

For office use only	
Case number	
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Application — Motor Vehicle Dispute

Part A APPLICANT'S DETAILS <i>(full contact details must be supplied) (for multiple applicants attach details on a separate sheet)</i>		
Name	ACN / ABN <i>(if applicable)</i>	
<input type="text"/>	<input type="text"/>	
Address		
<input type="text"/>		
<input type="text"/>		
Suburb	Postcode	
<input type="text"/>	<input type="text"/>	
Contacts		
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email MUST be provided</i>

Part B RESPONDENT'S DETAILS <i>(full contact details must be supplied) (for multiple respondents attach details on a separate sheet)</i>		
Name	ACN / ABN <i>(if applicable)</i>	
<input type="text"/>	<input type="text"/>	
Address		
<input type="text"/>		
<input type="text"/>		
Suburb	Postcode	
<input type="text"/>	<input type="text"/>	
Contacts		
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email MUST be provided</i>

Part C MOTOR VEHICLE DETAILS

Type:	
Make/model:	
Year:	
Serial number (VIN):	
Amount paid:	
Date purchased:	
Warranty type (if applicable):	
Possession date:	
Value of amount claimed:	

Part D LEGISLATION *Please indicate the legislation that applies to your application*

- Fair Trading Act 1984 – s50A (Australian Consumer Law Queensland)*
- Motor Dealers and Chattel Auctioneers Act 2014 - Sch 1, s14*

Part E CORE DOCUMENTS ATTACHED *(if yes please tick box)*

1. ASIC search of respondent company / business (if applicable)
2. Written contract relating to the motor vehicle (if applicable)
3. Warranty notice (if applicable)
4. Defect notice (if applicable)
5. Expert report (if available)
6. Directly relevant correspondence, photos or other documents (if any)

Part H CHECKLIST AND SIGNATURE

- I have completed all questions on the application 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).
- I have attached the core documents - contract, warranty (if applicable), ASIC search, expert report and any other relevant documents.
- I have paid the prescribed fee.
- I am ready to proceed with this application.

INTERPRETER

Do you require an interpreter? Yes No

The assistance of an interpreter is subject to tribunal approval.

If YES, please specify the required 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

I certify that the above information and disclosures are true and correct.

Applicant/s signature

Date

If more than one Applicant is named, all must sign the application.

IMPORTANT NOTICE TO RESPONDENT(S)

Within **28 days** after you are given a copy of this application, you **must** respond to this application by completing and filing a Form 60 *Response and/or counter-application – Motor Vehicle Dispute*.

The Form 60 is available at qcat.qld.gov.au.

INSTRUCTIONS TO COMPLETING FORM 59

Application — Motor Vehicle Dispute

IMPORTANT PRELIMINARY MATTERS — WHAT MOTOR VEHICLE DISPUTES CAN QCAT HEAR?

QCAT has jurisdiction to hear motor vehicle disputes under the *Fair Trading Act 1984* and the *Motor Dealers and Chattel Auctioneers Act 2014*.

QCAT's jurisdiction is limited to motor vehicle disputes in which the relief or amount sought is **not more than \$100,000**.

Motor vehicle disputes are governed by Practice Direction 2 of 2019. You must read Practice Direction 2 of 2019 which sets out the procedure these matters will follow and what you are required to do. You should also carefully read the helpful information about Motor Vehicle disputes on the QCAT website qcat.qld.gov.au.

GENERAL INSTRUCTIONS

Complete and lodge a Form 59 — Application — Motor Vehicle Dispute.

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.

By post: QCAT, GPO Box 1639, Brisbane Qld 4001

If you are posting your original application and copies to QCAT, you need to include a stamped self-addressed A4 envelope with your application.

In person: QCAT, Level 11, 259 Queen Street, Brisbane Qld 4000, or at any Magistrates Court outside of the Brisbane CBD.

To find your nearest Magistrates Court, visit courts.qld.gov.au. For more information visit qcat.qld.gov.au or call 1300 753 228.

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 or fax.)

HOW TO COMPLETE THE FORM

PART A — Applicant's details

An applicant is a party bringing the claim.

There may be more than one applicant. 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.

Representation of applicants:

- Generally, parties in QCAT proceedings are expected to represent themselves.
- QCAT may grant leave for a party to be represented. However, you are not required to seek leave to be represented if:
 - You are a child or a person with impaired capacity.
 - Relevant laws state that you may be legally represented.

A party who wants to be represented must apply to QCAT by completing and filing a form **Form 56 – Application for leave to be represented**. The Tribunal will then decide whether or not to allow that representation.

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.
- An ASIC search showing the company name and registered address in respect of the respondent company (**see PART E below**).

For more information please refer to the tribunal's **fact sheet - How to identify and name the parties in QCAT** available at qcat.qld.gov.au.

PART C — Motor Vehicle Details

- **Type** — is the vehicle type, e.g. car, caravan or motorcycle.
- **Make/model** — the details of maker and model e.g. 'Honda Civic' or 'Toyota Camry'.
- **Year** — is the 'built date' or the year the vehicle was manufactured.
- **Serial number** — is the Vehicle Identification Number (VIN), this is on your Certificate of Registration.
- **Amount paid** — the purchase price recorded on the contract of sale.
- **Date purchased** — the date that you entered into the contract to buy the vehicle.
- **Warranty type** — note the type of warranty if applicable e.g. class A or class B.
- **Possession date** — the date you took physical possession of the vehicle.
- **Value of amount claimed** — the amount you are seeking including the value of any repairs.

PART D — Legislation

You must indicate the legislation that you are making your application under namely:

- *Fair Trading Act 1984 – s 50A (Australian Consumer Law Queensland)*; or
- *Motor Dealers and Chattel Auctioneers Act 2014 – Sch 1, s14*.

PART E — Core documents

Copies of the following core documents must be attached to the application:

- If any respondent is a company or business, an **ASIC search** in relation to the entity.
- The full **written contract** for the purchase of the motor vehicle (if such a contract exists).
- Any **written warranty notice** relating to the motor vehicle.
- Any **defect notice** which has been given on the motor vehicle.
- Any **correspondence between the parties** or other documents such as invoices which are directly relevant to the dispute.
- Any **photos** on which the applicant relies.
- Any **report** by an expert relating to a vehicle.

NOTE: IF YOU HAVE AN EXPERT'S REPORT AT THE TIME YOU FILE THE APPLICATION AND DO NOT DISCLOSE IT BY ATTACHING A COPY TO THE APPLICATION, YOU MAY BE PRECLUDED FROM RELYING ON THAT REPORT AT ANY HEARING OF YOUR CLAIM.

PART F — Outline what is wrong with the vehicle:

Briefly explain what the defect/s are with the vehicle which has led to the dispute including:

- An explanation of what is wrong with the vehicle and the date you discovered the problem or defect.
- Whether the vehicle is the subject of a warranty or was at the time the defect occurred.
- How you notified the respondent about the problem or defect – if that notification was in writing, attach a copy to the application (**see PART E above**).
- What response (if any) you got from the respondent: explain briefly what they said or did; if they responded in writing attach a copy to the application (**see PART E above**).
- How much will it cost to repair the vehicle.
- If the vehicle has already been repaired set out the details of the repairs.

You must attach copies of all of the evidence you refer in your answer including correspondence, the contract, warranty notice, notice of defect, written quotes, invoices, photographs or expert reports (**see PART E above**).

PART G — Details of what you seek from the tribunal

Set out what order you seek from the tribunal, for example:

- That the respondent pay to the applicant an amount of money.
- To declare a defect is or is not covered by a warranty.
- To extend a warranty or declare a vehicle is covered by a warranty to a certain date.
- To declare an amount of money is not owing by a party to another party.
- To direct that work be performed to rectify a defect.
- To direct that a party return a vehicle to a party or stated person.

PART H — Checklist and signature

Go through the checklist on the application form to ensure you have complied with all of the requirements and have attached all relevant documents.