

Instructions for completing**Application for a tribunal hearing –
*Retirement Villages Act 1999*****General instructions****Copies of the application and providing copies to other parties**

The application form and all attachments must be accompanied by three copies. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

Generally, you must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven days after the application is filed.

Applications may be lodged

In person: Queensland Civil and Administrative Tribunal, Level 11, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee

For more information on QCAT fees, please refer to the QCAT factsheet or go to www.qcat.qld.gov.au

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see credit card payment authorisation form – mastercard and visa accepted).

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant or respondent can be named in an application. For instance, an application may be brought by more than one resident.
- If there is insufficient space for the names of either applicant or respondent, you may 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 regardless of whether it is registered under the *Business Names Act 1962*
 - 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 filed in the tribunal and served on all other parties.

Instructions for completing *(continued)*

PART A APPLICANT'S AND RESPONDENT'S DETAILS *(continued)*

Representative's details

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

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*. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

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

Note: under section 174 of the Retirement Villages Act 1999, a resident of a retirement village who is an individual may be represented before the tribunal by another resident of the retirement village who is not a lawyer or by a relative who is not a lawyer.

Details of the body corporate/community titles scheme

The full name and address of the community titles scheme and the community titles scheme number must be provided. Please include a copy of a title search for the scheme with your application.

PART B RETIREMENT VILLAGE DETAILS

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

PART C ATTEMPTED MEDIATION

This form is used to apply for a tribunal hearing if you have already attended mediation and it did not settle the dispute. You may also use this form to make an application to the tribunal without mediation first occurring where circumstances under section 169, 170 or 170 of the *Retirement Villages Act 1999* have occurred.

Please tick the relevant boxes.

PART D GENERAL DISPUTE DETAILS

You must tick the appropriate boxes and fill in the details wherever you have ticked the yes box.

Chief Executive: the Chief Executive is the Director-General of Department of Employment, Economic Development and Innovation.

PART E DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

State what orders you are seeking from the tribunal and why you consider the orders sought should be made. Include a clear outline of the history and nature of the dispute. A copy of the contract may be attached.

Form Number 31 (version 1)
 Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application for a tribunal hearing – Retirement Villages Act 1999

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:	
Fee paid:	
Rec no:	

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>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

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

Fax

Email

PART A APPLICANT'S DETAILS *(continued)*

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>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

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

Fax

Email

Applicant is *(please tick)*

- village resident
- village operator

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>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

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

Email

Representative's details (if applicable)

Name

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

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

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

Fax

Email

Respondent is (please tick)

- village resident
- village operator

PART B RETIREMENT VILLAGE DETAILS

Retirement village name:

Retirement village address:

<input type="text"/>	Postcode	<input type="text"/>
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PART C ATTEMPTED MEDIATION

Please tick correct box:

Yes No Has a form – *Dispute notice for referral to mediation* been filed in relation to the dispute?

If yes, insert case number

Yes No Are you being threatened with removal, deprivation or restriction in the village? (*section 169 of the Act*)

Yes No Have you been given false or misleading documents? (*section 170 of the Act*)

Yes No Are you a former resident applying for payment of exit entitlement? (*section 171 of the Act*)

PART D GENERAL DISPUTE DETAILS

1. The date the residence contract was entered into

2. Are you alleging a contravention or failure to comply with a residence contract?

Yes No

If yes, please indicate what the contravention or failure relates to:

accommodation

facilities

residents' contributions

mandatory funds

operator's payments to resident

resale process

village land

other (*please set out details*)

3. Are you alleging a contravention or failure to comply with a section of the Act?

Yes No

If yes, please state which section or sections:

PART D GENERAL DISPUTE DETAILS *(continued)*

4. If you are alleging a contravention or failure to comply with a section of the Act, are you materially prejudiced by the alleged contravention or failure to comply?

Yes No

If yes, please state how you believe you are materially prejudiced:

5. Is the dispute the subject of arbitration, or has the dispute been the subject of an interim or final award in an arbitration proceeding?

Yes No

If yes, please provide details.

6. Is the dispute before, or has the dispute been decided by, a court?

Yes No

If yes, please specify:

- which court
- file number
- town or city
- commencement date

7. Have you made a previous complaint to the Chief Executive or the tribunal about any of the issues in this dispute?

Yes No

If yes, state date of complaint
and file number of complaint

Interpreter

Is an interpreter required?

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 application is true to the best of my knowledge.

Applicant/s sign here

Date

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