

Sample 1: Application for minor civil dispute – minor debt

QCAT

Queensland Civil and Administrative Tribunal

Form Number 3 (version 4)
Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application for minor civil dispute – minor debt

WARNING TO RESPONDENT/S

You must respond to this application by completing and lodging Form 7 – Response to minor civil dispute – minor debt within twenty eight (28) days after you are given a copy of the application. Otherwise, the applicant may apply to the tribunal for a decision by default against you.

For office use only

Case number:	
Date filed:	
Location of registry:	
Fee paid:	
Receipt number:	

Please refer to the attached guide before completing this form.

PART A APPLICANT'S and RESPONDENT'S DETAILS

APPLICANT'S DETAILS

Applicant details: (for multiple applicants attach details on a separate sheet)

Name

John Edward Gee

Address

10 Green St
Yeronga Postcode 4104

Contacts

(07) 3236 3004 ()
Preferred phone number Alternative number Email

RESPONDENT'S DETAILS

Respondent's details: (for multiple respondents attach details on a separate sheet)

Name

Mary Johanssen

Address

20 Turra Street
Toowong Postcode 4066

Contacts

(07) 3238 3005 ()
Preferred phone number Alternative number Email

Application for minor civil dispute – minor debt – page 1 of 3

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

Sample 1: Application for minor civil dispute – minor debt cont'd

PART B ORDER AND REASONS DETAILS	
I am claiming the following amounts:	
<input checked="" type="checkbox"/> the amount owing	\$ 3,500.00
<input type="checkbox"/> date when the amount owing became due	02/12/2016
I also want to claim interest on the amount owing from the date when the debt became due to the date of the tribunal's final decision. Choose from the rate which applies:-	
<input type="checkbox"/> the rate I agreed with the respondent:	% p.a.
OR	
<input type="checkbox"/> If there is no agreement with the respondent about the interest to be paid – the interest will be determined by the tribunal. <i>You can ask for interest to be determined by the tribunal at the rate prescribed by practice direction. You may also refer to the interest calculator available at www.courts.qld.gov.au.</i>	
<i>In either case:-</i>	
<input type="checkbox"/> I have calculated the amount of the interest up to the date of this application as	\$
Sub-total on which the filing fee is calculated:	
	\$ 3,500.00
I also want to claim these amounts:-	
<input checked="" type="checkbox"/> the filing fee	\$ 116.40
<input type="checkbox"/> CITEC Confirm service fee for electronic filing	\$
<input checked="" type="checkbox"/> bailiff / sheriff / service fee	\$ 48.70
<input type="checkbox"/> Australian Securities and Investments Commission (ASIC) business name extract or company extract search fee	\$
The total amount of my claim is:	
	\$ 3,665.10
Why are you seeking payment of the above amounts?	
You must explain why you are seeking payment of the above amounts. You should provide as much detail as possible, and attach evidence where possible. If you do not provide this information your application may be returned to you or dismissed.	
If there is insufficient space, you may attach additional information on a separate sheet.	
(1) I lent the respondent \$9,500.00 on 2 February 2016 to purchase a motor vehicle.	
(2) The money was lent to the respondent on the basis that the respondent would pay the amount in full by 2 December 2016.	
(3) I received \$6000.00 on 29 November 2016 from the respondent.	
(4) There were no discussions in relation to charging interest.	
(5) I have not received any further payment from the respondent.	

Sample 1: Application for minor civil dispute – minor debt cont'd

PART C 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>	

SIGN AND DATE HERE	
The information in this application is true to the best of my knowledge.	
<input type="text" value="John Gee"/>	<input type="text" value="16/12/2016"/>
<i>Applicant's sign here</i>	<i>Date</i>
If more than one applicant is named each applicant must sign the application.	

Sample 1: Application for minor civil dispute – minor debt cont'd

QCAT

Queensland Civil and Administrative Tribunal

Your guide to completing Form 3

Application for minor civil dispute – minor debt

Please note that the matter will be heard at the registry where the application is lodged.

COPIES OF THE APPLICATION

You need to lodge at QCAT, if lodging by post or in person:

- your original application and copies of any attached documents
- plus 1 copy of the application and attached documents for yourself
- plus 1 copy of the application and attached documents for the respondent
- plus an extra copy of the application and attached documents for each additional respondent.

Applications may be lodged:

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 – At QCAT, Level 9, 259 Queen Street (BOQ Centre), Brisbane OR any Magistrates Court. To find your nearest Magistrates Court, look under 'Justice and Attorney-General' in the phone book or visit courts.qld.gov.au.

Electronically – If prescribed by a QCAT Practice Direction available at qcat.qld.gov.au.

Applications must be accompanied by the correct application fee

You must pay the correct application fee when you lodge your application. For more information on fees visit qcat.qld.gov.au or call 1300 753 228.

Payment can be made by

- cash (only when application being lodged in person)
- cheque or money order (payable to Department of Justice and Attorney-General) or
- credit card using the *Credit card payment authorisation form* (the form is available from qcat.qld.gov.au or by calling 1300 753 228).

After you lodge your application

QCAT will keep your original application and copies of attached documents.

QCAT will stamp QCAT's seal on the other copies and return them to you.

One copy is for you and you need to give the other stamped copy to the respondent/s.

Service - Providing copies to the respondent and other parties

You must give the stamped copy of the application to the respondent as soon as practicable, and no later than 90 days after you lodge the application.

You must give it to the respondent personally, in a way set out in QCAT Practice Direction No 8 of 2009. This Practice Direction is available at qcat.qld.gov.au or by calling 1300 753 228.

Instructions - Application for minor civil dispute – minor debt – page 1 of 4

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

Sample 1: Application for minor civil dispute – minor debt cont'd

Instructions for completing (continued)

Default decisions

The respondent will have 28 days from the date of service to file a response to the application. If the respondent does not respond to your application within that time, you may be able to apply to the tribunal for a default decision ending the matter. To apply for a default decision you will need to complete a *Form 6 - Request for decision by default - minor civil dispute - minor debt*.

Where possible all information to support your claim should be filed with this application. However, if you have not already provided information you will have to provide to the tribunal supporting documents for the orders that you are seeking from the tribunal with the default decision application.

If you request a decision by default you must also prove that you served this application on the respondent either by completing a *Form 9 - Affidavit of Service* or Part B of the *Form 6 - Request for decision by default - minor civil dispute*.

For more information and application forms contact QCAT on 1300 753 228 or visit qcat.qld.gov.au.

PART A APPLICANT'S AND RESPONDENT'S DETAILS

The applicant/s and respondent/s are the parties to the proceeding.

You can name more than one applicant and more than one respondent in this application by attaching details on a separate sheet.

You must identify the correct parties to the application. Any document, invoice, receipt, contract or agreement related to the dispute may assist you to identify who are the correct parties. You may also wish to seek independent legal advice to assist you in identifying the correct parties. QCAT cannot give you advice about who are the correct parties.

You must also use the correct legal name for the parties. You should refer to the factsheet for more information about using the correct legal name for the parties available at www.qcat.qld.gov.au.

If you wish to be represented by somebody else, and you need leave from QCAT to do so, you will need to complete and lodge a *Form 56 Application for leave to be represented*.

This form is available from qcat.qld.gov.au or by calling 1300 753 228.

PART B ORDER AND REASONS DETAILS

Which amounts do you want the tribunal to order the respondent to pay to you?

You must include an amount in this part. If you do not include an amount your application may be returned to you or dismissed.

Why are you seeking payment of the above amounts?

You must give a reason for each amount you ask for. Your reasons must be detailed enough so that the respondent can understand what the dispute is about.

You must explain:

- what the amount is for – for example:
 - money owed because you provided goods or services to the respondent; or
 - money you lent to the respondent that is still owed to you
- your agreement with the respondent about the amount owed
- what date the agreement was made
- how you have worked out the amount
- when the amount became due and how much is still owing

Sample 1: Application for minor civil dispute – minor debt cont'd

Instructions for completing (continued)

INTEREST

You may claim interest on the amount owing, which may be calculated to the date the matter is decided.

If a rate has not been agreed or provided in a contract, you can ask for interest at the rate prescribed by practice direction. The practice direction is available at qcat.qld.gov.au. When calculating the interest payable you may also refer to the interest calculator available at courts.qld.gov.au.

If you have any documents that support your claim (contracts, invoices, etc) you should attach a copy to your application, including any documents that show an agreement about the payment of interest.

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 at the hearing.

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.

INTERPRETER

QCAT provides interpreters at the hearing upon request free of charge. If you require language assistance during the hearing, please specify the language. The assistance of an interpreter is subject to approval by the tribunal.

SIGNATURE

Check that you have provided all copies and relevant documents that form part of your application. Please sign and date your application.

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* 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.

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.

Sample 1: Application for minor civil dispute – minor debt cont'd

QCAT

Queensland Civil and Administrative Tribunal

Form 3 – Your application checklist

Application for minor civil dispute – minor debt

You can use this checklist to help ensure your application to QCAT regarding a minor debt is correct and processed without delay. You do not need to submit this checklist as part of your application.

- QCAT only has jurisdiction for debts of \$25,000 and under (including interest) – is the amount owing \$25,000 or under?
- Did the debt occur/originate in Queensland?
- Was there an agreement between the parties about payment of the amount?
If there was no agreement about the debt in question, you are unable to lodge a minor debt dispute application. You may need to get legal advice or contact your local Magistrates Court for more information.
- Have you identified the correct respondent and the correct name for the respondent?
Note: If you are unsure please refer to the fact sheet How to identify and name the parties in QCAT, available at qcat.qld.gov.au.
- Have you answered all the questions on the application form?
- Are all party and dispute details included on the application form?
Note: full names must be provided, not initials. Street addresses must be provided, not PO boxes.
- Have you attached all relevant documents (e.g. contracts, affidavits, receipts and invoices) that are relevant to your application and which you intend to rely on at a hearing? (Remember, the tribunal will not accept electronic evidence.)
- Have you provided all pages of the application form?
- Have you provided the correct number of copies of your application and any attachments?
(The original for QCAT, plus a copy for each respondent, and a copy for yourself – all will be stamped with a QCAT stamp when lodged.) Note: If you have a number of attachments you may want to consider paginating your documents.
- Do you have the correct application fee ready, based on the amount of money in dispute?
- Have you signed and dated your application?

Instructions - Application for minor civil dispute – minor debt – page 4 of 4

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