

## How to identify and name parties in QCAT proceedings

The Queensland Civil and Administrative Tribunal (QCAT) is an independent tribunal that resolves disputes in a manner that is accessible, quick and inexpensive.

### About the parties

- The applicant/s and respondent/s are the parties to the proceeding.
- There can be more than one applicant and more than one respondent in an application.
- You must identify the correct parties to the application. Any document, invoice, receipt, contract or agreement related to the dispute may help with this and you may wish to seek independent legal advice.
- QCAT cannot give you advice about who are the correct parties.
- You must also use the correct legal name for the parties.

### How to identify and name parties at QCAT

The following information is a guide about who may be a party to an application to QCAT and what is the correct legal name for that party. This information is provided as an example only.

Type of entity	Can be named as a party?	If no, who should be named as a party?	Example of how to name
Individual person	Yes – use full first name or names, not just initials.		Jane Smith.
Unregistered business name	Conditionally. QCAT Rule 16 allows an application to be made against an unregistered business name.	You must take all reasonable steps to find out the name of the person carrying on the business, and amend any filed documents to that name before the application can proceed. Reasonable steps include: <ul style="list-style-type: none"> <li>• searching the Australian Securities and Investments Commission’s business names register</li> <li>• asking the person who they have dealt with in relation to the dispute</li> <li>• checking any letters or other documents from the business</li> <li>• conducting a title search on the business address.</li> </ul>	Unregistered business name Yummy Biscuits. Must be amended to: Jim Smith trading as unregistered business name Yummy Biscuits.

*This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights you should seek independent legal assistance. Your individual circumstances should determine any actions taken to resolve your dispute.*

Type of entity	Can be named as a party?	If no, who should be named as a party?	Example of how to name
Registered business name	Yes. QCAT rule 14 allows an application to be made against a registered business name. Include registration number. Include names of owners of business name trading as the registered business name. Include 'Current Business Name Extract' from the Australian Securities and Investments Commission (ASIC) – see below.		Jane Smith trading as Jane Smith Painting QLD BN 123 456 78.
Company	Yes. Include Australian Company Number (ACN). Include 'Current Company Extract' from ASIC – see below. If company is trading as a business name, include that name.		Jim Smith Removals Pty Ltd, ACN 123 456 789 or Jim Smith Removals Pty Ltd, ACN 123 456 789 trading as Fast Removals.
Trust	No.	The trust cannot be a party. The trustee for the trust is the party.	Jim Smith as trustee for John Smith or Jim Smith Pty Ltd ACN 123 456 789 as trustee for Fast Removals Trust.
Superannuation fund	No.	The superannuation fund cannot be a party. The trustee for the superannuation fund is the party.	Jane Smith as trustee for Jill Smith Superannuation Fund.
Partnership	Yes. QCAT Rule 12 allows an application to be made either by or against a partnership name.		Smiths, a firm.
Unincorporated association	No.	Each member of the unincorporated association must be named personally.	Jane Smith and Jim Smith as members of Smith Association, unincorporated.
Incorporated association	Yes.		Jane Smith Association Inc.
Non-profit association	Depends on whether it is unincorporated or incorporated – see above.		

Type of entity	Can be named as a party?	If no, who should be named as a party?	Example of how to name
Body corporate	Yes. Include the Community Title Scheme (CTS) Number.		Body Corporate for Smith Building CTS 12345.
State agency	Yes. Name the state, and then the specific agency.		State of Queensland, Department of Justice and Attorney-General.

## Obtaining 'Current Company Extracts' and 'Business Name Extracts' showing business and company details

ASIC maintains registers showing information about names, addresses and ownership of companies and businesses at [asic.gov.au](http://asic.gov.au).

If you cannot access the ASIC website, phone ASIC on 1300 300 630 within Australia, or + 61 3 5177 3988 from outside Australia.

For a company, search ASIC's [Organisations and Business Names register](#) for a 'current company extract'. This extract will show:

- the name of the company and Australian Company Number (ACN)
- the registered address of the company
- the names of the officeholders and other roles in the company.

You should attach this to your application.

For a registered business, search ASIC's [Organisations and Business Names register](#) for a 'current business name extract'. This extract will show:

- the name of the business
- the address for service of documents
- the names of the entities that hold the business name.

You should attach this to your application; a 'business name summary' is not sufficient.

A fee may be charged to obtain this information. QCAT cannot get this information for parties.

## Legal advice

There are a number of options for obtaining legal advice.

- Contact the private solicitor of your choice.
- Use Queensland Law Society's Find a Solicitor Service – [qls.com.au/For\\_the\\_community/Find\\_a\\_solicitor](http://qls.com.au/For_the_community/Find_a_solicitor).
- Phone [Legal Aid Queensland](#) on 1300 65 11 88.
- Contact [Community Legal Centres Queensland](#) for details of your local community legal centre on 07 3392 0092.

For more information, please visit the [legal advice and representation](#) page on our website or [contact us](#).