

For office use only	
Case number	
Date filed	
Registry	

## Application to set aside or amend a default decision

**NOTE:** An application to set aside or amend a default decision can only be made by a **respondent**.

### Part A APPLICATION AND MATTER DETAILS

**Applicant** *(the party who made the original application)*

**Respondent** *(the party against whom the original application was made)*

**QCAT case number**

**Location of Registry**

*(the QCAT registry or Magistrates Court where the original application was made)*

### Part B RESPONDENT'S DETAILS

**Name**

**Postal Address**

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**Suburb**

**State/Territory**

**Postcode**

**Contact details** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

**Part B**    **RESPONDENT'S DETAILS** *(continued)*

Name

Postal Address

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Suburb

State/Territory

Postcode

Contact details *(MUST be provided)*

Mobile

Alternative number

Email

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

Tick the appropriate box:

**I want QCAT to *amend* the default decision given on the**

*(if selected, please read and complete Part D and E)*

Day

Month

Year

**I want QCAT to *set aside* the default decision given on the**

*(if selected, please read and complete parts E)*

Day

Month

Year

**Part D**    **THE AMENDED ORDERS YOU SEEK FROM THE TRIBUNAL**  
*(if there is not enough space below please attach extra pages)*

If you want the Tribunal to amend the default decision, provide details of the orders you are seeking:


**Part E**

**YOUR REASONS FOR SEEKING TO SET ASIDE OR AMEND THE TRIBUNAL'S DECISION** *(if there is insufficient space please attach additional pages)*

**1. Explain the facts you are relying on and your reasons for making this application:**


**2. If you did not file a response to the original application within the prescribed time, explain the reasons why:**


**3. Explain what your proposed response would be to the original application if the application to set aside the default decision is granted. You MUST attach copies of all documents that you say are relevant to this application.**


## CHECKLIST

- I have completed all of the questions on this application.
- I have provided the correct number of copies of the application form and attachments (*that is, a copy for each party, plus one for the Tribunal*).
- I have completed parts D and E if required.
- I understand I must give a stamped copy of this application to each party before the Tribunal can make a decision.
- I have attached all relevant documents.
- I am ready to proceed with this application.

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) 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 *(if more than one respondent is named, then all must sign)*

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

Respondent/s sign  
here

Date

Print your name/s here

## Lodgement Details

### Deliver to:

Queensland Civil and  
Administrative Tribunal  
Floor 11, 259 Queen Street  
Brisbane Qld 4000  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[courts.qld.gov.au/contacts/courthouses](http://courts.qld.gov.au/contacts/courthouses)

### Mail to:

Queensland Civil and  
Administrative Tribunal  
GPO Box 1639  
Brisbane Qld 4001  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[courts.qld.gov.au/contacts/courthouses](http://courts.qld.gov.au/contacts/courthouses)

## INSTRUCTIONS FOR COMPLETING FORM 55

### Application to set aside or amend default decision

Use this application form if you wish to have a default decision changed or you wish to have a default decision set aside (i.e. as if the decision had not been made).

#### Lodging your application form

Before you lodge your application with QCAT you must make **two (2)** photocopies of the application and all attached supporting documents and lodge these together with your original application. An extra copy is required for each additional respondent. If you file your documents in person or by post, you must include a stamped self-addressed A4 envelope.

#### Giving copies to other parties

You must give (serve) a copy of the application to the other party **no later than seven (7) days** after you lodge the application. You can check the lodgement date by looking at the date stamp on your application form.

You can serve the application personally, by post or use the services of a Magistrates Court bailiff, commercial agent or process server. Visit the QCAT website for information on [serving application and documents](#).

Once the party has been served, you must complete [Form 9 Affidavit of service](#). An affidavit is a statement sworn under oath in the presence of a commissioner of declarations, justice of the peace or a lawyer. The affidavit is required to prove the application has been given to the respondent.

Visit the QCAT website for information on [responding to an application](#).

#### Legal advice and representation

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

#### Withdrawing an application

An application can be withdrawn if you no longer wish to proceed to have the dispute decided by the Tribunal. An application can be withdrawn at any time prior to the final hearing and determination of the application by lodging a [Form 58 – Application for leave to withdraw an application or referral / Notice of withdrawal of application or referral](#) online. Visit the QCAT website for more information on how to [withdraw an application](#).

#### Protecting your privacy

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

#### Contact us

For information about the application process or going to the Tribunal visit the [QCAT website](#).