

QCAT Practice Direction No 1 of 2016

Completing and submitting approved QCAT forms online and other electronic filing

Effective: 4 April 2016

Updated: 10 April 2017

Updated: 14 August 2018

1. This Practice Direction replaces Practice Direction 3 of 2015, which is repealed.
2. QCAT will progressively introduce an Online Form Facility. 'Online Form Facility' is a reference to parties completing forms online (completion) and submitting the completed forms to the registry electronically (submission).
3. Available online forms can be accessed at <http://www.qcat.qld.gov.au>.
4. The purpose of this Practice Direction is to:
 - (a) provide procedures for the online completion and submission of forms; and
 - (b) in accordance with the purpose of *Queensland Civil and Administrative Tribunal Rules 2009*, r 24(1)(c), to prescribe applications, referrals or other documents that may be filed electronically¹.
5. Schedule A to this Practice Direction lists the applications, referrals or documents in a proceeding that may be filed electronically and prescribes whether the document may be filed:
 - (a) by using the Online Form Facility; or
 - (b) by sending completed approved forms by email addressed to M-QCATApplications@justice.qld.gov.au.

Completing and submitting approved forms

6. The following requirements apply to forms completed and submitted using the Online Form Facility or by email. These are in addition to any requirements set out in the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act), the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules) and other Practice Directions.
7. If a party chooses to complete and submit forms using the Online Form Facility, the party must complete the forms in accordance with the instructions provided when accessing the forms online.

¹ QCAT Rules r 24(2), **electronically** includes by email.

8. All forms submitted using the Online Form Facility which are required to be signed for or by a party must be signed by the party or the party's lawyer (if an electronic signature function is available) or in accordance with r 27A of the QCAT Rules.
9. A party who submits documents electronically must keep a copy of the documents and produce them as directed by the Tribunal.
10. Where a party is required to submit a document that is to be sworn or affirmed e.g. an affidavit, the sworn document must be submitted as an image. The image of a sworn document must be created by scanning all pages, including attachments, after it has been sworn or affirmed.
11. A party who submits a sworn or affirmed document electronically must keep the original document and produce it as directed by the Tribunal.

Acceptance

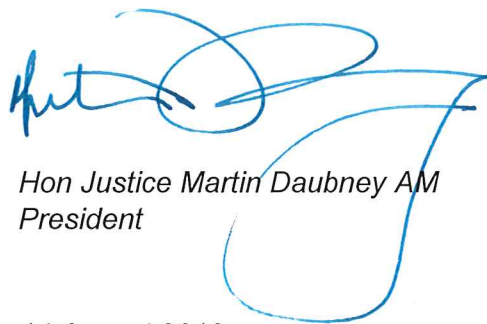
12. Forms submitted using the Online Form Facility or by email are, on submission, regarded as received but not filed by the Tribunal. The review page available when using the Online Form Facility is not confirmation that the form and any additional documents have been filed.
13. Where a form is an application or referral the Principal Registrar may accept or reject the application or referral pursuant to the QCAT Act and QCAT Rules.
14. Forms submitted using the Online Form Facility or by email will be reviewed and either filed in accordance with QCAT Rules r 31(1) or refused pursuant to QCAT Rules r 32.
15. There may be a time delay between submission of a form using the Online Form Facility or by email and the time the document is filed.

Service copies where using Online Form Facility

16. The applicant will receive an electronic sealed copy of the application or referral and a confirmation letter with the filing date and the application number to their nominated email address.
17. The submitting party may print service copies from the electronic copy of the filed documents.

Producing documents to the Tribunal

18. A party who submits forms and documents (including sworn documents) using the Online Form Facility or by email must have the original of the documents with them at any Tribunal proceeding.
19. If a party who submits forms and documents using the Online Form Facility or by email is directed to produce such documents by the Tribunal, the party must endorse the front page of each document with a statement that the document is a true copy of the document submitted using the Online Form Facility or by email and the date that the document was submitted.
20. If a party who submits a sworn or affirmed document using the Online Form Facility is directed to produce the document by the Tribunal, the party must endorse the front page of the document with a statement that the document is the original of the document submitted using the Online Form Facility and the date that the document was submitted.



*Hon Justice Martin Daubney AM
President*

14 August 2018

Schedule A

Documents that may be filed electronically pursuant to 24(1)(c) of the QCAT Rules

Online Form Facility

1. Documents which are available to complete and file online at the following website may be filed electronically:

<http://www.qcat.qld.gov.au>

Email

2. In any proceeding except for minor civil dispute proceedings, any application, referral or other document for which a fee is not payable under the *Queensland Civil and Administrative Tribunal Regulation 2009* may be submitted for filing by sending completed approved forms by email provided that the email including attachments submitted are not more than 30 pages.