DATE HERE	
The information in this counter-application is true to the best of my knowledge.	
<input type="text" value="J. Willis"/>	<input type="text" value="30/03/2017"/>
<i>Counter-applicant/s sign here</i>	<i>Date</i>
If more than one counter-applicant is named all must sign the counter-application.	

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Sample 2: Minor civil dispute – counter-application cont'd

QCAT

Queensland Civil and Administrative Tribunal

Instructions for completing

Minor civil dispute – counter-application

What is a counter-application?

A counter-application is an application by the respondent against the applicant or another party. For example, in a building dispute, an applicant could be a builder who has made a claim against the respondent for outstanding money. The respondent may have a claim against the applicant for damages for defective work. The respondent's claim against the applicant is called a counter-application.

Because the response and counter-application both arise out of the same transaction, it is logical to resolve them at the same hearing. This is why you should include the facts upon which your counter-application is based.

Please note that it is not compulsory to make a counter-application.

Important note: You cannot make a counter-application to *Form 3 – Application for a minor civil dispute – minor debt*.

GENERAL INSTRUCTIONS

Copies of the application and providing copies to other parties

When lodging your original application and any attachments, you must also provide two copies of all of the documentation being lodged and a stamped, self-addressed envelope. If there is more than one respondent, you must include an extra copy of the application form and attachments for each additional respondent.

The tribunal will return sealed copies to you, at the address you provide.

Generally, you must then give a copy of the application and any attachments to all parties to the proceeding as soon as practicable, and no later than seven (7) days after the application is filed.

Applications may be lodged in person or by post

By post: QCAT, GPO Box 1639, Brisbane QLD 4001

If you are posting your original application and copies to QCAT, you need to include a stamped self-addressed A4 envelope with your application.

In person: You must lodge the counter-application in the registry where the application was lodged.

For more information visit www.qcat.qld.gov.au or call 1300 753 228.

PART A APPLICANT'S AND RESPONDENT'S DETAILS

You should complete this part using the applicant's and respondent's details from the original application. If you wish to change your address details, complete Part B.

You must also use the correct legal name for the parties. Please refer to the tribunal's factsheet *How to identify and name the parties in QCAT* available at www.qcat.qld.gov.au

If you want your representative's address as the address for notices, please complete your representative's details.

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For more information on QCAT: Call 1300 753 228 or visit www.qcat.qld.gov.au

Sample 2: Minor civil dispute – counter-application cont'd

Instructions for completing (continued)

If you want your representative to represent you in any proceedings before the tribunal you must complete *Form 56 - Application for leave to be represented*. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity
- relevant laws state that you may be legally represented

For more information visit www.qcat.qld.gov.au or call 1300 753 228.

PART C DETAILS OF COUNTER-APPLICATION

- Provide the reasons you are disputing the allegations made by the applicant
- Use numbered paragraphs which are cross-referenced to the paragraphs in the applicant's application
- Include a clear outline of the history and nature of the dispute
- Set out the facts you rely on to support the counter-application
- Annex (indexed and numbered) copies of all documents to support your counter-application
- Provide the reasons you rely on to make the counter-application

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

- State what orders you are seeking from the tribunal and why you consider the orders sought should be made.

PROVING YOUR CASE

Have you included a copy of all the relevant documents and evidence? You must include a copy of all of the relevant documents that you want to use and rely on.

You must print out all electronic evidence

Sometimes evidence (such as photos or receipts) may be stored in an electronic device, such as a mobile phone, tablet or computer. Sometimes evidence may be stored on a CD or DVD. You must provide a printed copy of this evidence with your application if you wish to use and rely on it at the hearing. The Tribunal will not accept a CD or DVD for filing and will not consider evidence provided only in an electronic format.

Your Information

QCAT collects your contact details for the purposes of compliance with the *Queensland Civil and Administrative Tribunal Act 2009* in relation to proceedings in QCAT. QCAT may contact you to seek your assistance in research to assist in the evaluation of the operation of QCAT. You are not obliged to participate in feedback or surveys. If you do participate no identifying particulars will be published. QCAT will not disclose your contact details or any other personal information to a third party unless required by law.