

Responding to a QCAT application

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

What happens if an application has been made against me to QCAT?

If an application has been made against you, the QCAT form and any information from QCAT will describe you as 'the respondent'. The person who has made the application against you will be described as 'the applicant'.

Most types of applications require that the applicant or QCAT provides you with a 'sealed copy' of the application. A sealed copy means a copy of the application that has been filed with QCAT and QCAT has stamped it with the QCAT stamp. When you are given a copy of the application that is called 'service' of the application.

In some cases, after service of the application, you will receive a notice from QCAT telling you what will happen next. Depending on what kind of application it is, the next step may be a directions hearing, mediation, a compulsory conference, or sometimes an application will be listed for a final hearing. The notice will tell you what will happen next and where and when it will happen.

However, in other cases you must file a response in a certain time or there is a risk the tribunal may make a decision in favour of the applicant without further notice to you.

Resolving the dispute

Even if an application has been made to QCAT, you can still try to resolve your dispute yourself. This may include approaching the person you are in dispute with, and trying to negotiate a solution.

If you are unable to reach an agreement, you may wish to contact a Dispute Resolution Centre. The Centres offer free, impartial and confidential mediation services to assist people to settle their disputes without having to go to QCAT or to a court.

What is a response?

A response is where you say whether you agree or disagree with the applicant and what they say in their application. It lets the tribunal know what your position is in relation to what the applicant says.

You may disagree with some or all of the application. For example, for a minor debt application, you may respond by saying that you agree that you owed the debt to the applicant, but you may disagree that the debt is still owed, because you have repaid it all.

Do I have to respond to the application?

For some types of applications such as minor debt applications, application for debt recovery proceedings by the Queensland Building and Construction Commission (QBCC), and some building disputes, you must file a response in a certain time or there is a risk the tribunal may make a decision in favour of the applicant without further notice to you.

These types of applications contain a 'warning to respondents' that they **must** file a response. You should read the application carefully and obtain legal advice if you are unsure about what you should do.

There are some applications where the respondent is not allowed to make a response, such as for minor civil disputes (other than minor debt claims).

In other cases you may wish to file a response or you may wish to file a counter-application.

For example, in a building dispute, a builder may have made a claim against a homeowner for money they are owed. The homeowner may choose to make a counter-application against the builder for defective work.

You do not have to make a counter-application and in minor debt claims you cannot file a counter-application.

What happens if I don't respond?

If you are required to respond and you don't, the tribunal may make a decision in favour of the applicant without further reference to you. That decision will be enforceable against you in the Courts.

If the tribunal does make a decision because you failed to respond, that decision can only be set aside in certain circumstances.

What if I choose not to attend the proceeding?

Whether you file a response or not, you should still attend the hearing if you are notified a hearing has been listed.

The tribunal can make a decision that you have to do something even if you don't attend the hearing. That decision will be enforceable against you in the Courts.

It is in your best interests to attend and put forward your own side of the story.

Legal advice

As part of an independent tribunal, QCAT staff members are unable to provide you with any legal advice – including whether you should file a response or make a counter-application or your chances of success. You can seek independent legal advice about your rights from a private solicitor or a community legal centre.

Time limits

For some types of applications, there are strict time limits for lodging a response or counter-application.

Fees and costs

You do not have to pay a fee if an application is made about you. You may need to pay a fee if you appeal a decision made by the Tribunal.

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
Website: 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.

Dispute Resolution Centres

Phone: 07 3239 6269 or 1800 017 288 (toll free outside of Brisbane)
Website: www.justice.qld.gov.au