

Form Number 40 (version 2)

Queensland Civil and Administrative Tribunal Act 2009 (sections 35, 46, 47, 48, 62, 66 (3), 90 (4))

Queensland Civil and Administrative Tribunal Rules 2009 (rule 75)

# Application for miscellaneous matters

Refer to attached instructions 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 WHAT DO YOU SEEK FROM THE TRIBUNAL

*If insufficient space here, please attach additional pages*

### C1 – Application for leave to withdraw an application or referral

I/we 

seek leave to withdraw the application/referral which was lodged with the tribunal on:

*(please circle applicable)*

**PART C**    **WHAT DO YOU SEEK FROM THE TRIBUNAL** *(continued)*  
*If insufficient space here, please attach additional pages*

**C2 – Application for directions**

I/we

apply to the tribunal for the following directions *(set out in numbered paragraphs)*:


The reasons I seek these directions are:


**C3 – Application to dismiss or strike out a proceeding**

I/we

apply to dismiss/strike out the application to/of:  
*(please circle applicable)*


The grounds of my application are:


**PART C WHAT DO YOU SEEK FROM THE TRIBUNAL** *(continued)*  
*If insufficient space here, please attach additional pages*

**C4 – Application for a closed hearing**

I/we

apply for a closed hearing in relation to this proceeding.

**C5 – Application for non-publication order**

I/we

apply for a non-publication order for the following:

documents – insert details: \_\_\_\_\_

things – insert details: \_\_\_\_\_

evidence – insert details: \_\_\_\_\_

information – insert details: \_\_\_\_\_

**C6 – Application to refer rejection or conditional acceptance of application or referral to tribunal for review**

I/we

request that the principal registrar refer to the tribunal for review their decision to reject or conditionally accept the application/referral which was lodged with the tribunal on:

*(please circle applicable)*

Other details about the rejected or conditionally accepted application or referral:

**PART C WHAT DO YOU SEEK FROM THE TRIBUNAL** *(continued)*  
*If insufficient space here, please attach additional pages*

**C7 – Application for direction requiring another party to produce document, thing or information**

I/we

apply to the tribunal under section 62(3) of the *Queensland Civil and Administrative Tribunal*

*Act 2009* for a direction requiring  of  
*(insert name)*

*(insert address)*

to produce:

documents – insert details: \_\_\_\_\_

things – insert details: \_\_\_\_\_

information – insert details: \_\_\_\_\_

The reasons I seek these directions are:

**PART C WHAT DO YOU SEEK FROM THE TRIBUNAL** *(continued)*  
*If insufficient space here, please attach additional pages*

**C8 – Application for order requiring person to produce document or thing**

I/we

apply to the tribunal under section 63(1) of the *Queensland Civil and Administrative Tribunal*

Act 2009 for an order requiring  of  
*(insert name)*

  

*(insert address)*

to produce:

documents – insert details: \_\_\_\_\_

things – insert details: \_\_\_\_\_

The reasons I seek this order are:


**PART D CHECKLIST AND SIGNATURE**

- 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 am ready to proceed with this application

## 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 – 100 penalty units.

## 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.

## Instructions for completing

# Application for miscellaneous matters

### General instructions

#### Copies of the application and providing copies to other parties

No extra copies of the application form and attachments are required for cases related to:

- *Adoption of Children Act 1964*
- *Child Care Act 2002*
- *Child Protection Act 1999*
- *Commission for Children and Young People and Child Guardian Act 2000*
- *Disability Services Act 2006*, section 123ZK(8) or 123ZN(5)
- *Guardianship and Administration Act 2000*.

You also do not need to give a copy of the application to another party in those cases.

For a minor civil dispute, the application form and all attachments must be accompanied by two copies. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

For all other cases, 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

*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:* At QCAT, Level 9, 259 Queen Street (BOQ Centre), Brisbane OR any Magistrates Court.

To find your nearest 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).

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

## **Instructions for completing (continued)**

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

- include case number if known.

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

- attach a separate sheet with further details if required

#### **C1 – Application for leave to withdraw an application or referral**

- generally an applicant does not need the leave of the tribunal to withdraw their application or referral, however you will need to apply for leave of the tribunal to withdraw an application or referral under the *Child Protection Act 1999*, *Disability Services Act 2006* section 123ZK(8) or 123ZN(5), *Guardianship and Administration Act 2000* or *Powers of Attorney Act 1998*
- you may only withdraw an application or referral for a matter before the matter is heard and decided by the tribunal
- if you withdraw your application or referral you generally cannot make a further application or referral, or request a further referral relating to the same facts or circumstances without the leave of the tribunal.

**If leave is not required to withdraw the application or referral then please complete Form 58 - Notice of withdrawal of application/referral.**

#### **C2 – Application for directions**

- the tribunal may give a direction at any time in a proceeding including on the basis of documents alone so please include all relevant information in your application
- if your application for a direction is to require another party to produce a document, thing or information, please complete C7

#### **C3 – Application to dismiss or strike out a proceeding**

- you may apply to dismiss or strike out all or part of a proceeding
- please state the grounds of your application

#### **C4 – Application for a closed hearing**

The grounds for an application for a closed hearing may be to:

- avoid interfering with proper administration of justice
- avoid endangering the physical or mental health or safety of a person
- avoid offending public decency or morality
- avoid publication of confidential information or information about whose publication would be contrary to public interest
- another reason in the interests of justice



## **Instructions for completing (continued)**

### **C5 – Application for non-publication order**

- you may apply for non-publication of:
  - the contents of a document produced to the tribunal
  - a thing produced to the tribunal
  - evidence given before the tribunal
  - information.
- if applying for non-publication of information, the relevant information is information which enables a person who has appeared before the tribunal or is affected by the proceedings to be identified

### **C6 – Application to refer rejection or conditional acceptance of application or referral to tribunal for review**

- please state the date you lodged your application or referral
- other details may include the date the principal registrar advised you that your application or referral was rejected or conditionally accepted.

### **C7 – Application for direction requiring another party to produce document, thing or information**

- you must state the name and address of the party
- you must provide reasons for a request

### **C8 – Application for order requiring person to produce document or thing**

- you must state the name and address of the person
- you must provide reasons for your request

### **Your Information**

QCAT collects your contact details for the purposes of compliance with the *Queensland Civil and Administrative Tribunal Act 2009* in relation to proceedings in QCAT. QCAT may contact you to seek your assistance in research to assist in the evaluation of the operation of QCAT. You are not obliged to participate in feedback or surveys. If you do participate no identifying particulars will be published. QCAT will not disclose your contact details or any other personal information to a third party unless required by law.