

QCAT Practice Direction No. 7 of 2022

APPLICATIONS FOR REVIEW OF DECISIONS MADE ABOUT WEAPONS

Updated 10 October 2023

Contents

WEAPONS APPLICATIONS	2
WHAT ARE THE POWERS OF QCAT IN DECIDING YOUR WEAPONS MATTER .	2
REASON FOR THIS PRACTICE DIRECTION.....	2
APPLICATIONS FOR REVIEW OF DECISIONS MUST BE LODGED WITHIN 28 DAYS OF BEING GIVEN NOTICE OF THE DECISION	3
WHAT HAPPENS ONCE THE APPLICATION FOR REVIEW IS RECEIVED BY QCAT	3
APPLICATIONS FOR EXTENSION OF TIME	4
APPLICATIONS TO STAY A DECISION UNDER REVIEW	5
THE FIRST DIRECTIONS HEARING	6
IF A PARTY OR WITNESS HAS DIFFICULTY READING OR WRITING	7
FAILURE TO COMPLY WITH A DIRECTION.....	7
SEEKING AN EXTENSION OF TIME TO COMPLY WITH A DIRECTION	7
EVIDENCE.....	8
STATEMENTS.....	8
HEALTH REPORTS.....	9
NOTICE OF TRIBUNAL HEARING.....	9
PARTIES ARE REQUIRED TO KEEP QCAT INFORMED OF THEIR CONTACT DETAILS	10
THE SECOND DIRECTIONS HEARING	10
THE QCAT HEARING.....	11
ORAL SUBMISSIONS MADE AT A QCAT HEARING	11
HOW TO FILE AND SERVE MATERIAL	12
LEGAL REPRESENTATION.....	12
CRIMINAL INTELLIGENCE	13
AVENUES OF APPEAL FROM A DECISION OF QCAT	13
WHERE TO LOOK TO FIND SOME OTHER WEAPONS MATTERS QCAT HAS DECIDED	13
ANNEXURE A – TEMPLATE DRAFT DIRECTIONS FOR WEAPONS MATTERS .	15

WEAPONS APPLICATIONS

1. “Weapons matters” are matters where a person applies to QCAT to review a decision made by the Queensland Police Service – Weapons Licensing (“the QPS”), made under the *Weapons Act 1990 (Qld)* (“the Weapons Act”). The most common type of decisions reviewed by QCAT are decisions by the QPS to refuse, suspend or revoke a firearms licence.¹
2. In reviewing these decisions, the legislation states that the QCAT decision maker must work on the principle that weapon possession and use are subordinate to the need to ensure public and individual safety.
3. The QCAT decision maker needs to come to the correct and preferable decision on the matter.

WHAT ARE THE POWERS OF QCAT IN DECIDING YOUR WEAPONS MATTER

4. In relation to a reviewable decision in a weapons matter, once QCAT has heard the matter, QCAT can:
 - a) confirm the decision under review; or
 - b) set aside the decision under review and substitute a new decision; or
 - c) set aside the decision under review and send the matter back to the QPS to reconsider the decision, together with any directions QCAT considers appropriate.

REASON FOR THIS PRACTICE DIRECTION

5. This practice direction contains:
 - a) information that will assist the parties in understanding the process; and
 - b) provide directions to the parties about some of the things they must do.
6. Compulsory conferences will only proceed in weapons matters where QCAT forms the view that it is desirable to do so. This might occur, for example, where QCAT forms the view that there is a realistic possibility that a compulsory conference might result in resolution of the matter, or a meaningful narrowing of issues, or where a compulsory conference might be a better way to help a particular applicant to understand QCAT processes. QCAT might come to that view by itself, or after being asked by a party to consider ordering a compulsory conference.
7. A directions hearing will be held in weapons matters at an early stage of the process. During a directions hearing, the QCAT decision maker will seek to ensure applicants and respondents are informed of their obligations and

¹ As to the decisions that might be reviewed by QCAT, see section 142 of the Weapons Act.

responsibilities in progressing the matter to finalisation and that the parties understand the processes of the Tribunal and the issues to be determined.

8. It is envisaged that at the initial directions hearing, QCAT will make directions through to the final hearing. This will assist the parties to know and understand:
 - a) the steps they must undertake and the timeframes for those steps to be completed; and
 - b) when their final hearing will be.

APPLICATIONS FOR REVIEW OF DECISIONS MUST BE LODGED WITHIN 28 DAYS OF BEING GIVEN NOTICE OF THE DECISION

9. A person **must** lodge an application to QCAT if they want to review the decision of the QPS to refuse, suspend or revoke a firearms licence, or any other reviewable decision.
10. To apply to QCAT to review the decision, the person (“the applicant”) needs to lodge a [Form 23 – Application to review a decision \(Form 23\)](#).
11. The Form 23 **must** be lodged within 28 days after the applicant was given notice of the decision.

WHAT HAPPENS ONCE THE APPLICATION FOR REVIEW IS RECEIVED BY QCAT

12. The applicant **must** serve a copy of the application on the QPS within 7 days after filing.² The QPS is then known as “the respondent”.
13. It is **not** the responsibility of QCAT to serve the application on the respondent. As stated in the previous paragraph, it is the responsibility of the applicant to serve a copy of the application on the QPS.
14. The preferred method of serving the QPS is by email at Weapons.QCAT@police.qld.gov.au.
15. If the applicant is not able to send emails, then the application should be served by post to:

QCAT Support Officer
Weapons and Licensing, Queensland Police Service
GPO Box 892
Brisbane 4000

² Section 19(2)(c) of the *Queensland Civil and Administrative Tribunal Rules 2009* (Qld).

16. Once served with an application, the respondent must provide QCAT and the applicant with the following documents (the “section 21 of the QCAT Act documents”) within 28 days:³
- a) a written statement of reasons; and
 - b) an indexed and page numbered bundle in date or other logical order of the documents and other material in its possession or under its control that may be relevant to the review of the decision.

APPLICATIONS FOR EXTENSION OF TIME

17. If the applicant does not lodge their application in QCAT within time, that is, within 28 days of being given notice of the decision, and they still want to apply to QCAT to review their decision, then they need, as soon as possible:

- c) to lodge their application to review their decision (that is, the Form 23);

AND

- d) at the same time, lodge a [Form 42 – Application to extend or shorten a time limit or for waiver of compliance with procedural requirement \(Form 42\)](#).

18. QCAT can only grant an extension of time if it is satisfied there is a reasonable excuse for delay. If there is no reasonable excuse for delay, then the application for an extension of time will be refused, and the application to review will not be accepted.

19. Form 42 requires the applicant to outline the type of order sought. If an applicant is seeking an extension of time, then the applicant should write: “an order extending the time to lodge the application to review a weapons decision.”

20. Form 42 also asks the applicant to list the reasons for the application. This is where the applicant needs to set out the reasonable excuse relied on for not lodging the Form 23 application to review the decision within 28 days, and why the applicant submits that QCAT should make an order extending time.

21. Applications for extensions of time will usually be determined “on the papers”, that is, by the QCAT decision maker, in the absence of the parties, relying only on the written material which the parties have provided, rather than requiring the parties to attend at a hearing and make oral argument. This is one reason why it is important that when a person files a Form 42 applying to extend time, the person sets out, in full, why they did not file the Form 23 application within

³ Section 21(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act) which sets out the obligation, at law, to provide these documents to the Tribunal.

28 days, and why QCAT should make an order extending time, attaching any evidence or material they want to rely upon.

22. After the Form 42 is filed, the applicant **must** provide a copy of the Form 42 (and attachments, if any) and the Form 23 (and attachments, if any) to the respondent within 7 days.
23. The respondent **must** then, within 14 days of receiving this material, file any submissions in reply to the application to extend time, together with any evidence or material relied upon.
24. Sometimes, when considering the Form 42, the QCAT decision maker will consider it appropriate to issue further directions (for example, a direction to the applicant to file any further material, evidence and/or submissions in reply to the respondent's material, evidence and/or submissions). Alternatively, the QCAT decision maker may consider it more appropriate to determine the application to extend time at an oral hearing. If that is the case, QCAT will notify the parties of the time and place for that oral hearing.

APPLICATIONS TO STAY A DECISION UNDER REVIEW

25. QCAT can stay, that is, suspend, some decisions of the QPS. For example, QCAT can stay a decision to suspend or revoke a firearms licence. It cannot stay a decision to refuse a firearms licence as this would have no practical effect.
26. Any stay application must be brought using a [Form 44 – Application to stay a decision \(Form 44\)](#).
27. In considering a stay application, QCAT is required to take into account the interests of any person whose interest may be affected, any submissions by the QPS and the public interest.
28. Applications for a stay will usually be determined “on the papers”, that is, by the QCAT decision maker, in the absence of the parties, relying only on the written material which the parties have provided, rather than requiring the parties to attend at a hearing and make oral argument. This is one reason why it is important that when a person files a Form 44 applying for a stay, the person sets out, in full, why QCAT should make an order staying the decision under review, attaching any evidence or material they want to rely upon.
29. After the Form 44 is filed, the applicant **must** provide a copy of the Form 44 (and attachments, if any) to the respondent within 7 days.
30. The respondent **must** then, within 14 days of receiving this material, file any submissions in reply to the application for a stay, together with any evidence or material relied upon.
31. Sometimes, when considering the Form 44, the QCAT decision maker will consider it appropriate to issue further directions (for example, a direction to the

applicant to file any further material, evidence and/or submissions in reply to the respondent's material, evidence and/or submissions). Alternatively, the QCAT decision maker may consider it more appropriate to determine the application to extend time at an oral hearing. If that is the case, QCAT will notify the parties of the time and place for that oral hearing.

THE FIRST DIRECTIONS HEARING

32. Each application which is filed within time, or where an extension of time has been granted, will be listed for a directions hearing before a QCAT decision maker ("the first directions hearing").
33. The first directions hearing is designed to reduce the overall time of litigation for the parties in these matters and to ensure that all parties understand the steps that they must go through prior to the hearing date.
34. At the directions hearing:
 - a) the QCAT decision maker will make the directions necessary to progress the proceeding to a final hearing, so far as is practicable; and
 - b) the QCAT decision maker will ask the parties for their opinion as to how long they think the final hearing may take and as to the appropriate mode of hearing (that is, in person or by remote hearing).
35. The first directions hearing will take place as soon as practicable after the applicant has filed the application, but no earlier than 8 weeks after this has occurred. This gap of at least 8 weeks is to ensure that the respondent has had sufficient time to:
 - a) file and provide to QCAT and the applicant, the written statement of reasons, and the section 21 of the QCAT Act documents, within 28 days of receiving a copy of the application, as is required by law; and
 - b) provide all parties the opportunity to read and consider those documents before the first directions hearing.
36. It is very important that both parties participate in the directions hearing. Both parties **must** attend the directions hearing:
 - a) having considered the type of evidence in which they wish to rely upon at the hearing;
 - b) ready to give an estimate of the length and mode of hearing; and
 - c) when they and any witnesses are available to take part in a hearing.
37. Wherever possible, at the first directions hearing the QCAT decision maker will allocate the date for final hearing.
38. On average, final hearings take approximately half a day; but sometimes the final hearings can be longer or shorter. It is important for QCAT to know how

long the parties think the final hearing might take to ensure this is taken into account when scheduling the hearing.

39. **Annexure A** to this Practice Direction is a set of template directions which are intended to generally apply; however, the QCAT decision maker retains full discretion to amend, supplement or reduce those directions as appropriate in each matter. For example, there may be occasions where it is appropriate to direct the filing of written submissions prior to the hearing.

IF A PARTY OR WITNESS HAS DIFFICULTY READING OR WRITING

40. If a party has difficulty reading or writing, or a witness the party wishes to call has difficulty reading or writing, then the party should raise this with the QCAT decision maker at the first directions hearing so that possible alternatives to written evidence from that party / witness can be discussed.

FAILURE TO COMPLY WITH A DIRECTION

41. If a party fails to comply with a direction for filing material or submissions, the matter may be determined without that material or submissions. As a consequence, if the party failing to file is the applicant, it is possible that the application will be dismissed.

SEEKING AN EXTENSION OF TIME TO COMPLY WITH A DIRECTION

42. It is very important that all parties do their very best to comply with directions issued by QCAT.
43. However, it is acknowledged, that sometimes compliance becomes impossible for some unforeseen reason, and that sometimes a party will need to apply to extend time.
44. The QCAT decision maker may, where appropriate, extend the time for a reasonable period. This can be done with or without reference to the other party, depending on the overall circumstances.
45. In extending time, the QCAT decision maker may also extend the time for the other party to comply with a subsequent direction.
46. The QCAT decision maker will also consider (among other things) whether granting the extension of time will put the hearing date at risk of not being able to proceed.
47. Where a party seeks an extension of time to comply with a direction made by QCAT, the request for extension should be made before the relevant step falls due. A party can seek an extension of time by filing a [Form 42 – Application to extend or shorten a time limit or for waiver of compliance with procedural requirement](#).

48. Even though a party may apply for an extension of time to comply with a direction, the party should not assume it will be granted. The QCAT decision maker must consider all of the material supporting the application as well as any response from the other party, and then determine the outcome of the request.

EVIDENCE

49. Evidence describes, explains, demonstrates or supports a party's claims about what is the correct and preferable decision that the QCAT decision maker should make at the conclusion of the hearing.

50. Evidence can be given orally or in writing and if required, under oath or by affidavit. Usually, parties will be directed to provide the evidence of their own witness/es in writing (see paragraphs to 52 to 57 below).

51. Some examples of evidence are (this is not an exhaustive list):

- a) a written statement (see paragraphs 52 to 57 below) by a person in which the person sets out what they want to say about the matter; or
- b) a document that is a record of an event, for example, a certificate or diploma; or
- c) a document that is proof of an event, such as a photograph; or
- d) a document that accurately and factually demonstrates or supports something explained in a statement, such as a plan or a map; or
- e) an expert report from, for example, a doctor or a psychologist.

STATEMENTS

52. A witness statement is the evidence of the witness, reduced to writing, prepared prior to the QCAT hearing.

53. As stated above at paragraph 50, the applicant will usually be directed to provide statements from themselves and for any other witnesses they intend to rely upon to support their case.

54. The preparation of statements is a very important part of the applicant's preparation for a hearing. The evidence of each witness needs to be set out in detail in the statements, as the QCAT decision maker can, where appropriate, refuse to allow a party to present evidence at the hearing which is not contained in their statements.

55. A witness statement **must** be signed.

56. It is generally expected that any witnesses whose evidence is intended to be relied upon by a party can be cross-examined by the other party. However, whether a party chooses to seek to cross-examine a witness is a decision for them. The directions issued at the directions hearing will set out the date by

which a party **must** inform the other party, and QCAT, whether they wish to cross-examine any particular witness or witnesses of the other party.

57. QCAT's website contains an information sheet on the preparation of statements. A sample template is also available on QCAT's website at <https://www.qcat.qld.gov.au/going-to-the-tribunal/preparing-statements>.

HEALTH REPORTS

58. From time to time, applicants may wish to provide a health report from a psychologist, psychiatrist, or other practitioner.

59. To ensure the report writer is in a position to know the concerns which the QPS had in making the decision under review, the applicant must provide that health practitioner with a copy of the statement of reasons from the QPS.

60. It is not for QCAT to dictate to a party what should or should not be included in a health report. Provided the material in the health report is relevant, it is a matter for the party to decide what should or should not be included. Having said that, some matters which the QCAT decision maker may find of assistance in determining whether to confirm or set aside the decision under review include:

- a) the history taken from the applicant;
- b) an acknowledgement that the practitioner is aware of the adverse material contained in the QPS material;
- c) details of the applicant's physical or mental health conditions, and the applicant's level of insight into those conditions;
- d) the period of time for which the practitioner has been treating the applicant; and
- e) the practitioner's opinion in relation to the fitness and propriety of the applicant to possess or use a firearm, and the reasons for reaching that conclusion.

NOTICE OF TRIBUNAL HEARING

61. The directions made at the directions hearing that lists the date for the QCAT hearing **will serve as the required provision of notice for the tribunal hearing.**⁴

62. The parties **must** ensure they read all directions that are made in the matter and ensure they record the hearing date in their own records, and appear at that hearing date at the time specified (which will commonly be at 9.30 am).

⁴ Section 92 of the QCAT Act.

PARTIES ARE REQUIRED TO KEEP QCAT INFORMED OF THEIR CONTACT DETAILS

63. At the first directions hearing both parties will be required to confirm their correct email addresses and contact details.
64. Should a party's contact details change at any time throughout the proceedings, that party must update QCAT and the other party as soon as possible.
65. Accuracy and currency of contact details are solely the responsibility of the applicant and the respondent individually and not a matter for QCAT to monitor.
66. When the parties are provided with a copy of the directions, they will also be provided with an Attendance Advice.
67. That Advice sets out the current telephone details that QCAT has for the party, that is, the telephone number that QCAT will use to contact the party.
68. If the party's telephone number is different to that shown on the Attendance Advice, then the party must fill out their new telephone number on the Attendance Advice and send it back to QCAT as early as possible, but at least 5 business days before the hearing date. The email address to send any change of contact details is: QCATCivil@justice.qld.gov.au
69. Late receipt of the change of contact details may mean that QCAT is not able to contact the party on the hearing date (if it is a telephone hearing, as most directions hearings will be) and the matter might proceed in that party's absence.
70. The party needs to make sure that they are available and answer their telephone when QCAT telephones the party on the date of a telephone hearing. If the party does not answer, then the matter might proceed in the party's absence.

THE SECOND DIRECTIONS HEARING

71. Where appropriate, there may be a second directions hearing prior to the final hearing.
72. If a second directions hearing is held, this directions hearing will be conducted by telephone (unless otherwise ordered). Its purpose is to confirm that the matter is ready for the final hearing.
73. At any second directions hearing, the decision-maker will confirm with the parties:
 - a) the material they have filed and which they intend to rely on at hearing;
 - b) the precise issues to be determined at the hearing;

- c) the witnesses, if any, they require for cross-examination;
- d) the estimated of time for hearing;
- e) whether it is proposed that the witnesses will be giving evidence in person or by remote means (specifying the mode of attendance);
- f) any limitations as to the time of availability of witness; and
- g) any other issue necessary to ensure that the matter is ready to proceed to hearing as scheduled.

THE QCAT HEARING

74. At the hearing, the QCAT decision maker may allow each party to:

- a) give evidence themselves or call a person to give evidence (however, generally, and with some exceptions the only oral evidence is through cross-examination of the applicant's and respondent's witnesses. This is because written statements of all potential witnesses should have been filed at QCAT prior to the hearing and a copy given to the other party); and
- b) question a witness.

75. The QCAT decision maker may also:

- a) call a person to give evidence;
- b) examine a witness on oath/affirmation or require a witness to give evidence by statutory declaration;
- c) examine or question a witness to obtain information;
- d) order a witness to answer questions relevant to the proceeding.

76. The QCAT decision maker may place some restrictions on evidence and witnesses. For example, if sufficient information has been presented to allow a decision to be made, the QCAT decision maker may not allow the parties to present more information. In making such a decision, the QCAT decision maker will take into account fairness and justice to the parties.

ORAL SUBMISSIONS MADE AT A QCAT HEARING

77. At the QCAT hearing all parties will be given an opportunity to make oral submissions after all evidence has been given by both parties. The applicant will be given the first opportunity to do this.

78. The representative for the QPS will make oral submissions, including as to what they consider is the correct and preferable decision having regard to the legislative framework and the evidence, including the oral evidence given at the hearing.

79. The applicant will then have an opportunity to make oral submissions in reply to the submissions of the QPS (see [Practice Direction No. 3 of 2013 – Hearings in Administrative Review Proceedings](#)).

HOW TO FILE AND SERVE MATERIAL

80. The preferred method of filing and service of material is via email.

81. The email address for the respondent is: Weapons.QCAT@police.qld.gov.au.

82. If the applicant is not able to send emails, then the method of service on QPS is by post to the following address:

QCAT Support Officer
Weapons and Licensing, Queensland Police Service
GPO Box 892
Brisbane 4000

83. The email address for filing the initiating application and any application for an extension of time is EnquiriesQCAT@justice.qld.gov.au.

84. The email address for all material filed after the initial application is QCATCivil@justice.qld.gov.au.

85. If the applicant does not have an email address, then service on the applicant is to be by the next most efficient means; for example, by post.

86. Parties are advised that it can take several days between when a document is emailed to QCAT and when it makes its way to the QCAT file. Therefore, parties should ensure they provide any material they are filing **at least 5 business days in advance**, and in accordance with the dates directed in the directions issued by QCAT.

LEGAL REPRESENTATION

87. With limited exceptions, generally the parties will be required to obtain leave if they wish to be legally represented.⁵ Relevant factors for the granting of leave include:

- a) the party is a State agency;
- b) the proceeding is likely to involve complex questions of fact or law;
- c) another party to the proceeding is represented in the proceeding; or
- d) all of the parties have agreed to the party being represented in the proceeding.

⁵ Section 44 of the QCAT Act.

88. Issues relating to leave for legal representation will be canvassed at the directions hearing, and the parties can generally expect a decision on leave for legal representation to be made at the directions hearing.

CRIMINAL INTELLIGENCE

89. In certain cases, the QPS may seek to rely on “criminal intelligence” as defined in the Weapons Act. This is generally information about the applicant’s connection with or involvement in criminal activity.

90. If the QPS are seeking to rely upon evidence as criminal intelligence, it must be accompanied by an affidavit from a police officer of at least the rank of superintendent.⁶

91. As required by the Weapons Act,⁷ consideration by the decision maker of whether the information is properly categorised as criminal intelligence will take place in the absence of the public, the applicant and any lawyer representing the applicant. As such, QPS must file a hard copy of the affidavit at QCAT, and any supporting submissions, in a sealed envelope, such envelope to be marked with the name of the matter, and the QCAT case number, and that it is not to be opened except by a decision maker of QCAT.

92. Consideration by the decision maker of whether the information is properly categorised as criminal intelligence will ordinarily take place on the papers.

AVENUES OF APPEAL FROM A DECISION OF QCAT

93. There are avenues of appeal from a decision of QCAT.

94. The first is to the Queensland Civil and Administrative Tribunal Appeals Tribunal (QCATA).

95. The second avenue which is available to the parties after a decision is made by the QCATA, is to appeal to the Court of Appeal (in some cases, only with leave of the Court of Appeal).

WHERE TO LOOK TO FIND SOME OTHER WEAPONS MATTERS QCAT HAS DECIDED

96. If the parties would like to read some QCAT decisions on weapons matters, or some decisions by the Court of Appeal about weapons matters, these are available on the internet.

⁶ Section 142A(2)(c) of the Weapons Act.

⁷ Section 142A(2)(b) of the Weapons Act.

97. For example, some QCAT decisions and Court of Appeal decisions on weapons matters are kept by the Supreme Court Library. The Supreme Court Library is accessible at <https://www.sclqld.org.au/caselaw>.



*Judge Geraldine Dann
Acting President*

10 October 2023

ANNEXURE A – TEMPLATE DRAFT DIRECTIONS FOR WEAPONS MATTERS

[INSERT STANDARD QCAT HEADER FOR DRAFT DIRECTIONS]

PARTIES ARE TO NOTE:

You will **not** receive reminders of the steps you need to take as set out in these directions from QCAT.

You will **not** receive reminders of the date set for the next directions hearing or of the final hearing date. Your copy of these directions is your written notice of future hearings dates. Please ensure that you put the dates set for directions hearing and the final hearing in your own calendar/diary to ensure that you take part in the directions hearing and the final hearing.

Please make sure you keep a copy of these directions. If you have a camera, you may wish to make an extra copy for yourself by taking a photograph of these directions.

Material sought to be relied upon by parties and witnesses sought to be called by parties

1. The applicant must file in the Tribunal two (2) copies and give to the Queensland Police Service (“QPS”) one (1) copy of all material upon which they intend to rely at the hearing by:

4:00pm on [3 months from the date of the first directions hearing].

2. The material referred to in paragraph 1 must include:
 - a) any statements of the applicant and any other witnesses; and
 - b) any health reports, including any reports by a psychologist or psychiatrist
3. Each witness statement must:
 - a) be dated and signed by the person making the statement;
 - b) attach any document referred to in the statement and include an explanation of its relevance; and
 - c) be sequentially page numbered, including any attachments.

4. The QPS must file two (2) copies in the Tribunal and give a copy to the applicant:
 - a) any material the QPS proposes to rely on at hearing which is not already included within the section 21 QCAT Act documents it filed; and
 - b) a list of the documents within the section 21 QCAT Act documents it proposes to rely upon at the hearing by:

4:00pm on [4 months from the date of the first directions hearing].

Second directions hearing [if appropriate]

5. The matter will be listed for a directions hearing at QCAT, 259 Queen Street, Brisbane (via telephone). The purpose of this directions hearings is for the Tribunal to confirm with the parties:
 - a) the material they have filed and which they intend to rely on at hearing;
 - b) the precise issues to be determined at the hearing;
 - c) the witnesses, if any, they require for cross-examination;
 - d) the estimate of time for hearing;
 - e) whether it is proposed that the witnesses will be giving evidence in person or by remote means (specifying the mode of attendance);
 - f) any limitations as to the time of availability of witness; and
 - g) any other issue necessary to ensure that the matter is ready to proceed to hearing as scheduled on the date in paragraph 6:

[4 weeks after the date of compliance with direction 4 (ie. filing of Respondent's material and documents) of these directions].

Date of final hearing

6. The matter will be listed for hearing to take place on level 10, 259 Queen Street, Brisbane at [xxxx on a xxxx]. The parties are to attend the hearing [in person / by Microsoft Teams / by telephone].
7. No later than two weeks prior to the hearing, the parties must file in the Tribunal two (2) copies and exchange with each other one (1) copy of a list of witnesses they require to attend the hearing for cross-examination.

Legal representation [where relevant]

8. The applicant has leave to be legally represented; or

Both parties are granted leave to be legally represented; or
Neither party is granted leave to be legally represented; or
The applicant is refused leave to be legally represented; or
The respondent is refused leave to be legally represented.

FURTHER INFORMATION FOR THE PARTIES:

A. INFORMATION ABOUT HOW TO ATTEND THE SECOND DIRECTIONS HEARING (IF REQUIRED)

If a second directions hearing is required, the directions hearing will be conducted by telephone.

You will be given an “Attendance Advice”.

That Advice sets out the current telephone details that QCAT have for you. That is the telephone number that QCAT will use to call you at the next directions hearing. If your telephone number is different to that shown on the Attendance Advice, then you must fill out your new telephone number on to the Attendance Advice and send it back to QCAT as early as possible, but at least 5 business days before the hearing date. Late receipt of the notice may mean that QCAT is not able to contact you on the hearing date and that the matter might proceed in your absence.

The email address to use is: QCATCivil@justice.qld.gov.au

You need to make sure that you are available to answer your telephone, and you do answer your telephone, when QCAT telephones you on the date of the directions hearing. If you do not answer the telephone, the matter might proceed in your absence.

If you have any enquiries, please contact a case manager on 1300 753 228.

B. INFORMATION ABOUT HOW TO ATTEND THE FINAL HEARING

Please ensure that you are in attendance no later than 10 minutes prior to the time set for your hearing.

If you fail to appear at the hearing, the Tribunal may proceed and make orders in your absence.

Your witnesses (i.e., all persons who have provided statements) must attend the hearing if the other party has advised you that they are required for cross-examination.

You must bring to the hearing your copies of all statements and documents relevant to the matter.

You must also ensure that your witnesses have with them copies of their statements and any documents that are relevant to the evidence they will be giving.

If you have any enquiries, please contact a case manager on 1300 753 228.

C. PRACTICE DIRECTION

More information about how weapons matters proceed in QCAT is found in Practice Direction 7 of 2022. Applicants will have received a copy of this Practice Direction from QCAT together with QCAT's acknowledgement receipt of the application to review the decision by the QPS.

You can also find a copy of that Practice Direction on QCAT's website at <https://www.qcat.qld.gov.au/resources/practice-directions#2022>.