

# Representation and appearance at QCAT: Representation at QCAT

The Queensland Civil and Administrative Tribunal (QCAT) is an independent tribunal which actively resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

All parties involved in a matter before the Tribunal are expected to represent themselves.

However sometimes a party can be represented by a lawyer or by someone else. A representative acts on behalf of a party.

## Representation without permission of the Tribunal

A party has the right to be represented by a lawyer or by someone else, without applying for permission of the Tribunal if:

- they are a child or person who has impaired decision making, or
- the matter relates to disciplinary proceedings including review of a disciplinary decision, or
- the enabling Act related to the matter or the QCAT Rules allow it.

See below for limitations about who can represent a party.

## Representation needing permission of the Tribunal

All other parties must apply to the Tribunal for permission to be represented.

The Tribunal will only give permission for a party to be represented if it is in the interests of justice to do so.

When deciding whether it is in the interests of justice for a party to be represented, the Tribunal may consider any of the following:

- the party seeking permission is a State agency
- the proceeding is likely to involve complex questions of fact or law
- another party is being represented
- all of the parties have agreed to a party being legally represented
- any other relevant factors

The Tribunal will not grant permission for a party to be represented if it is not in the interests of justice to do so, even if one of the above circumstances applies.

See below for limitations about who can represent a party.

## Limitations on who can represent a party

A party may be represented by a lawyer, or by someone else who is not a lawyer.

If the representative is not a lawyer, the Tribunal must be satisfied that they are appropriate to represent the party.

In minor civil disputes, a party may apply for permission to be represented by a mercantile agent or a debt collector. However, it is a matter for the tribunal in each case as to whether the proposed representative is appropriate to represent that party.

In some circumstances, lawyers who have been subject to disciplinary proceedings and found guilty of professional misconduct or unsatisfactory professional conduct are disqualified from representing a party in the Tribunal.

A corporation must provide a certificate of authority to show the proposed representative is appropriate. Anyone else may be asked by the Tribunal to provide a certificate of authority. A sample certificate of authority is attached to the [Application for leave to be represented](#) form.

## No permission needed for legal advice

Parties do not need the Tribunal's permission to get legal advice or assistance. Lawyers can help parties collect and prepare evidence and documents, write submissions, and prepare for the hearing without needing the Tribunal's permission.

It is only if a party wants a lawyer to represent them at the Tribunal that permission is needed.

## Applying for permission

It is important that parties tell the Tribunal in detail why they want to be represented in the application form.

To apply for permission to be represented by a lawyer or someone else, you can save time and complete [Form 56 Application for leave to be represented online](#).

Or you can complete and lodge [Form 56 Application for leave to be represented](#) in person or by post.

## Contact information

### **Brisbane**

Address: Level 9, BOQ Centre, 259 Queen Street, Brisbane, 4000

Post: GPO Box 1639, Brisbane Qld 4001

Phone: 1300 753 228

Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au)

Website: [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

### **Outside of Brisbane**

Your local Magistrates Court (excluding Brisbane Magistrates Court) can supply and accept all QCAT application forms. 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).

## Resources

Available from [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au):

- QCAT fact sheet – [\*Appearance of certain parties at QCAT\*](#)
- QCAT fact sheet – [\*Differences between representation and appearance at QCAT\*](#)
- [Form 56 Application for leave to be represented \(.PDF\)](#)
- [Form 56 Application for leave to be represented \(online form\)](#)