

For office use only	
Case number	
Date	
Registry	
Fee	
Date paid	
Receipt number	

Referral by a mediator of a retail tenancy dispute under section 63 of the *Retail Shop Leases Act 1994*

Refer to the attached instructions before filling out this form.

Part A APPLICANT'S DETAILS <i>(full contact details must be supplied)</i> <i>(for multiple applicants attach details on a separate sheet)</i>		
<p>The applicant is the party who lodged the notice of dispute with the Small Business Commissioner. If the applicant is not an individual, then the precise/exact company name, a business name (whether registered or not, including real estate agencies), or the name of a State agency or department must be included. Include all proper applicants.</p>		
Name	ACN/ABN <i>(if applicable)</i>	
Street Address		

Suburb	State/Territory	Postcode
<input checked="" type="checkbox"/>	<p><i>This address is the applicant's address for service of documents from the Tribunal or other parties. If the applicant wishes to have another address for service, they need to advise the Tribunal in writing of that.</i></p>	
Postal Address (if different)		

Suburb	State/Territory	Postcode
Contact details <i>(MUST be provided)</i>		
<i>Mobile</i>	<i>Alternative number</i>	<i>Email</i>

Part A

APPLICANT'S DETAILS *continued* (full contact details must be supplied) (for multiple applicants attach details on a separate sheet)

Name **ACN/ABN** (if applicable)

Street Address

Suburb **State/Territory** **Postcode**

Postal Address (if different)

Suburb **State/Territory** **Postcode**

Contact details (MUST be provided)

Mobile

Alternative number

Email

Part B

RESPONDENT'S DETAILS (full contact details must be supplied) (for multiple respondents attach details on a separate sheet)

The respondent is the other party who was identified in the material provided to the Small Business Commissioner by the applicant. If the respondent is not an individual, then the precise/exact company name, a business name (whether registered or not, including real estate agencies), or the name of a State agency or department must be included. Include all proper respondents.

Name **ACN/ABN** (if applicable)

Street Address

Suburb **State/Territory** **Postcode**

Postal Address (if different)

Suburb **State/Territory** **Postcode**

Contact details (MUST be provided)

Mobile

Alternative number

Email

Part B

RESPONDENT'S DETAILS *continued* (full contact details must be supplied)
(for multiple respondents attach details on a separate sheet)

Name

ACN/ABN (if applicable)

Street Address

Suburb

State/Territory

Postcode

Postal Address (if different)

Suburb

State/Territory

Postcode

Contact details (MUST be provided)

Mobile

Alternative number

Email

Part C

DOES ANY PARTY IDENTIFY AS ABORIGINAL OR TORRES STRAIT ISLANDER TO THE KNOWLEDGE OF THE PERSON COMPLETING THIS REFERRAL?

No

Yes, Torres Strait Islander

Yes, Aboriginal

Yes, both Aboriginal and Torres Strait Islander

Part D DETAILS OF THE SHOP

Name of the shop

Address of the shop

Suburb

State/Territory

Postcode

Type of business

Type of lease

Verbal

Written (You MUST attach a copy of the lease agreement)

Verbal and written (You MUST attach a copy of the lease agreement)

Permitted use as detailed in the lease

Type of shop

Stand alone

Strip shop

Shopping centre

When did the lease commence?

Has the lease expired?

Date

Yes

No

Expiry date:

Part E DETAILS OF MATTER REFERRED TO THE TRIBUNAL AND EVIDENCE

Tick, where applicable, the grounds of referral and attach all relevant documents and information.

EITHER:

The retail shop lease has not ended (whether by expiry, surrender or termination) more than 1 year before the dispute notice was lodged **and one** of the three options below applies (select the appropriate option):

the parties can not reach a mediated solution to the dispute; or

a party to the dispute does not attend the mediation conference for the dispute; or

the dispute is not settled within 4 months after the dispute notice is lodged.

OR:

You are applying under [section 22E of the Retail Shop Leases Act 1994](#) within the relevant period for an order that a person give you a document as required in section 22A-22D of that Act.

Part F

MEDIATION (you *MUST* attach a copy of the notice about the outcome of the mediation provided to the parties)

Date/s of mediation

Date/s:

Part G

ASSISTANCE AT THE TRIBUNAL HEARING

Is an interpreter required at the hearing?

Yes - please specify language or Auslan:

No

Are any of the following needs required to the knowledge of the person completing this referral?

wheelchair/mobility access

speech impairment

hearing impairment/loss

vision impairment/loss

other

If any of the above boxes have been ticked, please provide details below:

REPRESENTATION

If the applicant or respondent want someone to represent them in any proceedings before the Tribunal they must complete [Form 56 - Application for leave to be represented](#). They are not required to seek leave if they are a person with impaired capacity. Visit the QCAT website for more information about [legal advice and representation](#).

CHECKLIST

I have completed all of the questions on this referral.

I have attached a copy of all relevant documentation including a copy of the lease and the notice of the outcome of mediation.

I have provided the correct number of copies of the application form and attachments (*that is, a copy for each party, plus one for the Tribunal*).

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 referral is true to the best of my knowledge.

Mediator sign here

Date

Print mediator name
here

Lodgement Details

Deliver to:	Mail to:	Email to:
Queensland Civil and Administrative Tribunal Floor 11, 259 Queen Street Brisbane Qld 4000 OR at any local Magistrates Court	Queensland Civil and Administrative Tribunal GPO Box 1639 Brisbane Qld 4001	enquiries@qcat.qld.gov.au

INSTRUCTIONS FOR COMPLETING FORM 65

Referral by a mediator of a retail tenancy dispute under section 63 of the *Retail Shop Leases Act 1994*

Important note regarding QCAT's jurisdiction

Section 103 of the *Retail Shop Lease Act 1994* provides that QCAT does not have jurisdiction to hear certain retail tenancy disputes and expressly excludes some retail tenancy disputes. Before making a referral to QCAT, the mediator should consider section 103 together with the definition of retail tenancy dispute in the schedule to the Act and section 5A of the *Retail Shop Leases Act 1994*.

Identify and naming parties

The applicant and respondent must be named correctly. If the party is not an individual then the precise/exact company name, a business name (whether it is registered or not, including real estate agencies), or the name of a State agency or department must be included. To ensure that action is being taken against the right organisation, you **MUST** include the correct ABN/ACN for the company or registered business name. If a party is not correctly named, they may not be able to enforce any order made against them if the claim succeeds.

Visit the QCAT website for information on [identifying and naming the parties](#) or contact the Australian Securities and Investment Commission (ASIC) for business name and company information. A search fee may be charged.

More than one applicant or respondent can be named in an application. If there is more than one, then all **MUST** be named. If there is not enough space to include additional parties, a separate sheet of paper can be attached to this application with the contact details.

Lodging the referral

Before the referral can be lodged, QCAT requires the original and **two (2)** photocopies of the referral and all supporting material. An extra copy is required for each additional respondent. If the documents are filed in person or by post, then a stamped A4 envelope addressed to the applicant must be included.

Legal advice and representation

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

Protecting your privacy

We collect contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). 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](#).