

Instructions for completing**Response to application for a tree dispute –
*Neighbourhood Disputes (Dividing Fences and Trees)
Act 2011*****What is a response?**

A response is a document that sets out what you say about the application that has been made against you.

The response should relate to the application. For example, if an applicant alleges: 'The tree on the respondent's land damaged my shed' and you disagree, the response may say something like: 'The respondent denies that the tree damaged the applicant's shed. The applicant's shed was damaged by the applicant when they were driving their car.'

General instructions**Copies of the response****You need to lodge at QCAT:**

- your original response and any attached documents
- plus 2 copies of the original response and any attached documents
- plus an extra copy for each person who is required to be given a copy.

The people who are required to be given a copy of your response are:

- the applicant
- a government authority, if the work the applicant is requesting needs the consent or authorisation of that government authority
- any other person who might be affected by an order
- any occupier of your land
- a buyer of your land.

The response must be lodged as soon as practicable, and no later than twenty-eight (28) days after you were given a copy of the application.

Responses may be lodged

By post: QCAT, GPO Box 1639, Brisbane QLD 4001.
If you are posting your original response and copies to QCAT, you need to include a stamped self-addressed A4 envelope with your response.

In person: At QCAT, Level 11, 259 Queen Street, Brisbane, 4000 or any Magistrates Court.

To find your nearest Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit www.courts.qld.gov.au.

After you lodge your response

QCAT will keep your original response and attached documents, and 1 extra copy.

QCAT will stamp QCAT's seal on the extra copies and return them to you. One copy is for you.

You need to give a stamped copy to the applicant and to each other person who is required to be given a copy.

Instructions for completing (continued)

Providing copies to the applicant and other people

You must give the response as soon as practicable after you receive the stamped copies from QCAT.

The most common ways to give the stamped response is by:

- posting it to the applicant at the address included in their application
- giving it to them in person
- leaving it with an adult who lives or works at their address.

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant and respondent may be named in the response. If there is not enough space to include additional parties, attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name, whether registered or unregistered
 - a State agency name, for example a Queensland Government Department.
- Your address will be the address at which documents are given or sent to you, unless you indicate your representative's address as your address for notices.
- Any change in your address for notices must be lodged in the tribunal and served on all other parties.

Representative's details

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

If you want your representative to represent you in any proceedings before the tribunal you must complete the form *Application for leave to be represented* (available from www.qcat.qld.gov.au or by calling 1300 753 228). Generally the tribunal expects people to represent themselves. It may not grant your request. You must give reasons for why you want to be represented.

You are not required to seek leave if:

- you are a child or a person with impaired capacity
- an Act or the Rules state that you may be legally represented.

PART C DETAILS OF RESPONSE

Provide the reasons you are disputing the allegations made by the applicant.

Respond using the question numbers in the applicant's application.

Include a clear outline of the history and nature of the dispute.

If there is insufficient space for your answers, please attach additional pages.

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If you are making a response, refer to each order that the applicant seeks.

If there is insufficient space for your answers, please attach additional pages.

Form Number 52 (Version 2)

Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Response to application for a tree dispute – *Neighbourhood Disputes (Dividing Fences and Trees)* Act 2011

Refer to attached instructions at the front of this application
prior to filling out this form.

For office use only

Note: to be completed on each copy

Case number:	
Date:	
Registry:	
Sent to:	

PART A APPLICANT'S DETAILS**Name**

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

OR

Company	<input type="text"/>	ABN	<input type="text"/>
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PART A RESPONDENT'S DETAILS

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

OR

Company	<input type="text"/>	ABN	<input type="text"/>
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Address	<input type="text"/>	
	<input type="text"/>	Postcode <input type="text"/>

Telephone	<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
	<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax	<input type="text"/> ()
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Email	<input type="text"/>
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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 Application for leave to be represented).

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

OR

Company	<input type="text"/>	ABN	<input type="text"/>
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Address	<input type="text"/>	
	<input type="text"/>	Postcode <input type="text"/>

Telephone	<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
	<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax	<input type="text"/> ()
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Email	<input type="text"/>
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PART B GENERAL DISPUTE DETAILS

1. What is your connection with the land the tree is on?

Registered owner

Body corporate

Other

If other, please provide details:

2. Are you disputing that the tribunal has jurisdiction because of any of the following matters?

the land the tree is on is rural land

the land the tree is on is a parcel of land that is more than 4 hectares

the land is owned by a local government and used as a public park

the tree is planted or maintained for commercial purposes

the tree is planted or maintained under an order of a court or tribunal

the tree is planted or maintained as a condition of a development approval

the tree is on unallocated State land

If Yes, please provide details:

PART C DETAILS OF RESPONSE

3. I agree with the following matters in the application:

Question number	Matter

4. I don't agree with the following matters in the application:

Question number	Matter

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL
If there is insufficient space here, please attach additional pages.

5. I want the tribunal to make the following order/s (set out reasons in numbered paragraphs):

6. The reasons I consider the order/s sought should be made are (set out reasons in numbered paragraphs):

PART E CHECKLIST AND SIGNATURE

- I have completed all questions on the response form according to the instructions
- I have provided the correct number of copies of the response form and attachments (for the number of copies required - see the instructions)
- I have paid the prescribed fee
- I am ready to proceed with this response.

Interpreter

Is an interpreter required? *The assistance of an interpreter is subject to approval by the tribunal.*

- Yes No

If Yes, please specify language: _____

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 – \$10,000.

SIGN AND DATE HERE

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

Respondent/s sign here

Date

If more than one respondent is named all must sign the response.