

## QCAT Practice Direction No. 2 of 2022

### COVID-19 ARRANGEMENTS FOR MINOR CIVIL DISPUTE MATTERS

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#### REASON FOR THIS PRACTICE DIRECTION

1. In light of the current rates of community transmission of COVID-19, and the need to seek to ensure the health of QCAT staff, members and users, so far as is practicable, this practice direction is intended to limit, as much as possible, the number of persons attending at QCAT premises and the Magistrates Courts set out in Annexure A, in respect of minor civil dispute matters.
2. As such, this practice direction seeks to ensure, amongst other things, that:
  - a. applications and documents are filed (and provided to the other party/parties) by remote means (email or post) wherever possible;

- b. hearings are dealt with by remote means (telephone or video conferencing) wherever possible; and
- c. documents that a party wishes to rely upon at hearing are provided to the Tribunal and to the other party/parties not less than three business days before the hearing.

## MEANING OF MINOR CIVIL DISPUTE

3. Minor civil disputes include the following disputes where the amount claimed is up to and including \$25,000 (excluding interest):
  - claims to recover debts or liquidated demands of money, with or without interest
  - claims arising out of a contract between a consumer and trader, or between two or more traders, for payment of money, for relief from payment of money, for performance of work to rectify a defect in goods supplied or services provided, or for return of goods
  - claims for damage to property (including damage to a house or a car) caused by, or arising out of the use of, a vehicle
  - disputes between neighbours about a dividing fence
4. Minor civil disputes also include residential tenancy disputes between tenants and landlords, or, in limited circumstances, between co-tenants about apportionment of rental bonds.

## MINOR CIVIL DISPUTES TO WHICH THIS PRACTICE DIRECTION APPLIES

5. The following directions apply in respect of all minor civil dispute matters filed in QCAT at 259 Queen Street Brisbane and the Magistrates Courts listed in Annexure A.
6. This Practice Direction **DOES NOT APPLY** to minor civil dispute matters filed in a Magistrates Court Registry for a Magistrates Court which is not specified in Annexure A.
7. Arrangements for the case management of matters in a Magistrates Court which is not specified in Annexure A is within the discretion and direction of the Chief Magistrate and the relevant Regional Co-Ordinating Magistrate.

## FILING OF APPLICATIONS AND OTHER DOCUMENTS TO BE DONE ELECTRONICALLY OR BY POST UNLESS IMPOSSIBLE

8. Applications, non-initiating forms and other documents in some minor civil dispute matters can be lodged online. Where possible, those minor civil disputes forms should be lodged online:

<https://www.qcat.qld.gov.au/resources/forms/our-online-services>.

9. All other applications and documents should be filed by email in the relevant registry or sent via post to that registry.
10. The “relevant registry” is the registry where the matter has been commenced. (See Annexure A for the email and postal addresses of the various registries).

## WHERE IT IS NOT POSSIBLE TO FILE AN APPLICATION (INCLUDING COUNTER-CLAIM) OR DOCUMENT ELECTRONICALLY (THAT IS, ONLINE OR BY EMAIL) OR BY POST

11. Applications or other documents should only be filed in person at the relevant registry **if it is not possible** for the party to file the application electronically or by post. In such circumstances, a person must not attend in person in the registry unless the person:
  - a. has not been currently diagnosed with COVID-19;
  - b. is not presently awaiting the results of a COVID-19 test;
  - c. has not been in close contact with another who already has COVID-19 such as to require the person to self-quarantine (in accordance with Queensland Government guidelines and recommendations);
  - d. is not suffering any of the symptoms of COVID-19.

**\*A reminder:** applications and documents are only to be filed in person when the party is not able to file the document electronically or by post.

## PAYMENT OF FILING FEES FOR INITIATING APPLICATIONS AND COUNTER-CLAIMS

12. When filing an initiating application or, where permitted under the QCAT Rules, a counter-claim, the applicable filing fee **MUST** be paid before the application or counter-claim can progress, unless the fee has been waived in any given case.

## EMAILS AND POST TO REGISTRIES MUST CONTAIN CERTAIN INFORMATION

13. To seek to ensure that emails make their way to the relevant QCAT file, it is very important that emails to the registry contain sufficient information to identify the correct matter. As such all emails to the registry must contain, in the header of the email:
  - a. the names of the parties, and
  - b. once the matter has been allocated a QCAT number, the QCAT number, for example, MCD018789-18, and
  - c. the hearing date, if one has been allocated.

14. To seek to ensure that all posted documents make their way to the relevant QCAT file, it is very important that those documents include on them, or in a cover note, sufficient information to identify the correct matter. As such all documents posted to the registry must contain:
- a. the names of the parties, and
  - b. once the matter has been allocated a QCAT number, the QCAT number, for example, MCD018789-18, and
  - c. the hearing date, if one has been allocated.

## ORAL HEARINGS TO BE CONDUCTED REMOTELY UNLESS OTHERWISE DIRECTED BY THE TRIBUNAL

15. Irrespective of whether the Notice of Hearing states that personal attendance is required, until further notice, all oral hearings will be conducted by remote conferencing, unless otherwise directed by the Tribunal.
16. "Remote conferencing" means the oral hearing will be conducted by video conferencing, audio conferencing or telephone conferencing.
17. The means of remote conference will be at the discretion of the Tribunal, however, it is expected that most remote conferencing will be by audio or telephone conferencing.

## PARTIES ATTENDING AT ORAL HEARING MUST PROVIDE TELEPHONE CONTACT DETAILS NO LATER THAN 3 BUSINESS DAYS BEFORE HEARING

18. If a party intends to participate in a hearing, the party **must** advise the relevant registry (see Annexure A for the relevant registry details) and the other party/parties **no later than three (3) business days before the hearing** of the telephone number upon which they will be contactable for the hearing, and, where possible, an additional alternative telephone number.

**\*A reminder:** all emails to the registry must contain the information set out in paragraph 13 above.

19. If a party is not able to send an email, the information in paragraph 18 must be communicated to the relevant registry by telephone **no later than three (3) business days before the hearing**.
20. Failure by a party to do so may result in the matter being dealt with in the party's absence.

## PARTIES SEEKING TO APPEAR IN PERSON RATHER THAN BY REMOTE CONFERENCING

21. If a party seeks to appear in person at the hearing, (that is, not by remote conferencing) that party must give written notice to the relevant registry and all other parties no later than 3 business days before the hearing (see Annexure A for the relevant registry details). The written notice must set out the grounds upon which the party relies on as justification for attending in person.

**\*A reminder:** all emails and post to the registry must contain the information set out in paragraphs 13 and 14 above.

22. The Tribunal will then decide how the matter will proceed, including whether a personal appearance by the party will be permitted. That decision may be made by the Tribunal on the papers or at a directions hearing, in the discretion of the Tribunal.

23. In cases where the Tribunal permits the personal appearance of a party, that person shall, before being admitted to the hearing room, provide, in writing, their full name, address, and contact telephone number and confirmation that the person:

- a. has not been currently diagnosed with COVID-19;
- b. is not presently awaiting the results of a COVID-19 test;
- c. has not been in close contact with another who already has COVID-19 such as to require the person to self-quarantine (in accordance with Queensland Government guidelines and recommendations);
- d. is not suffering any of the symptoms of COVID-19.

24. Further, where the Tribunal permits the personal appearance of a party, and the proceeding is to be heard in one of the Magistrates Courts listed in Annexure A, that person must also comply with any relevant Magistrates Court practice direction. At the time this practice direction was issued, the relevant Magistrates Court Practice Direction was No. 5 of 2021: <https://www.courts.qld.gov.au/courts/magistrates-court/practice-directions>

## PREPARATION FOR THE HEARING: ENSURING DOCUMENTS A PARTY WISHES TO RELY ON AT HEARING ARE PROVIDED TO THE TRIBUNAL AND TO OTHER PARTY/PARTIES NO LESS THAN 3 BUSINESS DAYS BEFORE THE HEARING DATE

25. In order for the Tribunal to hear and determine matters properly and efficiently, it is very important that the Tribunal has all of the documents that each party to

the proceeding wishes to rely. For hearings dealt with by remote conferencing, it is particularly important that occurs before the hearing date.

26. It is expected that applicants file all of the documents that they wish to rely upon with their application, and that the parties file any documents they wish to rely upon at hearing as soon as possible.

27. It is directed that all parties must provide all documents the party wishes to rely on at hearing to the relevant registry and the other party/parties to the proceeding **no later than three (3) business days before the hearing** (see Annexure A for the relevant registry details).

**\*A reminder:** all emails and post to the registry must contain the information set out in paragraphs 13 and 14 above.

28. Parties sending documents by post should allow at least 10 days from the date of posting to seek to ensure the documents are received by the relevant registry and the other party/parties no later than three (3) business days before the hearing.

## ON THE PAPERS HEARINGS

29. From time to time, the Tribunal hears and determines matters “on the papers”, that is, based on the documents received by the Tribunal, without an oral hearing.

30. In matters where the Tribunal considers that the matter might properly be dealt with on the papers, the Tribunal will advise the parties, in writing.

31. If, having received communication that the Tribunal considers that the matter might properly be dealt with on the papers, a party objects to the matter proceeding on the papers (that is, without oral hearing), the party must notify the QCAT registry and the other party within five (5) business days of receiving that written communication, of the party’s objection and the grounds for the objection. The Tribunal will thereafter determine and advise the parties how the matter is to proceed.



*Hon Justice Kerri Mellifont  
President*

*7 January 2022*

## ANNEXURE A: EMAIL AND POSTAL ADDRESSES OF REGISTRIES

| <b>Courthouse</b>              | <b>Email address</b>   | <b>Postal address</b>               |
|--------------------------------|--|-------------------------------------|
| QCAT 259 Queen Street          | <a href="mailto:enquiriesQCAT@justice.qld.gov.au">enquiriesQCAT@justice.qld.gov.au</a>                   | GPO Box 1639, Brisbane, Qld, 4001   |
| Beaudesert Magistrates Court   | <a href="mailto:courthouse.Beaudesert@justice.qld.gov.au">courthouse.Beaudesert@justice.qld.gov.au</a>   | PO Box 14<br>Beaudesert Qld 4285    |
| Beenleigh Magistrates Court    | <a href="mailto:courthouse.Beenleigh@justice.qld.gov.au">courthouse.Beenleigh@justice.qld.gov.au</a>     | PO Box 383<br>Beenleigh Qld 4207    |
| Caboolture Magistrates Court   | <a href="mailto:courthouse.Caboolture@justice.qld.gov.au">courthouse.Caboolture@justice.qld.gov.au</a>   | PO Box 244<br>Caboolture Qld 4510   |
| Cleveland Magistrates Court    | <a href="mailto:courthouse.Cleveland@justice.qld.gov.au">courthouse.Cleveland@justice.qld.gov.au</a>     | PO Box 10<br>Cleveland Qld 4163     |
| Coolangatta Magistrates Court  | <a href="mailto:courthouse.Coolangatta@justice.qld.gov.au">courthouse.Coolangatta@justice.qld.gov.au</a> | PO Box 375<br>Coolangatta Qld 4225  |
| Holland Park Magistrates Court | <a href="mailto:courthouse.HollandPark@justice.qld.gov.au">courthouse.HollandPark@justice.qld.gov.au</a> | PO Box 135<br>Holland Park Qld 4121 |
| Ipswich Magistrates Court      | <a href="mailto:courthouse.Ipswich@justice.qld.gov.au">courthouse.Ipswich@justice.qld.gov.au</a>         | PO Box 70<br>Ipswich Qld 4305       |
| Pine Rivers Magistrates Court  | <a href="mailto:courthouse.PineRivers@justice.qld.gov.au">courthouse.PineRivers@justice.qld.gov.au</a>   | PO Box 2333<br>Strathpine Qld 4500  |
| Redcliffe Magistrates Court    | <a href="mailto:courthouse.Redcliffe@justice.qld.gov.au">courthouse.Redcliffe@justice.qld.gov.au</a>     | PO Box 155<br>Redcliffe Qld 4020    |
| Richlands Magistrates Court    | <a href="mailto:courthouse.Richlands@justice.qld.gov.au">courthouse.Richlands@justice.qld.gov.au</a>     | PO Box 39<br>Inala Qld 4077         |
| Sandgate Magistrates Court     | <a href="mailto:courthouse.Sandgate@justice.qld.gov.au">courthouse.Sandgate@justice.qld.gov.au</a>       | PO Box 154<br>Sandgate Qld 4017     |
| Southport Magistrates Court    | <a href="mailto:courthouse.Southport@justice.qld.gov.au">courthouse.Southport@justice.qld.gov.au</a>     | PO Box 103<br>Southport Qld 4215    |
| Wynnum Magistrates Court       | <a href="mailto:courthouse.Wynnum@justice.qld.gov.au">courthouse.Wynnum@justice.qld.gov.au</a>           | PO Box 20<br>Wynnum Qld 4178        |