

For office use only	
Case number	
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## Application for referral to mediation

### *Manufactured Homes (Residential Parks) Act 2003*

Use this form to apply for a mediation under the *Manufactured Homes (Residential Parks) Act 2003*. Most disputes cannot be referred directly to the tribunal without mediation unless section 116(5) of the *Manufactured Homes (Residential Parks) Act 2003* applies.

Refer to the attached instructions before filling out this form.

#### Part A

#### **APPLICANT/S DETAILS** *(Full contact details must be supplied. If application concerns more than one site, please complete Parts H and I. To apply for representation please complete Part J.)*

Name/s

ACN/ABN *(if a company or business)*

Postal Address

Suburb

State/Territory

Postcode

Contacts *(MUST be provided)*

Mobile

Alternative number

Email

*If company, name of contact:*

Are you a:

Home owner

Park owner

Group representative *(if you are part of a group, complete the details at Part I and have all the members of the group sign and complete a group application attachment).*

Home owners' committee - if so, name of home owners' committee:

Is the home owners' committee for the park incorporated?

Yes *(If Yes, please attach to the application a copy of the certificate of incorporation)*

No

**Part B**

**RESPONDENT/S DETAILS** *(Full contact details must be supplied. If more than two respondents please insert additional copies.)*

**Name/s**

**ACN/ABN** *(if a company or business)*

**Postal Address**

**Suburb**

**State/Territory**

**Postcode**

**Contacts** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

*If company, name of contact:*

**Is the respondent a:**

Home owner

Park owner

Group

Home owners' committee - if so, name of home owners' committee:

Is the home owners' committee for the park incorporated?

Yes *(If Yes, please attach to the application a copy of the certificate of incorporation)*

No

**Part C**

**RESIDENTIAL PARK DETAILS**

**Residential Park name**

**Residential Park address**

**Suburb**

**State/Territory**

**Postcode**

## Part D

## BASIS FOR THIS APPLICATION

Please tick the box or boxes that apply:

### Application is under the *Manufactured Homes (Residential Parks) Act 2003*

Park rules	Site agreement	Day-to-day running of park
Home owners' rights/ obligations	Site rent increase	Site rent reduction
Site rent utility cost	Abandonment of a site/proceeds of sale/ after termination rent	Assignment of a seller's interest
Other, namely (please specify below)		

## Part E

## PRELIMINARY NEGOTIATION

Have you attempted to resolve the dispute by negotiation within the park?

Please tick box:

Yes      No

If no, is this a dispute about a park rule under section 14A(1)(a)?

Please tick box:

Yes      No

NOTE: Before disputes (other than the exempt disputes (sections 14A(1)(a)-(b) and 116(5)) can be referred to mediation, you must attempt to resolve the dispute with the respondent.

Attach the dispute negotiation notice you sent to the respondent and the respondent's written response.

## Part F

## DOCUMENTS RELEVANT TO THE DISPUTE

Please insert below a numbered list of the documents relevant to the dispute (for example, the site agreement / site rent increase) and attach a copy of those documents.

**Part G**

**WHAT IS THE ISSUE/S YOU ARE APPLYING ABOUT?**

*Be brief. You will be able to file evidence and make submissions later.*

**1. Set out the main points of the dispute (in numbered paragraphs.)**

**2. What order/s do you want made? (in numbered paragraphs.)**

Part H

## LEAD APPLICANT DETAILS AND RESPONSIBILITIES

A group of home owners may carry out negotiations, take part in mediation or apply to the Tribunal for an order. A group of home owners may appoint a lead applicant. In most cases, the Tribunal will require the appointment of a lead applicant.

The lead applicant represents all applicants in the proceeding before the Tribunal. The lead applicant's address is the address for service of the applicants. A final resolution of the proceedings, other than by way of a final decision of the Tribunal after a hearing, may be authorised by the lead applicant.

The lead applicant is required to ensure:

- all applicants are informed promptly of the receipt of directions, notices, correspondence and other documents from the Tribunal
- all applicants are provided with copies of Directions from the Tribunal on request
- all applicants are informed of Tribunal hearing dates including dates for Directions Hearings, Compulsory Conferences and final Hearings as soon as reasonably practicable after the lead applicant is notified of such dates
- any Directions made by the Tribunal requiring the provision of documents to applicants, or the lead applicant on behalf of the applicants making documents available for inspection, are complied with as soon as reasonably practicable.

### Sign and date here

Lead applicant sign  
here

Date

Print your name here



Part J

**REPRESENTATION AT MEDIATION**

**NAME AND ADDRESS OF PROPOSED REPRESENTATIVE** *(if any)*

*A party to a dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 109 Manufactured Homes (Residential Parks) Act 2003)*

**Name**

**Postal Address**

**Suburb**

**State/Territory**

**Postcode**

**Contacts** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

**Does the nominated agent have a legal qualification under the laws of Queensland or any other place?**

Yes

No

## Part K

## ASSISTANCE AT THE MEDIATION

### Will you require an interpreter at the mediation?

Yes - please specify language or Auslan:

No

### Do you have any of the following needs?

wheelchair/mobility access

speech impairment

hearing impairment/loss

vision impairment/loss

other

If you have ticked any of these boxes, please provide details below.

## CHECKLIST

I have completed all questions on this 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 the instructions*).

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) 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

Print your name here

If a group application is made, please complete Parts H and I.

## Lodgement details

### Email to:

[enquiriesQCAT@justice.qld.gov.au](mailto:enquiriesQCAT@justice.qld.gov.au)

### Deliver to:

Queensland Civil and Administrative Tribunal  
Floor 11, 259 Queen Street  
Brisbane Qld 4000  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[www.courts.qld.gov.au/contacts/courthouses](http://www.courts.qld.gov.au/contacts/courthouses)

### Mail to:

Queensland Civil and Administrative Tribunal  
GPO Box 1639  
Brisbane Qld 4001  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[www.courts.qld.gov.au/contacts/courthouses](http://www.courts.qld.gov.au/contacts/courthouses)

### QCAT lodgement information:

For further lodgement information visit the  
Queensland Civil and Administrative Tribunal  
website:  
[www.qcat.qld.gov.au/applications/lodging-your-application-and-forms](http://www.qcat.qld.gov.au/applications/lodging-your-application-and-forms)

## INSTRUCTIONS FOR COMPLETING FORM 64A

### Application for referral to mediation

#### *Manufactured Homes (Residential Parks) Act 2003*

Many disputes under the *Manufactured Homes (Residential Parks) Act 2003* must progress through three dispute resolution steps as identified in the Act.

Please carefully peruse the specific details of these steps in the *Manufactured Homes (Residential Parks) Act 2003*.

Broadly however those three steps are as follows:

1. Negotiation at the residential park;
2. Mediation;
3. Application to QCAT.

The mediator is not a decision maker and will offer a process to assist the parties to solve their dispute.

### GENERAL INSTRUCTIONS

#### **Complete and lodge a Form 64A – Application for referral to mediation - Manufactured Homes**

You can find and lodge these application forms at QCAT's Brisbane office or at your local Magistrates Court (excluding the Brisbane Magistrates Court). The forms are also available on [QCAT's website](#). If you run out of space to complete any of the sections of the form, please attach separate sheets of paper and number the relevant question.

You must give the stamped copy of the application to the respondent/s as soon as possible and no later than 28 days after you lodge the application. You may serve the application by post or by giving it to the respondent personally. Once you have served the respondent you must complete a [Form 9 – Affidavit of Service](#) which is available at [qcat.qld.gov.au](http://qcat.qld.gov.au).

You need to lodge the application form with QCAT by post or in person. You need to provide a number of copies, namely:

- Your original application and copies of any attached documents.
- Plus 1 copy of the application and attached documents for yourself.
- Plus 1 copy of the application and attached documents for the respondent.
- Plus an extra copy of the application and attached documents for each additional respondent.

#### **Applications must be accompanied by the prescribed application fee**

There is a prescribed fee for lodging an application. The correct fee must be paid when you lodge this form so we can process your application. For more information on fees, visit [qcat.qld.gov.au](http://qcat.qld.gov.au) or call 1300 753 228.

Payment can be made by:

- Cash (only when the application is being lodged in person).
- Cheque or money order (payable to Department of Justice and Attorney-General).
- Credit card using the Credit card payment authorisation form. (The form is available at [qcat.qld.gov.au](http://qcat.qld.gov.au) or by calling 1300 753 228. This form must not be sent by email.)

#### **Protecting your privacy**

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009*. We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

## Contact us

For information about the application process or going to the Tribunal visit the [QCAT website](#).

## HOW TO COMPLETE THE FORM

### PART A Applicant/s details

An applicant is a party bringing the claim.

There may be more than one applicant. Where this application affects more than one site or otherwise requires a group application, please complete Parts H and I of this form.

If there is insufficient space on the form for the required details for each applicant, please attach additional pages with the required details.

If any applicant is an individual person or persons, you must provide:

- The applicant's full name.
- The applicant's full address and contact phone numbers.
- The applicant's email address.
- The applicant's ABN if the person trades in his/her own name as a business.

If any applicant is a company, you must provide:

- The company's full and correct name.
- The company's ACN or ABN.
- The company's trading address.
- The name of the relevant contact person at the company and their phone number(s).
- An email address for the company.

A party who wants to be part of a group must sign and complete Part I in the application.

- 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.
- Tick the box to indicate whether you are a home owner, or park owner.

### Representation of applicant/s:

An applicant to a residential park dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 109 *Manufactured Homes (Residential Parks) Act 2003*).

### PART B Respondent/s details

A respondent is a party against which the claim is brought. There may be more than one respondent. If there is insufficient space on the form for the required details for each respondent, please attach additional pages with the required details.

Where the respondent is a business then the correct name of the entity must be used e.g. a company name, a business name (whether it is registered or not) or the name of a State agency or department. You must also state the correct ABN/ACN for the company or business name.

If any respondent is an individual person or persons, you must provide:

- The respondent's full name.
- The respondent's full address and contact phone numbers.
- The respondent's email address.
- The respondent's ABN if the person trades in his/her own name as a business.

If any respondent is a company, you must provide:

- The company's full and correct name.
- The company's ACN or ABN.

- The company's trading address.
- The name of the relevant contact person at the company and their phone number(s).
- An email address for the company.
- Tick the box to indicate whether the respondent is a home owner or park owner.

### **Representation of respondents:**

A respondent to a residential park dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 109 *Manufactured Homes (Residential Parks) Act 2003*).

For more information please refer to the Tribunal's factsheet - How to identify and name the parties in QCAT available at [qcat.qld.gov.au](http://qcat.qld.gov.au).

### **PART C Residential park details**

Please complete the name and address of the residential park to which the dispute relates.

### **PART D Basis for the application**

Not all disputes use the mediation provisions of the (see section 109 *Manufactured Homes (Residential Parks) Act 2003*). Some disputes do not have to undergo preliminary negotiation or mediation. If your dispute is listed in the legislation as an exempt dispute you can apply directly for a tribunal hearing.

After carefully reading the provisions of the *Manufactured Homes (Residential Parks) Act 2003* please tick the box or boxes to identify what your dispute is about.

### **PART E Preliminary negotiation**

Unless your dispute is exempt, you must have attempted to resolve the dispute by negotiation within the residential park before the dispute can be mediated under the *Manufactured Homes (Residential Parks) Act 2003*.

You also need to attach the dispute negotiation notice you sent the other party's and the other parties' response to this application for mediation.

### **PART F Documents relevant to the dispute**

You should list and attach a copy of all relevant documents such as the site agreement, directly relevant correspondence, emails, photos or other documents.

### **PART G What is the issue/s you are applying about**

Please include a clear and concise outline of the history and nature of the dispute and state the remedy you consider would resolve the matter in dispute.

### **PART H Lead applicant details and responsibilities**

To be completed by the lead applicant.

### **PART I Group application and authorisation - mediation**

To be completed by all group applicants to authorise a group representation to represent all applicants at the mediation.

### **PART J Representation at mediation**

Please complete the name and address of the proposed representative if you want to be represented at the mediation.

### **PART K Assistance at mediation**

Please complete this part if you require an interpreter or accessibility assistance at the mediation.