

**Instructions for completing****Application to set aside or amend a default decision****Use this form if:**

- you wish to have a default decision amended i.e. changed
- you wish to have a default decision set aside i.e. as if the decision had not been made.

**General instructions****Copies of the application**

You need to lodge at QCAT:

- the original of this application and any attached documents
- plus 1 copy of this application and any attached documents
- plus an extra copy of this application and any attached documents for each other party.

**Lodging your application**

**You must lodge the application at the same Magistrates Court or QCAT registry where the default decision was made.**

**You will find this information on the default decision.**

**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:** QCAT, Level 9, 259 Queen Street, Brisbane OR at the Magistrates Court where the default decision was made.

To find the address of the relevant Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

**Application fee**

There is no fee to lodge this application.

**After you lodge your application**

QCAT will keep your original application and attached documents.

QCAT will stamp QCAT's seal on the first copy and return it to you. This is your copy.

QCAT will stamp QCAT's seal on your other copy or copies and return them to you. These are for you to give to the other party or parties.

## Instructions for completing *(continued)*

### Providing copies to the other parties

You must give a stamped copy of the application to every other party as soon as practicable, and no later than 7 days after you lodge the application.

The most common ways to give the stamped application to every other party are by:

- posting it to their address
- giving it to them in person, or if they refuse to take it, by putting it down in their presence and telling them what the application is
- leaving it with another adult who lives or works at their address.
- if the other party has an address for service that includes a fax number or email address, sending it to that fax number or email address.

You cannot give the stamped application to the respondent or any other party by leaving it in their letterbox or putting it under the door.

You will need to establish that the application has been given to every other party by filing a *Form 9 Affidavit of Service*, or by filing some other evidence or document that shows that every other party has received a stamped copy of the application.

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

Insert the name of the applicant (the person who made the original application to QCAT to start the proceeding) and the respondent (the person who the applicant made the claim against) for the proceeding.

### **PART B APPLICATION OR REFERRAL DETAILS**

Insert the case number if known. The case number will be on the default decision.

### **PART C YOUR DETAILS**

Insert details about who you are in the proceeding.

### **PART D REGISTRY**

Insert the name of the Registry where the default decision was made. The name of the Registry will be on the default decision.

### **PART E DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL**

Tick the relevant box to indicate what you want QCAT to do.

### **PART F YOUR REASONS FOR SEEKING TO SET ASIDE OR AMEND THE TRIBUNAL'S DECISION**

Explain here why you want QCAT to set aside or amend the default decision. You should include here the reasons why you did not file a response to the original application that started the proceeding.

You should also include details about what your proposed response would be if QCAT did set aside the decision.

Your application may be refused if you do not include the information requested.

### **PART G THE AMENDED ORDERS YOU SEEK**

If you want QCAT to amend the default decision, explain here how you want QCAT to amend the default decision.

Form Number 55 (version 1)

Queensland Civil and Administrative Tribunal Act 2009 (section 51)

## Application to set aside or amend a default decision

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

### For office use only

Case number:	
Date:	
Registry:	
Sent to:	

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

Applicant

Respondent

### PART B APPLICATION OR REFERRAL DETAILS

Case number (if known)

### PART C MY DETAILS

I am the

Applicant

Respondent

Another party (please provide details):

### PART D REGISTRY

Please indicate the QCAT registry or Magistrates Court where the default decision was made.

Registry

**PART E DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL** *(Tick relevant box)*

- I want QCAT to **set aside** the default decision given on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.  
*(please read and complete Part F)*
- I want QCAT to **amend** the default decision given on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.  
*(please read and complete Parts F and G)*

**PART F YOUR REASONS FOR SEEKING TO SET ASIDE OR AMEND THE TRIBUNAL'S DECISION**

*(If there is insufficient space here please attach additional pages)*

**F1.** Explain the facts you are relying on and your reasons for making this application in the space provided below.


**F2.** If you did not file a response to the original application within the prescribed time, explain the reasons why in the space provided below.


**F3.** Explain in the space below what your proposed response would be to the original application if the application to set aside the default decision is granted.

**F4.** Please attach any documents relevant to your proposed response.


## PART G THE AMENDED ORDERS YOU SEEK

If you are seeking to amend the default decision, provide details of the orders you are seeking.  
(If insufficient space here, please attach additional pages.)


## PART H CHECKLIST

- 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 completed parts F and G if required
- I understand that I have to give a stamped copy of this application to each other party before the tribunal can make a decision
- I am ready to proceed with this 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 – \$10,000.

## SIGN AND DATE HERE

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

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*Applicant/s sign here*

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*Date*

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

## PRIVACY CONSENT AND DISCLOSURE STATEMENT

The Queensland Civil and Administrative Tribunal (QCAT) collects personal information from applicants in proceedings (You), for the purposes of compliance with the provisions of the *Queensland Civil and Administrative Tribunal Act 2009*.

### Research purposes

QCAT wishes to use your personal information for research purposes to improve its services. An example of research is an online survey or focus group. QCAT may also share information about You with research companies for the purposes of conducting research. Any research company engaged by QCAT will undertake to keep your personal information confidential subject to the *Information Privacy Act 2009*.

**By signing this Statement, you consent to communicate with QCAT by email or other suitable manner for research purposes; you consent to the sharing of your personal information with third parties as indicated and you waive your right to take further action against QCAT for any breach of your privacy.**

Your consent commences from the date that you sign this Statement and return it to QCAT and continues for research purposes after your matter with QCAT has finalised and until you withdraw your consent or upon the expiration of a period of 12 months.

### Signature of applicant

By signing below, I acknowledge that I have read this Privacy Consent and Disclosure Statement and that I consent to the use and disclosure of my personal information as described in this Statement.

*Applicants sign here*

*Date*

### Contact details

For further information call 1300 753 228 or write to the QCAT registry at GPO Box 1639, Brisbane 4001.