

Instructions for completing**Respondent's contentions on referral
under the *Anti-Discrimination Act 1991*****General instructions****Contentions 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 documents may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

PART A COMPLAINANT'S AND RESPONDENT'S DETAILS

- More than one complainant or respondent may be named in an application. If there is insufficient space for the names of either applicant or respondent you may attach additional pages with similar details.
- If the complainant 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 given to all other parties.

Representative's details

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

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.

Instructions for completing (continued)

PART B RESPONDENT'S CONTENTIONS

Please state which facts you agree with, do not agree with or are disputed, answer the allegations made, and set out any defence or exemption relied on. You may wish to include the following:

- identify the facts you agree with, do not agree with or are disputed
- describe your version (if any) of what happened
- explain why you believe you have not contravened the *Anti-Discrimination Act 1991* with reference to the relevant sections of the Act (see below)
- tell the tribunal the elements of any defence or exemption
- state your response to the consequences of the alleged discrimination as stated by the complainant
- set out any alternative orders that you want the tribunal to make (e.g. costs that or that the complaint be dismissed).

You should include the reasons why you believe that the allegations contained in the complaint that was referred by the Anti-Discrimination Commissioner do not amount to a contravention of the Act.

Your reasons may include the following:

- any dispute about the attribute under section 7 the applicant is relying upon as the basis for the discrimination alleged
- any dispute about the area under Division 2 the applicant is relying upon in which the discrimination took place
- any dispute about whether discrimination, sexual harassment, vilification or victimization has occurred within the meanings contained in sections 9, 10, 11, 119, 124A and 130
- any defence to a claim of vicarious liability claim within the terms of section 133
- why any alteration or use as contended for by the applicant in the applicant's contentions should not be made, and any alternative arrangements that you propose, and/or any circumstances that you believe are relevant to the reasonableness of the alterations that the applicant is seeking (see section 11(2))
- any exemption under the Act that you believe applies to you
- any claim you make in defence of a applicant of vilification in terms of section 12A(2)
- any other matter you believe is relevant to your case.

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

- the reasons why the tribunal should not make the order the complaint seeks
- any orders that you request the tribunal to make including any order for costs and the reasons why the tribunal should make a costs order, having regard to the *Queensland Civil and Administration Tribunal Act 2009* and the *Queensland Civil and Administration Tribunal Rules 2009*.

Respondent's contentions on referral under the *Anti-Discrimination Act 1991*

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

For office use onlyCase number: Date: Registry: Sent to: **PART A COMPLAINANT'S DETAILS****Case number****Name**

Title

Given name/s

Surname/Family name

Company/Partnership/other

ABN

Business Name**Address**

Postcode

Telephone

Home

Business

Mobile

Fax**Email**

PART A COMPLAINANT'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). The tribunal may not give you 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"/>		
<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

PART A RESPONDENT'S DETAILS

Name

Title

Given name/s

Surname/Family name

Company/Partnership/other

ABN

Business Name

Address

Postcode

Telephone

Home

Business

Mobile

Fax

Email

Representative's details (if applicable)

Name

Title

Given name/s

Surname/Family name

Company/Partnership/other

ABN

Business Name

Address

Postcode

Telephone

Home

Business

Mobile

Fax

Email

PART B RESPONDENT'S CONTENTIONS

If there is insufficient space here, please attach additional pages.

Please state whether you agree with any of the applicant's allegations or contentions.

Please state the reasons why you believe that the allegations contained in the complaint that was referred by the Anti-Discrimination Commission do not amount to a contravention of the *Anti-Discrimination Act 1991*, and/or why the orders sought by the applicant should not be made.

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If there is insufficient space here, please attach additional pages.

I want the tribunal to make the following order/s:

Insert orders sought in numbered paragraphs.

PART D CHECKLIST AND SIGNATURE

- I have completed all questions on the form according to the instructions
- I have provided the correct number of copies of the form and attachments (as directed by the tribunal)
- I am ready to proceed

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.