

QCAT Practice Direction No. 1 of 2026

ARRANGEMENTS FOR THE MEDIATION AND DETERMINATION OF MINOR CIVIL DISPUTES AT QCAT

1. This Practice Direction replaces Practice Direction 4 of 2011.
2. This Practice Direction applies to all minor civil disputes in QCAT (*definition on page 4*).

WHAT CAN BE REFERRED TO MEDIATION

3. Unless the Tribunal orders otherwise minor civil disputes claims that are:
 - a) up to the value of \$10,000.00 will be referred for mediation;
 - b) over \$10,000.00 will be listed for hearing.
4. Residential tenancy disputes will be listed for hearing.
5. Mediation will be conducted by a person appointed by the Tribunal or Principal Registrar or nominated by the Director of the Alternative Dispute Resolution Branch of the Department of Justice.

WHAT HAPPENS IF A DISPUTE WHICH HAS BEEN REFERRED TO MEDIATION IS RESOLVED

6. If the dispute referred to mediation is resolved:
 - (a) Where the conciliator or mediator is a Tribunal member or adjudicator or the Principal Registrar, the mediator must record the terms of settlement in writing and may make the orders necessary to give effect to the settlement, or
 - (b) Where the mediator is not a member, adjudicator or the Principal Registrar, the mediator must:
 - (i) record the terms of settlement in writing and have the parties sign the written terms; and
 - (ii) file the signed written terms in the registry, and
 - (c) Where signed written terms of settlement are filed in the registry, the Tribunal may make the orders necessary to give effect to the settlement.
7. Section 45 of the *Queensland Civil and Administrative Tribunal Act 2009* ('QCAT Act') requires each party to a proceeding to act quickly in any dealing relevant to the proceeding. If a dispute resolves at mediation in a way that requires a party to file a Notice of Withdrawal pursuant to a settlement agreement, the Notice must be filed as soon as practicable after the event which triggers the obligation to file the Notice of Withdrawal, and no later than three days of that event.

WHAT HAPPENS IF THE DISPUTE DOESN'T SETTLE AT MEDIATION

8. If the dispute referred to mediation is not resolved, the application will be listed for hearing.

REQUEST TO BY-PASS MEDIATION

9. A request to by-pass mediation of disputes of the kind referred to in paragraph 3(a) above can be made if a party or parties reasonably considers that the dispute is not suitable for mediation. Any such request must be made in writing by email to enquiries@qcat.qld.gov.au. The request must be made as soon as practicable. The request must set out why the party considers that the dispute is not suitable for mediation. The request will be considered by the Tribunal or Principal Registrar.

WHAT HAPPENS IF A PARTY DOES NOT ATTEND THE MEDIATION

10. If a party does not attend mediation without reasonable excuse, the Tribunal can make orders in their absence. These include, but are not limited to:
- (a) An order dismissing the application; and/or
 - (b) An order making final orders in favour of a party; and/or
 - (c) Any other lawful order or orders the Tribunal considers appropriate.
11. In accordance with rule 73(3) of the *Queensland Civil and Administrative Tribunal Rules 2009*, if a mediator has attempted unsuccessfully to settle a proceeding or a part of a proceeding by mediation, the mediator must:
- (a) help the parties to identify:
 - (i) the facts and issues that are in dispute in the proceeding or part; and
 - (ii) the facts and issues that are no longer in dispute in the proceeding or part; and
 - (a) any other matters which are agreed in respect of the proceeding, including, any evidence which the parties agree may be admitted into the proceeding.

OTHER MATTERS

12. For all matters proceeding to a final hearing, each party must give (serve) every other party a copy of all material they file and want to rely on, at least five (5) business days before the hearing date, unless otherwise ordered by QCAT. QCAT will not do this for you.¹ If you do not do this, the hearing might not proceed or might proceed without these documents being part of the proceedings.
13. For residential tenancy matters, parties must also comply with [Practice Direction 4 of 2023 – Applications for residential tenancy disputes](#).

¹ If you have used the Qcase portal for your matter, it is not enough to upload this material to Qcase. You must give a copy of any material you intend to rely on at the hearing to each other party.

14. Nothing in this Practice Direction prevents the parties to a minor civil dispute applying to QCAT for referral to a QCAT Panel Mediation pursuant to Practice Direction 8 of 2025.



Hon Justice Kerri Mellifont
President

26 June 2026

Definition of Minor Civil Dispute

Minor civil dispute—

1 *Minor civil dispute* means—

- (a) a claim to recover a debt or liquidated demand of money, with or without interest, of up to the prescribed amount; or
- (b) a claim arising out of a contract between a consumer and trader, or a contract between 2 or more traders, that is—
 - (i) for payment of money of a value not more than the prescribed amount; or
 - (ii) for relief from payment of money of a value not more than the prescribed amount; or
 - (iii) for performance of work of a value not more than the prescribed amount to rectify a defect in goods supplied or services provided; or
 - (iv) for return of goods of a value not more than the prescribed amount; or
 - (v) for a combination of any 2 or more claims mentioned in subparagraphs (i) to (iv) where the total value of the combined claim is not more than the prescribed amount; or
- (c) a claim for an amount of not more than the prescribed amount for damage to property caused by, or arising out of the use of, a vehicle; or
- (d) a claim for repair of a defect in a motor vehicle under the *Motor Dealers and Chattel Auctioneers Act 2014* schedule 1, section 13; or
- (e) a tenancy matter; or
- (f) a claim that is the subject of a dispute under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*, chapter 2 and is for an amount not more than the prescribed amount; or
- (g) a matter in relation to which a person may, under the *Building Act 1975*, chapter 8, part 2A apply to the tribunal for an order.

2 However, if an enabling Act confers jurisdiction on the tribunal to deal with a claim (however called) within the meaning of paragraph 1(a), the claim is not a minor civil dispute unless the enabling Act expressly states it is a minor civil dispute.

(Queensland Civil and Administrative Tribunal Act 2009, Schedule 3)