

QCAT Practice Direction No. 1 of 2023

Emailing of documents by QCAT to parties, rather than posting, where practicable

Purpose of Practice Direction

1. This is a service practice direction.
2. The purpose of this Practice Direction is to set out QCAT's practices and procedures for the use of email when QCAT communicates with parties to proceedings in QCAT.
3. In particular, the purpose of this Practice Direction is to make it clear that, where possible, email will be used by QCAT in the giving of documents, including originating process, to parties or non-parties, rather than hard copy documents.
4. Parties are expected to regularly check their email inbox for QCAT communications, that is, at least every second business day.

Party to provide email address for service

5. At or by the time when a party is required to provide an address for service, the party will provide to QCAT an email address for service unless unable to do so.
6. This requirement to provide an email address for service is in addition to any other requirement that the party provides a postal address and/or any other address required by law to be provided.

Principal Registrar may give notices by email

7. Under the QCAT Rules, the principal registrar is sometimes required to give notice to relevant entities, including the public guardian, the relevant adult and others ("notice recipients"): see, for example, QCAT rules 20, 20A, 21.
8. Unless an Act expressly requires otherwise, where the principal registrar is required to give notice to a notice recipient, the principal registrar may do so by emailing the notice to the notice recipient at an email address:
 - (a) provided by the notice recipient in an address for service; or
 - (b) otherwise reasonably believed by the principal registrar to be an email address for the notice recipient, whether because it has been provided by the notice recipient in a document filed in QCAT, or otherwise.

General operations of QCAT

9. In the course of the general operations of QCAT, it is sometimes necessary for QCAT to give documents to parties and non-parties, including (but not limited to) applications, notices, orders, directions, decisions, reasons and general correspondence ("QCAT documents").

10. Unless an Act expressly provides otherwise, QCAT documents may be given to parties and non-parties at an email address:
 - (a) provided by a party in an address for service; or
 - (b) otherwise reasonably believed by the principal registrar to be an email address for the notice recipient, whether because it has been provided by the notice recipient in a document filed in QCAT, or otherwise.

Change of contact details

11. QCAT requires that:
 - (a) When contact details are provided, that the correct and up-to-date details are provided.
 - (b) When a party or non-party's contact details change, that the QCAT ['Change your contact details'](#) form is completed and promptly lodged with QCAT.

Parties to check their email inbox for QCAT communications

12. Parties are expected to regularly check their email inbox for QCAT communications, that is, at least every second business day.

Hard copies will be unnecessary where documents emailed

13. If an email address has been provided by a party or non-party, then QCAT may provide documents by email to the party or non-party.
14. When QCAT provides documents by email, QCAT will not provide a hard copy.
15. QCAT can make an exception to this, in the exercise of discretion, in any given case. To be clear though, parties and non-parties should act on the basis that most, if not all documents, will always be sent by email, and not by hard copy.

If QCAT receives a non-delivery message or other message indicating that delivery of the documents has not been successful

16. If QCAT receives a non-delivery message to an email it has sent, or other message indicating that delivery of the documents has not been successful, (for example, a message stating that the documents attempted to be sent exceeds the file attachment size limit), QCAT will send the hard copy document/s via post or the next best means of service.

Date of receipt of documents

17. When sending documents via email, QCAT will generally consider that the date of receipt is the day of sending, unless the email was sent after 4.30 pm, in which case, the date of receipt will be the next business day.
18. When sending documents via post to an Australian address, QCAT will generally consider that a document is received at the address on the seventh working day after having been posted.



Hon Justice Kerri Mellifont
President

7 March 2023