

Instructions for completing**Application for leave to be represented****Some parties do not need to complete this form**

Some parties do not need the permission of the tribunal to be represented and do not need to complete this form.

If you are:

- a child or a person with impaired capacity, or
- a party to a disciplinary proceeding, including a review of a disciplinary decision, or
- a party to a proceeding where an enabling Act or the Rules states that a party may be represented

you do not need to complete this form because you have a right to be represented by an Australian legal practitioner or a government legal officer.

However, if you want someone else to represent you (who is not an Australian legal practitioner or a government legal officer), you may need to explain to the tribunal why your representative is appropriate to represent you.

Your representative cannot be a person who is disqualified from being a representative of a party in the tribunal.

Entities seeking leave to appear should not complete this form

Appearing in a proceeding is different from and separate to representation in a proceeding.

Some entities, such as State agencies, corporations, associations, partnerships and trusts, can only appear in the tribunal through specified people. In certain circumstances, those entities may need permission from the tribunal to appear through a person who is an Australian legal practitioner or government legal officer.

An entity seeking permission to appear through a person who is an Australian legal practitioner or government legal officer should not complete this form.

Instead, the entity should write to the tribunal setting out the names of the parties, the case number, the name of the person they propose to appear for them, the person's position in the entity, and the reasons why leave should be given for the entity to appear through the person.

General instructions

Copies of the application

You need to lodge at QCAT:

- the original of this application and any attached documents
- plus 1 copy of this application and any documents
- plus an extra copy of this application and any documents for each other party.

You don't have to lodge any copies if your application is related to the following enabling Acts:

- *Adoption Act 2009*
- *Child Care Act 2002*
- *Child Protection Act 1999*
- *Commission for Children and Young People and Child Guardian Act 2009*
- *Disability Services Act 2006*, section 123ZK(8) or 123ZN(5)
- Education and Care Services National Law (Queensland)
- *Guardianship and Administration Act 2000*.

Lodging your application

If the matter is a minor civil dispute the application for leave to be represented must be lodged in the QCAT registry or Magistrates Court where the application that started the proceeding was lodged.

Otherwise your application may be lodged:

By post: QCAT, GPO Box 1639, Brisbane QLD 4001

If you are posting your original application and copies to QCAT, you must include a stamped self-addressed A4 envelope with your application.

In person: QCAT, Level 11, 259 Queen Street, Brisbane OR at the Magistrates Court where the application that started the proceeding was lodged.

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

Application fee

There is no fee to lodge this application.

After you lodge your application

QCAT will keep your original application and attached documents.

QCAT will stamp QCAT's seal on the first copy and return it to you. This is your copy.

QCAT will stamp QCAT's seal on your other copy or copies and return them to you. These are for you to give to the other party or parties.

General instructions (continued)

Giving copies to the other parties

You do not have to give the other party or parties a stamped copy of the application if your application is related to any of the following enabling Acts:

- *Adoption Act 2009*
- *Child Care Act 2002*
- *Child Protection Act 1999*
- *Commission for Children and Young People and Child Guardian Act 2009*
- *Disability Services Act 2006*, section 123ZK(8) or 123ZN(5)
- Education and Care Services National Law (Queensland)
- *Guardianship and Administration Act 2000*.

For these applications only, QCAT will give the other party or parties a copy of the application.

For all other applications, you must give a stamped copy of the application to every other party as soon as practicable, and no later than 7 days after you lodge the application.

The most common ways to give the stamped application to every other party are by:

- posting it to their address
- giving it to them in person, or if they refuse to take it, by putting it down in their presence and telling them what the application is
- leaving it with another adult who works or lives at their premises
- if the other party has an address for service that includes a fax number or email address, sending it to that fax number or email address

You cannot give the stamped application to another party by leaving it in their letterbox or putting it under the door.

You will need to establish that the application has been given to every other party by filing a *Form 9 Affidavit of Service*, or by filing some other evidence or document that shows that every other party has received a stamped copy of the application.

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Insert the name of the applicant and the respondent for the proceeding.

PART B APPLICATION OR REFERRAL DETAILS

Insert the case number if known.

PART C YOUR DETAILS

Insert details about who you are in the proceeding.

Note that an application for leave to be represented must be made and signed by the party seeking to be represented. A proposed representative cannot make and sign the application on behalf of the party.

PART D PROPOSED REPRESENTATIVE'S DETAILS

Insert details about who you want to be your representative. It can be a person, an entity, or a named person at an entity.

You cannot be represented by a person who is disqualified from being a representative of a party.

You can be represented by someone who is not an Australian legal practitioner or government legal officer only if the tribunal is satisfied that the person is appropriate to represent you.

General instructions *(continued)*

An Australian legal practitioner is an Australian lawyer who holds a current Queensland practising certificate or a current interstate practising certificate. A government legal officer is a person employed by a state or federal government department or agency and who engages in legal practice.

If you are a corporation, and you want to be represented by someone who is not an Australian legal practitioner or government legal officer, you should also complete the certificate of authority attached to this application.

If you are not a corporation, and you want to be represented by someone who is not an Australian legal practitioner or government legal officer, the tribunal may ask you to provide a certificate of authority.

A sample certificate of authority for you to use appears at the end of this form.

PART E REASONS WHY PROPOSED REPRESENTATIVE IS APPROPRIATE

If your proposed representative is not an Australian legal practitioner or government legal officer, explain here why your proposed representative is appropriate to represent you.

This means explaining what skills, knowledge and experience your proposed representative has that makes them appropriate to represent you.

PART F REASONS FOR SEEKING PERMISSION TO BE REPRESENTED

Explain here why you need to be represented.

The tribunal will only give permission for you to be represented if it is in the interests of justice to do so.

In deciding whether to grant permission, the tribunal may consider the following circumstances:

- you are a State agency
- the proceeding is likely to involve complex question of fact or law
- another party is represented
- all of the parties have agreed to you being represented
- any other relevant factors.

In your reasons explaining why you need to be represented, you should refer to any of these circumstances that are relevant. If you don't, your application may be refused.

Form Number 56 (version 1)

Queensland Civil and Administrative Tribunal Act 2009 (section 43)

Application for leave to be represented

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:	

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Applicant

Respondent

PART B APPLICATION OR REFERRAL DETAILS

Case number (if known)

PART C MY DETAILS

I am the

Applicant

Respondent

Another party (please provide details):

PART D PROPOSED REPRESENTATIVE'S DETAILS

Name (if applicable)

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Entity Name (if applicable)

Address

<input type="text"/>
Postcode

Telephone

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

<input type="text"/>	<input type="text"/>
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Tick if you want this to be your address for service

Is your proposed representative an Australian legal practitioner or government legal officer?

Yes No (see below)

If Yes, please complete Parts F and G of this form.

If No, and you are not a corporation, please complete Parts E, F and G of this form.

If No, and you are a corporation, please complete Parts E, F and G of this form and complete the Certificate of Authority attached to this form.

PART E REASONS WHY PROPOSED NON-LEGAL REPRESENTATIVE IS APPROPRIATE

If your proposed representative is not an Australian legal practitioner or government legal officer, explain here why your proposed representative is appropriate to represent you.

(If insufficient space here, please attach additional pages.)

PART F REASONS WHY REPRESENTATION IS NEEDED

Explain here in detail why you need to be represented.

(If insufficient space here, please attach additional pages.)

PART G CHECKLIST AND SIGNATURE

- I have completed all questions on the application form according to the instructions and attached relevant documents
- I have provided a certificate of authority where necessary (see instructions)
- I understand I have to give a stamped copy of this application to each other party before the tribunal can make a decision
- I am ready to proceed with this application

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.

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Party sign here

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Date

(Note that a proposed representative cannot sign this application. It must be signed by the party.)

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Party print name here

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Party print position here

(e.g. Managing Director, Director, Secretary, Manager, Business Owner) if applicant is an entity (such as an organisation, business, corporation or association)

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

PRIVACY CONSENT AND DISCLOSURE STATEMENT

The Queensland Civil and Administrative Tribunal (QCAT) collects personal information from applicants in proceedings (You), for the purposes of compliance with the provisions of the *Queensland Civil and Administrative Tribunal Act 2009*.

Research purposes

QCAT wishes to use your personal information for research purposes to improve its services. An example of research is an online survey or focus group. QCAT may also share information about You with research companies for the purposes of conducting research. Any research company engaged by QCAT will undertake to keep your personal information confidential subject to the *Information Privacy Act 2009*.

By signing this Statement, you consent to communicate with QCAT by email or other suitable manner for research purposes; you consent to the sharing of your personal information with third parties as indicated and you waive your right to take further action against QCAT for any breach of your privacy.

Your consent commences from the date that you sign this Statement and return it to QCAT and continues for research purposes after your matter with QCAT has finalised and until you withdraw your consent or upon the expiration of a period of 12 months.

Signature of applicant

By signing below, I acknowledge that I have read this Privacy Consent and Disclosure Statement and that I consent to the use and disclosure of my personal information as described in this Statement.

Applicants sign here

Date

Contact details

For further information call 1300 753 228 or write to the QCAT registry at GPO Box 1639, Brisbane 4001.

Certificate of Authority

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Applicant

Respondent

PART B APPLICATION OR REFERRAL DETAILS

Case number *(if known)*

PART C MY DETAILS

I am the

Applicant Respondent Another party *(please provide details):*

PART D REPRESENTATIVE'S DETAILS

Name

Title

Given name/s

Surname/Family name

Entity Name *(if applicable)*

Address

Postcode

Telephone

Home

Business

Mobile

Fax

Email

PART E AUTHORITY

I authorise the representative named in this certificate of authority to represent me at:

all proceedings before the Queensland Civil and Administrative Tribunal in relation to the above matter, including any alternative dispute resolution proceedings

OR

the following proceedings before the Queensland Civil and Administrative Tribunal in relation to the above matter:

- directions hearing
- mediation / conciliation
- compulsory conference
- hearing

I declare that the representative named in this certificate of authority has sufficient knowledge of the issues in dispute to represent me in the proceedings before the Tribunal specified above.

I declare that the representative named in this certificate of authority is authorised to act as my agent and has authority to settle the proceeding on my behalf.

If party signing Certificate of Authority is an entity (such as an organisation, business, corporation or association)

I certify that I am an officer of the entity authorising the representative to act on behalf of the entity, and that I have sufficient authority in the entity to authorise this representative to act on behalf of the entity.

(Cross out if not applicable)

SIGN AND DATE HERE

Party sign here

Date

Party print name here

Party print position here

(e.g. Managing Director, Director, Secretary, Manager, Business Owner) if applicant is an entity (such as an organisation, business, corporation or association)

If more than one party is named, all must sign this Certificate of Authority.