

Form Number 30B (version 1)
Queensland Civil and Administrative Tribunal Act 2009 (section 241)
Queensland Civil and Administrative Tribunal Rules 2009 (rule 7)
Retirement Villages Act 1999 (section 167)

For office use only	
Case number	
Date	
Registry	
Fee	
Receipt number	

Application for a tribunal hearing – general *Retirement Villages Act 1999*

Use this form to apply for an order under the *Retirement Villages Act 1999*.

Refer to the attached instructions before filling out this form.

NOTE: Most disputes cannot be referred directly to the Tribunal - see Part D.

Part A APPLICANT/S or LEAD APPLICANT DETAILS <i>(Full contact details must be supplied. For multiple applicants, please complete Parts H and I.)</i>			
Name		ACN/ABN <i>(if a company or business)</i>	
Postal Address			
Suburb	State/Territory	Postcode	
Contacts <i>(MUST be provided)</i>			
<i>Mobile</i>	<i>Alternative number</i>	<i>Email</i>	
<i>If company, name of contact:</i>			
Are you a:			
Village resident		Retirement village scheme operator	
Group representative <i>(If you are part of a group, the lead applicant must complete and sign Part A, Part H and page 9, and all members of the group must complete and sign Part I.)</i>			

Part B

RESPONDENT/S DETAILS *(Full contact details must be supplied. If more than two respondents, please insert additional copies.)*

Name

ACN/ABN *(if a company or business)*

Postal Address

Suburb

State/Territory

Postcode

Contacts *(MUST be provided)*

Mobile

Alternative number

Email

If company, name of contact:

Is the respondent a:

Village resident

Retirement village scheme operator

Part C

RETIREMENT VILLAGE DETAILS

Retirement village name

ACN/ABN *(if a company or business)*

Retirement village address

Suburb

State/Territory

Postcode

Retirement village contact *(MUST be provided)*

Name of contact

Mobile

Alternative number

Email

Part D

ATTEMPTED MEDIATION/EXEMPT FROM MEDIATION

Has a Form 3 - *Dispute notice for referral to mediation* - been filed in relation to the dispute?

Please tick a box:

Yes No

Have you participated in mediation?

Please tick a box:

Yes No

If **YES**, insert the mediation number/reference:

If **NO**, is your application under an exempt provision under section 167(2), or section 169, or section 170, or section 171 of the *Retirement Villages Act 1999*:

Yes No

If **NO**, you may not be able to proceed with your application without participating in mediation first.

Part E

DOCUMENTS RELEVANT TO THE DISPUTE

If there is insufficient space please attach additional pages.

Please list and attach a copy of documents which are relevant to the dispute (for example the site agreement / site rent increase documents). *Keep it short the details go in Part F*:

1.

2.

3.

4.

5.

Part F

WHAT IS THE ISSUE/S YOU ARE APPLYING ABOUT?

Be brief. You will be able to file evidence and make submissions later.

Attach correspondence, emails, photographs or other documents to the application **only** if directly relevant to the matter.

Part G

WHAT ORDER/S DO YOU WANT MADE?

If there is insufficient space please attach additional pages.

Set out in numbered paragraphs.

Part H

LEAD APPLICANT DETAILS AND RESPONSIBILITIES

A group of residents may carry out negotiations, take part in a mediation or apply to the Tribunal for an order. A group of residents may appoint a lead applicant. In most cases, the Tribunal will require the appointment of a lead applicant.

The lead applicant represents all residents in the proceeding before the Tribunal. The lead applicant's address is the address for service of the residents. A final resolution of the proceedings, other than by way of a final decision of the Tribunal after a hearing, may be authorised by the lead applicant.

The lead applicant is required to ensure:

- all residents are informed promptly of the receipt of directions, notices, correspondence and other documents from the Tribunal;
- all residents are provided with copies of Directions from the Tribunal on request;
- all residents are informed of Tribunal hearing dates including dates for Directions Hearings, Compulsory Conferences and final Hearings as soon as reasonably practicable after the lead applicant is notified of such dates;
- any Directions made by the Tribunal requiring the provision of documents to residents, or the lead applicant on behalf of the residents making documents available for inspection, are complied with as soon as reasonably practicable.

I
accept the responsibilities and obligations of the lead applicant.

Lead applicant sign here

Date

Print your name here

Part I

GROUP APPLICATION AND AUTHORISATION

I authorise the group representative (lead applicant) to represent me in these proceedings as he/she thinks appropriate.

NOTE: there is a requirement for each applicant to complete and sign this part. If an applicant does not agree to the lead applicant representing their interests, that applicant must pursue separate proceedings in the Tribunal.

Full name	Residence name / number	I acknowledge that a final resolution of the proceedings other than by way of final decision by the Tribunal after hearing may be authorised by the lead applicant. Yes/No	Date	Signature

Part J

APPLICATION FOR REPRESENTATION OF A RESIDENT BEFORE THE TRIBUNAL

Will you require representation before the tribunal?

Please tick a box:

Yes No

I advise my nominated representative is:

Another resident of the retirement village who is not a lawyer

A relative who is not a lawyer

A lawyer (with the leave of the tribunal)

Another person (with the leave of the tribunal)

NAME AND ADDRESS OF PROPOSED REPRESENTATIVE

Name

Postal Address

Suburb

State/Territory

Postcode

Contacts (*MUST be provided*)

Mobile

Alternative number

Email

Note: See section 174 Retirement Villages Act 1999.

Part K

ASSISTANCE AT THE COMPULSORY CONFERENCE AND TRIBUNAL HEARING

Will you require an interpreter?

Yes - please specify language or Auslan:

No

Do you have any of the following needs?

wheelchair / mobility access

speech impairment

hearing impairment / loss

vision impairment / loss

other

If you have ticked any of these boxes, please provide details below.

CHECKLIST

I have completed all questions on this form according to the instructions.

I have completed Part H and Part I Group Application and Authorisation (if applicable).

I have provided the correct number of copies of the application form and attachments (*for the number of copies required, see the instructions*).

I am aware that the prescribed fee must be paid at time of lodgement.

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.

Sign and date here

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

Applicant / lead applicant
sign here

Date

Print your name here

If more than one Applicant is named, please complete Part I table on page 6.

Lodgement details	
<p>Email to:</p> <p>enquiriesQCAT@justice.qld.gov.au</p>	<p>Deliver to:</p> <p>Queensland Civil and Administrative Tribunal Floor 11, 259 Queen Street Brisbane Qld 4000 OR your local Magistrates Court. To find your local courthouse visit: www.courts.qld.gov.au/contacts/courthouses</p>
<p>Mail to:</p> <p>Queensland Civil and Administrative Tribunal GPO Box 1639 Brisbane Qld 4001 OR your local Magistrates Court. To find your local courthouse visit: www.courts.qld.gov.au/contacts/courthouses</p>	<p>QCAT lodgement information:</p> <p>For further lodgement information visit the Queensland Civil and Administrative Tribunal website: www.qcat.qld.gov.au/applications/lodging-your-application-and-forms</p>

INSTRUCTIONS FOR COMPLETING FORM 30B

Application for a tribunal hearing – general

- *Retirement Villages Act 1999*

Many disputes under the *Retirement Villages Act 1999* must progress through three dispute resolution steps as identified in the Act. Please carefully peruse the specific details of these steps in the *Retirement Villages Act 1999*.

Broadly however those three steps are as follows:

1. Negotiation at the residential park;
2. Mediation;
3. Application to QCAT.

GENERAL INSTRUCTIONS

Complete and lodge a Form 30B – Application for a tribunal hearing - general

You can find and lodge these application forms at QCAT's Brisbane office or at your local Magistrates Court (excluding the Brisbane Magistrates Court). The forms are also available on [QCAT's website](#). If you run out of space to complete any of the sections of the form, please attach separate sheets of paper and number the relevant question.

You must give the stamped copy of the application to the respondent/s as soon as possible and no later than 28 days after you lodge the application. You may serve the application by post or by giving it to the respondent personally. Once you have served the respondent you must complete a [Form 9 – Affidavit of Service](#) which is available at qcat.qld.gov.au.

You may lodge the application form with QCAT by email, post or in person.

If you are lodging the application by email, please email to enquiriesQCAT@justice.qld.gov.au

If you are lodging the application by post or in person, you need to provide a number of copies, namely:

- 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 must be accompanied by the prescribed application fee

There is a prescribed fee for lodging an application. The correct fee must be paid when you lodge this form so we can process 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 the application is being lodged in person).
- Cheque or money order (payable to Department of Justice and Attorney-General).
- Credit card using the Credit card payment authorisation form. (The form is available at qcat.qld.gov.au or by calling 1300 753 228. This form must not be sent by email.)

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](#).

HOW TO COMPLETE THE FORM

PART A Applicant/s details

An applicant is a party making the application.

There may be more than one applicant. If there is insufficient space on the form for the required details for each applicant, please attach additional pages with the required details.

If any applicant is an individual person or persons, you must provide:

- The applicant's full name.
- The applicant's full address and contact phone numbers.
- The applicant's email address.
- The applicant's ABN if the person trades in his/her own name as a business.

If any applicant is a company, you must provide:

- The company's full and correct name.
- The company's ACN or ABN.
- The company's trading address.
- The name of the relevant contact person at the company and their phone number(s).
- An email address for the company.

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 in Form 56 (see below for representation of applicants):

- Any change in your address for notices must be filed in the tribunal and served on all other parties.
- A party who wants to be part of a group must sign and complete Part I (noting that the lead applicant's address at Part H will then be the address for service of all the group applicants).

Tick the box to indicate whether you are a retirement village scheme operator, village resident or part of a group.

Representation of applicants:

- Generally, parties in QCAT proceedings are expected to represent themselves.
- QCAT may grant leave for a party to be represented. If you want someone to represent you in any proceedings before the Tribunal you must complete Form 56 - Application for leave to be represented.
- However, you are not required to seek leave to be represented if you are a child or a person with impaired capacity, or if relevant laws state that you may be legally represented.
- Visit the [QCAT website](#) for more information about legal advice and representation.

PART B Respondent/s details

A respondent is a party against which the claim is brought. There may be more than one respondent. If there is insufficient space on the form for the required details for each respondent, please attach additional pages with the required details.

Where the respondent is a business then the correct name of the entity must be used e.g. a company name, a business name (whether it is registered or not) or the name of a State agency or department. You must also state the correct ABN/ACN for the company or business name.

If any respondent is an individual person or persons, you must provide:

- The respondent's full name.
- The respondent's full address and contact phone numbers.
- The respondent's email address.
- The respondent's ABN if the person trades in his/her own name as a business.

If any respondent is a company, you must provide:

- The company's full and correct name.
- The company's ACN or ABN.
- The name of the relevant contact person at the company and their phone number(s).
- An email address for the company.
- Tick the box to indicate whether the respondent is a retirement village scheme operator.

Representation of respondents:

If you want someone to represent you in any proceedings before the Tribunal you must complete Form 56 - Application for leave to be represented. You are not required to seek leave if you are a child or a person with impaired capacity. Visit the QCAT website for more information about legal advice and representation.

For more information please refer to the tribunal's fact sheet - How to identify and name the parties in QCAT available at qcat.qld.gov.au.

PART C Retirement Village Details

Please complete the name and address of the residential park / retirement village to which the dispute relates.

PART D Attempted mediation/exempt from mediation

Please complete details of any mediation or attempted mediation undertaken, or specify which legislative provisions under the *Retirement Villages Act 1999* exempts your matter from mediation.

PART E What is the issue/s you are applying about?

Briefly set out the issues you are applying about. Only attach correspondence, emails, photographs or other documents which are directly relevant to the matter.

PART F What orders do you want made?

State what order/s you want made in numbered paragraphs.

PART G Documents relevant to the dispute

List and attach a copy of documents (e.g. correspondence, emails and photographs or other documents) which are directly relevant to the matter.

PART H Lead applicant details and responsibilities

To be completed by the lead applicant.

PART I Group application and authorisation

To be completed by all group applicants to authorise a group representation to represent all applicants in the proceedings.

PART J Application for representation of a resident before the tribunal

A resident of a retirement village who is an individual may be represented before the tribunal:

- a. by another resident of the retirement village who is not a lawyer; or
- b. by a relative who is not a lawyer; or
- c. with the leave of the tribunal, by a lawyer or another person.

PART K Assistance at the compulsory conference and tribunal hearing

Provide details of assistance required at the compulsory conference and tribunal hearing.