

Form number 25 (version 3)

Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application for commercial building disputes – Queensland Building and Construction Commission Act 1991

Refer to the attached instructions prior to filling out this form.

For office use only

Case number:	
Date filed:	
Registry:	
Fee paid:	
Receipt number:	

PART A APPLICANT'S DETAILS

Applicant details: (for multiple applicants attach details on a separate sheet)

Name

Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Contacts

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Preferred phone number

Alternative number

Email

NOTICE TO APPLICANT

You must file with this application the formal notification letter from the Queensland Building and Construction Commission advising that the dispute resolution process has been complied with.

WARNING TO RESPONDENT/S

If you dispute this application or wish to file any counter-application against the applicant, you must do so within **FOURTEEN (14) days** from the date you are given a copy of this application.

If you choose not to respond to this application the tribunal may grant the orders sought by the applicant without further notice to you. Where the applicant seeks to recover a debt, a liquidated demand of money or unliquidated damages, the tribunal's orders may include the payment of an amount of money.

PART A RESPONDENT'S DETAILS

Respondent's details: (for multiple respondents attach details on a separate sheet)

Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

Representative's details (if applicable)

Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

Respondent is (please tick)

- Building contractor
- licensed
- not licensed
- owner
- other (please specify)

QBCC licence number

SITE ADDRESS

	Postcode	

PART B GENERAL DISPUTE DETAILS

1. What are you seeking? (tick applicable and insert amount)

<input type="checkbox"/> payment of an amount owing	\$
<input type="checkbox"/> relief from payment of amount claimed	\$
<input type="checkbox"/> an award for damages and interest on the damages	\$
<input type="checkbox"/> restitution*	\$
<input type="checkbox"/> declaration about the effect of term of contract*	\$
<input type="checkbox"/> rectification or completion of:	\$
<input type="checkbox"/> defective work*	\$
<input type="checkbox"/> incomplete work*	\$
<input type="checkbox"/> costs	\$
<input type="checkbox"/> avoid an insurance policy*	\$

*If ticked please include details in **PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL**

Note: if you are seeking the rectification of defective work or the completion of incomplete work, please complete an *Alleged defective work/incomplete work schedule* (available at www.qcat.qld.gov.au) and attach to this application.

2. Is your application making a claim for an amount of more than \$50,000?

Yes No

Have you provided written consent to the tribunal that all parties consent to the tribunal deciding the dispute?

Yes No

Where either the application or the counter-application exceeds \$50,000, all parties must provide written consent to the tribunal deciding the dispute. If all parties consent please complete the *Consent notice for major commercial building dispute* available at www.qcat.qld.gov.au and attach to this application.

If there is no consent provided the tribunal may dismiss the application.

PART B GENERAL DISPUTE DETAILS *(continued)*

3. Date contract was signed *(if applicable)*:

4. The work was commenced on:
and completed on:

5. The contract amount was *(if applicable)*: \$

6. The total payments made: \$

7. The amount owing is *(if any)*: \$

8. The work that is the subject of this dispute was - *(please tick)*

- performed under contract with a building contractor
- performed by me/us/the company under contract with an owner
- purchased by me/us/the company as a new building
- purchased by me/us/the company as a previously occupied building
- other *(please specify)*

9. Were there dispute resolution provisions in the contract? Yes No

If yes, have these provisions been complied with? Yes No

PART B GENERAL DISPUTE DETAILS (continued)

10. Has the contract been terminated?

Yes No

If so, by whom and the date the contract was terminated:

11. Is this dispute at present the subject of any proceedings before the Supreme, District or Magistrates Court?

Yes No

If yes, please specify:

- which court
- file number
- town or city
- commencement date / /

12. Have you made a complaint to the Queensland Building and Construction Commission (QBCC) about any of the issues in this dispute?

Yes No

If yes, please specify:

- date of complaint / /
- QBCC file number

Have you participated in the Queensland Building and Construction Commission dispute resolution process?

Yes No

Have you attached the formal notification letter from the Queensland Building and Construction Commission to this application?

Yes No

NOTE: The Queensland Building and Construction Commission Act 1991 requires that parties comply with the dispute resolution process before an application to the tribunal can be made. You must file with this application the formal notification letter from the Queensland Building and Construction Commission advising that the dispute resolution process has been complied with.

13. Has the Queensland Building and Construction Commission:

(a) notified you that a complaint has been made against you? Yes No

(b) given you a direction to rectify? Yes No

PART C APPLICATION FOR EXPEDITED HEARING OF CERTAIN MINOR COMMERCIAL BUILDING DISPUTES

Before you may apply for the tribunal to conduct an expedited hearing for a minor commercial building dispute, you must be able to tick all of the following points:

- my application is for \$10,000 or less
- I am a subcontractor
- my application relates to monies owed to me by the other person for tribunal work (see QBCC Act for meaning of tribunal work)
- the work was completed by me under a written contract
- I have attached a copy of the written contract between the contractor and myself (if you wish to apply for an expedited hearing this must be attached)
- calculation of unliquidated damages
- I have attached an affidavit confirming that:
 - I have completed the tribunal work to the standard required under the contract
 - I have requested payment payable under the contract by the other person
 - the amount payable to me has not been paid by the other person
 - no complaint about the tribunal work under the contract has been made to me by the other person.
 - the basis or calculation for the amount claimed for unliquidated damages (if sought)

Do you apply for this matter to be considered for the expedited process under section 96 of the *Queensland Building and Construction Commission Act 1991*?

- Yes No

PART E CHECKLIST AND SIGNATURE

- I have completed all questions on the application form according to the instructions.
- If I am seeking the rectification of defective work or the completion of incomplete work, I have completed and attached an *Alleged defective work/incomplete work schedule*.
- I have provided the correct number of copies of the application form and attachments (for the number of copies required – see the instructions).
- I have paid the prescribed fee.
- I am ready to proceed with this application.
- If I am applying for an expedited hearing for minor commercial building work, I have attached the required copy of the contract and affidavit.

INTERPRETER

Is an interpreter required?

- Yes No

If YES, please specify language

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* 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

If more than one applicant is named each applicant must sign the application.

Instructions for completing**Application for commercial building disputes –
*Queensland Building and Construction Commission Act 1991*****GENERAL INSTRUCTIONS****NOTICE TO APPLICANTS**

The *Queensland Building and Construction Commission Act 1991* requires that parties comply with the dispute resolution process before an application to the tribunal can be made. You must file with this application the formal notification letter from the Queensland Building and Construction Commission advising that the dispute resolution process has been complied with.

Copies of the application and providing copies to other parties

When lodging your original application and any attachments, you must also provide two copies of all of the documentation being lodged. If there is more than one respondent, an extra copy of the application form and attachments must also be included for each additional respondent.

Generally, you must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven days after the application is filed.

Default decisions

If the respondent does not respond to your application within the relevant timeframe, you may be able to apply to the tribunal for a default decision ending the matter.

You will have to provide to the tribunal:

- evidence that you have provided a copy of the application to the respondent; and
- supporting documents for the orders that you are seeking from the tribunal.

Generally respondents will have 28 days to reply to an application. However, for certain prescribed applications the respondent has 14 days to reply, this includes certain applications under the *Queensland Building and Construction Commission Act 1991* and the *Body Corporate and Community Management Act 1997*.

For more information and application forms visit www.qcat.qld.gov.au or contact QCAT on 1300 753 228.

Applications may be lodged in person or by post

For minor civil disputes, if this matter is already in the tribunal, your application must be lodged in the registry where the application that started the proceeding was lodged.

By post: QCAT, GPO Box 1639, Brisbane QLD 4001
If you are posting your original application and copies to QCAT, you must include a stamped self-addressed A4 envelope with your application.

In person: QCAT, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

To find your nearest Magistrates Court, look under “Justice and Attorney-General” in the phone book or visit www.courts.qld.gov.au. For more information visit www.qcat.qld.gov.au or call 1300 753 228.

Instructions for completing (continued)

Applications must be accompanied by the correct application fee

You must pay the correct application fee when you lodge your application. For more information on fees visit www.qcat.qld.gov.au or call 1300 753 228.

Payment can be made by:

- cash (only when application being lodged in person)
- cheque or money order (payable to Department of Justice and Attorney-General) or
- credit card using the *Credit card payment authorisation form* (is available from www.qcat.qld.gov.au or by calling 1300 753 228).

PART A APPLICANT AND RESPONDENT DETAILS

- More than one applicant or respondent can be named in an application.
- If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.

If the applicant or respondent is not an individual then the correct name must be used e.g. a company name, a business name (whether it is registered or not). You must also state the correct ABN/ACN for the company or business name. Please refer to the tribunal's factsheet *How to identify and name the parties in QCAT* available at www.qcat.qld.gov.au

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. If you change your address, you must file in the tribunal and serve on all other parties a notice of change of contact details form.

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details. If you want your representative to represent you in any proceedings before the tribunal you must complete the form Form 56 - *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. The decision regarding representation will be decided by the tribunal.

Site address: this is the address of the property to which the dispute relates.

PART B GENERAL DISPUTE DETAILS

Please tick the relevant boxes and provide details.

Please Note: for commercial building work disputes where either the application or the counter-application exceeds \$50,000, all parties must provide written consent to the dispute being decided by the tribunal. Please complete the *Consent notice for major commercial building dispute*.

PART C APPLICATION FOR EXPEDITED HEARING OF CERTAIN MINOR COMMERCIAL BUILDING DISPUTES

Please indicate if you are applying for an expedited hearing of the dispute.

PART D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

State what orders you are seeking from the tribunal and why you consider the orders sought should be made. Include a clear outline of the history and nature of the dispute.

Your information

QCAT collects your contact details for the purposes of compliance with the *Queensland Civil and Administrative Tribunal Act 2009* in relation to proceedings in QCAT. QCAT may contact you to seek your assistance in research to assist in the evaluation of the operation of QCAT. You are not obliged to participate in feedback or surveys. If you do participate no identifying particulars will be published. QCAT will not disclose your contact details or any other personal information to a third party unless required by law.