

Instructions for completing**Application for reopening, correction, renewal or amendment****General instructions****Copies of the application and providing copies to other parties**

No extra copies of the application form and attachments are required for cases related to:

- *Adoption of Children Act 1964*
- *Child Care Act 2002*
- *Child Protection Act 1999*
- *Commission for Children and Young People and Child Guardian Act 2000*
- *Disability Services Act 2006*, section 123ZK(8) or 123ZN(5)
- *Guardianship and Administration Act 2000*.

You also do not need to give a copy of the application to another party in those cases.

For a minor civil dispute, the application form and all attachments must be accompanied by two copies. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

For all other cases, the application form and all attachments must be accompanied by three copies. Where there is more than one respondent, an extra copy of the application form and attachments is required 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.

Applications may be lodged

If the matter is a minor civil dispute, this application must be lodged in the registry where the application that started the proceeding was lodged.

Otherwise, your application may be lodged:

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

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

Instructions for completing *(continued)*

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

C1 – Application for reopening of a proceeding

- You must state the grounds on which you rely. They may include:
 - You did not appear at the hearing or compulsory conference and had a reasonable excuse for not attending
 - You would suffer a substantial injustice if the proceeding was not reopened because significant new evidence has arisen and that evidence was not reasonably available when the proceeding was heard and decided
- You may need to file an affidavit containing your grounds for the application
- You may not apply under section 138 in relation to a decision the subject of appeal or an application for leave to appeal whether or not the appeal or application has been decided
- You are allowed at least seven (7) days after this application is made to make written submissions about the application
- You must allow each other party to the proceeding at least seven (7) days after the day they are given a copy of the application to make written submissions about the application

C2 – Application to correct a decision

- You must make this application within twenty-eight (28) days after one of the following:
 - If you have applied for reasons for the final decision, the day you are given the reasons, or
 - The day you are given notice of the final decision
- Include case number if known
- Attach separate sheet with further details if required
- Please set out your grounds for the application.

The grounds may be:

- a clerical mistake, or
 - an error arising from an accidental slip or omission, or
 - a material miscalculation of figures or a material mistake in the description of a matter, person or thing mentioned in the decision, or
 - a defect of form.
- You cannot make an application to correct a decision if this decision has been appealed or leave has been sought to appeal this decision. It does not matter whether or not the appeal has been decided.

Instructions for completing *(continued)*

C3 – Application for renewal of a final decision

- You must make this application within twenty-eight (28) days after one of the following:
 - if you have applied for reasons for the final decision, the day you are given the reasons, or
 - the day you are given notice of the final decision
- Include case number if known.
- Attach separate sheet with further details if required
- You may need to file an affidavit containing your reasons for the application.
Reasons may be:
 - It may not be possible for the tribunal's final decision in a proceeding to be complied with, or
 - There are problems with interpreting, implementing or enforcing the tribunal's final decision in a proceeding
- You may not apply under section 133 in relation to a final decision in an appeal or an application for leave to appeal whether or not the appeal or application has been decided.

C4 – Application to amend settlement order

- Include case number if known
- Attach a copy of the settlement order to this application.

Form Number 43 (version 1)

Queensland Civil and Administrative Tribunal Act 2009 (section 88(2), 133(2), 135, 138)

Application for reopening, correction, renewal or amendment

Refer to attached instructions at the front of this application prior to filling out this form.

For office use only

Case number:	
Date:	
Registry:	
Sent to:	
Fee paid:	
Rec no:	

PART A APPLICANT'S AND RESPONDENT'S DETAILS**Applicant****Respondent****PART B DETAILS OF APPLICATION****Case number (if known)**

PART D CHECKLIST AND SIGNATURE

- I have completed all questions on the application form 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 instructions)
- I have paid the prescribed fee
- I am ready to proceed with this application.

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 – \$10,000.

SIGN AND DATE HERE

The information in this application is true to the best of my knowledge.

Signature

Date

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