

QCAT Practice Direction No. 7 of 2021

Accessing and obtaining copies of documents

1. The purpose of this Practice Direction is to provide a procedure for accessing the register of proceedings, the record of proceedings or any documents produced under sections 63 or 97 of the *Queensland Civil and Administrative Tribunal Act 2009* ('**QCAT Act**').
2. In the event that an enabling Act provides for a specific procedure in relation to accessing the register of proceedings, the record of proceedings or documents produced under sections 63 or 97 of the QCAT Act ('**produced material**'), the enabling Act overrides this Practice Direction.
3. In relation to applications made under the *Guardianship and Administration Act 2000*, this Practice Direction is to be read in conjunction with Practice Direction No. 8 of 2021. In the event of any inconsistency, Practice Direction No. 8 of 2021 prevails.

What is the register of proceedings?

QCAT's **register of proceedings** contains relevant information about all proceedings at QCAT. To obtain information about proceedings at QCAT, such as parties to a proceeding or the decision about a proceeding, a person can inspect (i.e. search) the register of proceedings.

What is the record of proceedings?

QCAT's **record of proceedings** is the record of all documents filed at QCAT. To obtain a copy of a document filed at QCAT, such as an application or statements, a person can request a copy of the record of proceedings. If a person wants only to view a QCAT file, this will be an inspection of the record of proceedings.

SEARCHING THE REGISTER OF PROCEEDINGS

4. A request to obtain a search of the register of proceedings must be made in writing or by using the online services available (see for example QCAT's website at qcat.qld.gov.au/resources/forms/our-online-services/search-and-copy-documents).
5. If a request is made in writing, it must include the full details of the search query including the full name or entity details to be searched and the contact details of the person requesting the search.
6. A party is entitled to search the register of proceedings without charge.¹ A non-party must first pay the prescribed fee.²

¹ QCAT Act s 229(3).

² QCAT Act s 229(4); QCAT Regulation sch 1(1).

7. A request for a search of the register of proceedings is conducted as per each search query provided. If a person is requesting a search of the register of proceedings for multiple names or entities, then any fees payable will be calculated per name or entity requested.

WHEN IS A DOCUMENT A PART OF THE RECORD OF PROCEEDINGS?

8. A document forms part of the record of proceedings when it has been filed in the Tribunal. A document is filed when stamped with the Tribunal's seal.³
9. The Tribunal may refuse to file an application or referral if it does not comply with the QCAT Rules or otherwise cannot be filed.⁴ In the event that the application or referral cannot be filed, the Tribunal will advise the party filing the document.

INSPECTING THE RECORD OF PROCEEDINGS

10. A request to inspect the record of proceedings, or a part of the record of proceedings must be made in writing or by using the online services available (see for example QCAT's website at qcat.qld.gov.au/resources/forms/our-online-services/search-and-copy-documents).
11. Subject to any non-publication order:⁵
 - a. a party to a proceeding may, without charge, inspect the record of proceedings.⁶
 - b. a non-party may, on payment of the prescribed fee, inspect the record of proceedings.⁷

OBTAINING A COPY OF THE RECORD OF PROCEEDINGS, OR A PART THEREOF

12. A request to obtain a copy of the record of proceedings, or a part of the record of proceedings must be made in writing or by using the online services available (see for example QCAT's website at qcat.qld.gov.au/resources/forms/our-online-services/search-and-copy-documents).
13. Subject to any non-publication order,⁸ a party or non-party may obtain a copy of the record of proceedings, on payment of the prescribed fee.⁹

³ QCAT Rules r 31(1).

⁴ QCAT Rules r 32(1).

⁵ QCAT Act s 229(5); s 230(4).

⁶ QCAT Act s 230(2).

⁷ QCAT Act s 230(3); QCAT Regulation sch 1(1).

⁸ QCAT Act s 230(4).


⁹ QCAT Act s 230(3).

PRODUCED MATERIAL

14. QCAT may make orders and issue notices requiring persons to produce stated documents or things under sections 63 and 97 of the QCAT Act.
15. This Practice Direction is to be read in conjunction with Practice Direction No. 1 of 2013 – *Notices to Produce*. See Practice Direction No. 1 of 2013 for more information.
16. In circumstances where the Tribunal has not directed that the parties can inspect the produced material, a request must be made in writing or by using the online services available (see for example QCAT's website at qcat.qld.gov.au/resources/forms/our-online-services/search-and-copy-documents).
17. Subject to any non-publication order, a party may obtain a copy of the produced material, on payment of the prescribed fee.

NON-PUBLICATION OR OTHER RESTRICTION ON PUBLICATION

18. In circumstances where a non-publication order or other restriction on publication exists on the register of proceedings, the record of proceedings or the produced material, a person is prohibited from inspecting or accessing the document or thing.



Hon Justice Martin Daubney AM
President

6 September 2021