

Form Number 64B (version 1)
Queensland Civil and Administrative Tribunal Act 2009 (Qld) (section 41)
Queensland Civil and Administrative Tribunal Rules 2009 (Qld) (rule 7)
Retirement Villages Act 1999 (section 157)

For office use only	
Case number	
Date	
Registry	
Fee	
Receipt number	

Application for referral to mediation

Retirement Villages Act 1999

Use this form to apply for a mediation under the *Retirement Villages Act 1999*. Most disputes cannot be referred directly to the tribunal without mediation unless sections 167(2), 169-171 of the *Retirement Villages Act 1999* apply.

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 resident, please complete Parts H and I.)*

Name/s

ACN/IABN *(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:

Village resident

Retirement village scheme operator

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).*

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:

Village resident

Retirement village scheme operator

Part C

RETIREMENT VILLAGE DETAILS

Retirement village name

Retirement village address

Suburb

State/Territory

Postcode

Part D

BASIS FOR THIS APPLICATION

Please tick the box or boxes that apply:

Application is under the *Retirement Villages Act 1999*

Retirement village scheme (Part 2)

Redevelopment of retirement village (Part 5, Division 10)

Retirement village dispute (Part 10, Division 3)

Part E

PRELIMINARY NEGOTIATION

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

Please tick box:

Yes

No

NOTE: Before disputes (other than the exempt disputes (sections 167(2), 169-171) can be referred to mediation, you must attempt to resolve the dispute with the respondent.

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

Part F

DOCUMENTS RELEVANT TO THE DISPUTE

Please list and attach documents which are relevant to the dispute (for example, the residence contract).

1.

2.

3.

4.

5.

Part G

WHAT IS THE ISSUE/S YOU ARE APPLYING ABOUT?

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

Identify the issues in dispute in numbered paragraphs:

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

The lead applicant represents all residents in the proceeding before the Tribunal. The lead applicant's address is the address for service of the residents. 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 residents are informed promptly of the receipt of directions, notices, correspondence and other documents from the Tribunal
- all residents are provided with copies of Directions from the Tribunal on request
- all residents 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 residents, or the lead applicant on behalf of the residents making documents available for inspection, are complied with as soon as reasonably practicable.

Sign and date here

I accept the responsibilities and obligations of the lead applicant.

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 the retirement village dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 159 Retirement Villages Act 1999).

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

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

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

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

INSTRUCTIONS FOR COMPLETING FORM 64A

Application for referral to mediation

Retirement Villages Act 1999

Many disputes under the *Retirement Villages Act 1999* must progress through three dispute resolution steps as identified in the Act.

Please carefully peruse the specific details of these steps in the *Retirement Villages Act 1999*.

Broadly however those three steps are as follows:

1. Negotiation at the retirement village;
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 64B – Application for referral to mediation - Retirement Villages

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.

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 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 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 - where the applications share a residence

An applicant is a party bringing the claim.

There may be more than one applicant. If this application affects more than one residence, 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 retirement village scheme operator or village resident.

Representation of applicant/s:

An applicant to a retirement village dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 159 *Retirement Villages Act 1999*).

A party who wants to be represented must complete Part J of this application.

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 retirement village scheme operator or village resident.

Representation of respondents:

A respondent to a retirement village dispute may be represented by a lawyer or an agent unless the mediator is satisfied the party should not be represented (see section 159 *Retirement Villages Act 1999*).

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.

PART C Retirement village details

Please complete the name and address of the retirement village to which the dispute relates.

PART D Basis for the application

Not all disputes use the mediation provisions of the *Retirement Villages Act 1999*. 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 *Retirement Villages Act 1999* 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 retirement village before the dispute can be mediated under the *Retirement Villages Act 1999*.

PART F Documents relevant to the dispute

You should list and attach a copy of all relevant documents such as the residence contract, 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.