

**Sample 5: Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing**

**QCAT**  
Queensland Civil and Administrative Tribunal

Form Number 38 (version 2)  
Queensland Civil and Administrative Tribunal Act 2009 (section 97)

## Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing

For office use only	
Case number	
Date	
Registry	
Fee paid	
Receipt no	

**PART A APPLICANT'S AND RESPONDENT'S DETAILS**

Applicant name  
John Edward Gee

Respondent name  
Mary Johanssen

**PART B APPLICATION DETAILS**

Case number (e.g. GAR123-15 or MCDT001/15)

Application for notice requiring witness to attend or produce a document or thing – page 1 of 3

For more information on QCAT: Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

Sample 5: Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd

**PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL**

I/We the applicant(s)/respondent(s)   
(insert name of party applying)

apply to the tribunal for a notice to (select option 1, 2 or both):

1. require a person to attend the hearing/proceeding before the tribunal at  on the day of  20

Please provide details of the person you want the tribunal to require to attend.

**Name**

Title Given name/s Surname/Family name

**Address**

Is the person a child?  
 Yes  No

2. require a person to produce a document or other thing for the tribunal at  on the day of  20

Please provide details of the person you want the tribunal to require to produce a document or other thing.

**Name**

Title Given name/s Surname/Family name

**Address**

Is the person a child?  
 Yes  No

**If you are seeking a person to produce documents or other thing, please provide details of what documents or things:**

**Note:** If the tribunal requires the attendance of a person or the production of a document or other thing, you will be required to pay an amount prescribed by regulation to the recipient of the order.

Application for notice requiring witness to attend or produce a document or thing – page 2 of 3

For more information on QCAT: Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

Sample 5: Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd

**Please state the reasons why you are requesting the document or information, or why the person is to be required to attend the hearing:**

Former flatmate who witnessed agreement on 2/2/2016 between myself and the respondent

**PART D CHECKLIST AND SIGNATURE**

- I have completed all questions on the application form according to the instructions.
- I have provided the correct number of copies of the application form and attachments (for the number of copies required – see instructions).
- I have paid the prescribed fee.
- I acknowledge that I may be required to pay conduct money and witness expenses (see instructions for more information).
- I am ready to proceed with this application.

**Interpreter**

**Will the witness require an interpreter?**

Yes  No

**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 - 100 penalty units.

Section 214 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to fail to comply with a notice to produce or attend as the tribunal orders, unless there is a reasonable excuse.

Maximum penalty - 100 penalty units.

**SIGN AND DATE HERE**

The information in this application is true to the best of my knowledge.

*John Gee*

Applicant/s sign here Date

If more than one applicant is named, all must sign the application.

Sample 5: Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd

QCAT

Queensland Civil and Administrative Tribunal

Instructions for completing

## Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing

### General instructions

Pursuant to section 97 of the *Queensland Civil and Administrative Tribunal Act 2009* the tribunal may, by written notice, require a person to:

- attend at a stated hearing of a proceeding to give evidence; or
- produce a stated document or other thing for the tribunal at a hearing of a proceeding.

You must state in the application form the reasons why you are requesting the document or information, or why the person is to be required to attend the hearing.

**Important note: this application should be made with sufficient time before a tribunal hearing date. The tribunal may not issue the notice to produce or attend if there is insufficient time before a hearing for a notice to be issued. For example, applications should be submitted at least 7 days before the hearing.**

### Copies of the application and providing copies to other parties

For a minor civil dispute, two copies must accompany the application form and all attachments.

For all other cases, except some children's or guardianship matters, three copies must accompany the application form and all attachments. For some children's and guardianship matters, additional copies are not required.

When there is more than one respondent, extra copies of the application form and attachments are required for each additional respondent.

You must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven days after the application is filed.

### How to lodge applications

If the matter is a minor civil dispute, the application for the order must be lodged in the registry where the application that started the proceeding was lodged.

Otherwise, your application 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.*

Instructions - Application for notice requiring witness to attend or produce a document or thing – page 1 of 2

For more information on QCAT: Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

*Sample 5: Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd*

**Instructions for completing** *(continued)*

**In person:** QCAT, Level 9, 259 Queen Street, Brisbane Qld 4000, or at any Magistrates Court outside of the Brisbane CBD.

For more information visit [qcat.qld.gov.au](http://qcat.qld.gov.au) or call 1300 753 228.

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see credit card payment authorisation form – Mastercard and Visa accepted).

**Conduct money**

If the notice is given on the application of a party to the proceeding, then at the time of service of the notice or within a reasonable time before the recipient is required to comply with the notice, that party shall pay the recipient conduct money as prescribed under the *Queensland Civil and Administrative Tribunal Regulation 2009*.

If the tribunal gives the notice of its own initiative, then at the time of service of the notice or within a reasonable time before the recipient is required to comply with the notice, all the parties shall, in the proportions the tribunal decides, pay the recipient conduct money as prescribed under the *Queensland Civil and Administrative Tribunal Regulation 2009*.

**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 participation in research to help evaluate QCAT's operations. 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.

Instructions - Application for notice requiring witness to attend or produce a document or thing – page 2 of 2

For more information on QCAT: Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)