

Form Number 39 (version 2)

Queensland Civil and Administrative Tribunal Rules 2009 (rule 95)

Application for leave to appeal or appeal

Refer to attached instructions prior to filling out this form.

For office use only

Case number:

Date filed:

Registry:

Fee paid:

Receipt number:

PART A APPLICANT'S DETAILS

Applicant details: (for multiple applicants attach details on a separate sheet)

Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

Representative's details (if applicable)

- Tick if you want this to be your address for notices
- Tick if you want your representative to represent you in proceedings before the tribunal (see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented).

Name

Company/Partnership/other

<input type="text"/>	ABN <input type="text"/>
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Business Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

PART A RESPONDENT'S DETAILS

Respondent's details: *(for multiple respondents attach details on a separate sheet)*

Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

Representative's details *(if applicable)*

Name

Company/Partnership/other

<input type="text"/>	ABN <input type="text"/>
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Business Name

Address

<input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>

Contacts

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

PART B DETAILS OF DECISION WHICH YOU ARE APPEALING

Case number *(if known)*:

Decision was made by the tribunal or another entity, namely _____

When was the decision made?

 / /

When did you receive the decision?

 / /

PART C GROUNDS OF APPEAL

Specify briefly the grounds of appeal

PART D ORDERS SOUGHT

Brief details of orders you are asking the tribunal to make

PART E LEAVE TO APPEAL *Please tick one box and provide details where required.*

- I do not require leave to appeal in this case
- I am seeking leave to appeal
- Leave to appeal has been already granted by the tribunal on _____
(insert date)

PART F 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

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 – 100 penalty units.

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 each applicant must sign the application.

Instructions for completing

Application for leave to appeal or appeal

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.

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

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: At QCAT, Level 9, 259 Queen Street (BOQ Centre), Brisbane OR any Magistrates Court.

To find your nearest Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit www.courts.qld.gov.au.

Applications must be accompanied by the correct application fee

You must pay the correct application fee when you lodge your application. For more information on fees visit www.qcat.qld.gov.au or call 1300 753 228.

Payment can be made by

- cash (only when application being lodged in person)
- cheque or money order (payable to Department of Justice and Attorney-General) or
- credit card using the *Credit card payment authorisation form* (the form is available from www.qcat.qld.gov.au or by calling 1300 753 228).

Instructions for completing (continued)

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant and respondent may be named. If there is insufficient space for the names of either applicant or respondent you may attach additional pages with similar details.
- Generally the parties to an appeal will be the parties who were named in the original proceedings. If you require further information on how to identify parties please refer to the fact sheet How to identify and name the parties in QCAT available at www.qcat.qld.gov.au.
- Your address will be the address at which documents are given or sent to you, unless you indicate your representative's address as your address for notices.
- Any change in your address for notices must be filed in the tribunal and given to all other parties.

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details.

If you want your representative to represent you in any proceedings before the tribunal you must complete the form *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity,
- your case is a disciplinary case,
- an Act or the Rules state that you may be legally represented.

TIME LIMITS

Where leave of the tribunal is required before you may appeal, you are required to seek leave to appeal within 28 days of either:

- the day you received notice of the decision where reasons are not required to be given; or
- the day you received notice of the decision where written reasons were not requested within 14 days after the decision takes effect under section 122;
- the day you were given written reasons for the decision;
- if you applied to the tribunal for a renewal, reopening or correction of a mistake – the day that application was finally dealt with.

Where leave has been given to appeal, you must lodge your application to appeal within 21 days from the day leave is given.

Where no leave to appeal is required, you are required to appeal within 28 days of either:

- the day you received notice of the decision where reasons are not required to be given; or
- the day you received notice of the decision where written reasons were not requested within 14 days after the decision takes effect under section 122;
- the day you were given written reasons for the decision;
- if you applied to the tribunal for a renewal, reopening or correction of a mistake – the day that application was finally dealt with.

Please attach a copy of the decision you are appealing to this application.

Stay

The tribunal may make an order staying the operation of the decision against which the appeal is made. If you wish to apply for a stay, complete and lodge form 44 – *Application to stay a decision*.

Your Information

QCAT collects your contact details for the purposes of compliance with the *Queensland Civil and Administrative Tribunal Act 2009* in relation to proceedings in QCAT. QCAT may contact you to seek your assistance in research to assist in the evaluation of the operation of QCAT. You are not obliged to participate in feedback or surveys. If you do participate no identifying particulars will be published. QCAT will not disclose your contact details or any other personal information to a third party unless required by law.