

## QCAT Practice Direction No. 3 of 2022

### COVID-19 ARRANGEMENTS FOR PROCEEDINGS OTHER THAN MINOR CIVIL DISPUTE MATTERS AND OTHER THAN GUARDIANSHIP MATTERS

#### Contents

REASON FOR THIS PRACTICE DIRECTION.....	2
REVOCATION OF PRIOR PRACTICE DIRECTIONS .....	2
WHAT MATTERS THIS PRACTICE DIRECTION APPLIES TO .....	2
FILING OF APPLICATIONS AND OTHER DOCUMENTS TO BE DONE ELECTRONICALLY OR BY POST UNLESS IMPOSSIBLE.....	2
WHERE IT IS NOT POSSIBLE TO FILE AN APPLICATION OR DOCUMENT ELECTRONICALLY (THAT IS, ONLINE OR BY EMAIL) OR BY POST .....	2
PAYMENT OF FILING FEES .....	3
EMAILS AND POST MUST CONTAIN CERTAIN INFORMATION .....	3
PROCEEDINGS, THAT IS, DIRECTIONS HEARINGS, COMPULSORY CONFERENCES, MEDIATIONS, CONCILIATIONS, CONCLAVES, INTERIM HEARINGS AND FINAL HEARINGS TO BE CONDUCTED REMOTELY UNLESS OTHERWISE DIRECTED BY THE TRIBUNAL.....	3
PARTIES ATTENDING AT ORAL HEARING MUST PROVIDE TELEPHONE CONTACT DETAILS NO LATER THAN 3 BUSINESS DAYS BEFORE HEARING...	4
PARTIES SEEKING TO APPEAR IN PERSON RATHER THAN BY REMOTE CONFERENCING .....	4
PREPARATION FOR THE HEARING: ENSURING DOCUMENTS A PARTY WISHES TO RELY ON AT HEARING ARE PROVIDED TO THE TRIBUNAL AND TO OTHER PARTY/PARTIES NO LESS THAN 3 BUSINESS DAYS BEFORE THE HEARING DATE .....	5
ON THE PAPERS HEARINGS .....	5

## REASON FOR THIS PRACTICE DIRECTION

1. In light of the current rates of community transmission of COVID-19, and the need to seek to ensure the health of QCAT staff, members and users, so far as is practicable, this practice direction is intended to limit, as much as possible, the number of persons attending at QCAT premises.
2. As such, this practice direction seeks to ensure, amongst other things, that:
  - a. applications and documents are filed (and provided to the other party/parties) by remote means (email or post) wherever possible;
  - b. hearings are dealt with by remote means (telephone or video conferencing) wherever possible; and
  - c. documents that a party wishes to rely upon at hearing are provided to the Tribunal and to the other party/parties not less than three business days before the hearing.

## REVOCAION OF PRIOR PRACTICE DIRECTIONS

3. QCAT Practice Directions No. 2 of 2021, No. 3 of 2021 and No. 5 of 2021 are hereby revoked.

## WHAT MATTERS THIS PRACTICE DIRECTION APPLIES TO

4. This Practice Direction applies to matters other than minor civil dispute matters and guardianship matters.
5. QCAT Practice Direction No. 2 of 2022 applies to minor civil dispute matters.
6. QCAT Practice Direction No. 4 of 2022 applies to guardianship matters.

## FILING OF APPLICATIONS AND OTHER DOCUMENTS TO BE DONE ELECTRONICALLY OR BY POST UNLESS IMPOSSIBLE

7. All applications (initiating and non-initiating) and documents should be filed by email to QCAT Brisbane: [enquiriesQCAT@justice.qld.gov.au](mailto:enquiriesQCAT@justice.qld.gov.au) or sent via post to: QCAT Brisbane, GPO 1639 Brisbane, Qld 4001.

## WHERE IT IS NOT POSSIBLE TO FILE AN APPLICATION OR DOCUMENT ELECTRONICALLY (THAT IS, ONLINE OR BY EMAIL) OR BY POST

8. Applications or other documents should **only** be filed in person **if it is not possible** for the party to file the application electronically or by post. In such circumstances, a person must not attend in person in the registry unless the person:
  - a. has not been currently diagnosed with COVID-19;
  - b. is not presently awaiting the results of a COVID-19 test;

- c. has not been in close contact with another who already has COVID-19 such as to require the person to self-quarantine (in accordance with Queensland Government guidelines and recommendations);
- d. is not suffering any of the symptoms of COVID-19.

**\*A reminder:** applications and documents are only to be filed in person when the party is not able to file the document electronically or by post.

## PAYMENT OF FILING FEES

9. When filing an application or any other document to which a fee is payable, the applicable filing fee **MUST** be paid before the matter can progress, unless the fee has been waived in any given case.

## EMAILS AND POST MUST CONTAIN CERTAIN INFORMATION

10. To seek to ensure that emails make their way to the relevant QCAT file, it is very important that emails to the registry contain sufficient information to identify the correct matter. As such all emails to the registry must contain, in the header of the email:
  - a. the names of the parties, and
  - b. once the matter has been allocated a QCAT number, the QCAT number; and
  - c. the hearing date, if one has been allocated.
11. To seek to ensure that all posted documents make their way to the relevant QCAT file, it is very important that those documents include on them, or in a cover note, sufficient information to identify the correct matter. As such all documents posted to the registry must contain:
  - a. the names of the parties, and
  - b. once the matter has been allocated a QCAT number, the QCAT number, and
  - c. the hearing date, if one has been allocated.

## PROCEEDINGS, THAT IS, DIRECTIONS HEARINGS, COMPULSORY CONFERENCES, MEDIATIONS, CONCILIATIONS, CONCLAVES, INTERIM HEARINGS AND FINAL HEARINGS TO BE CONDUCTED REMOTELY UNLESS OTHERWISE DIRECTED BY THE TRIBUNAL

12. Irrespective of whether the Notice of Hearing states that personal attendance is required, until further notice, all proceedings, that is, all directions hearings, compulsory conferences, mediations, conciliations, conclaves, interim hearings and final hearings will be conducted by remote conferencing, unless otherwise directed by the Tribunal.

13. "Remote conferencing" means by video conferencing, audio conferencing or telephone conferencing.
14. The means of remote conference will be at the discretion of the Tribunal, however, it is expected that most remote conferencing will be by audio or telephone conferencing.

## PARTIES ATTENDING AT ORAL HEARING MUST PROVIDE TELEPHONE CONTACT DETAILS NO LATER THAN 3 BUSINESS DAYS BEFORE HEARING

15. If a party, their representative/s or a witness intends to participate in a hearing, the party **must** advise QCAT Brisbane and the other party/parties **no later than three (3) business days before the hearing** of the telephone number upon which they will be contactable for the hearing, and, where possible, an additional alternative telephone number.  
**\*A reminder:** all emails to the registry must contain the information set out in paragraph 10 above.
16. If a party is not able to send an email, the information in paragraph 15 must be communicated to QCAT Brisbane by telephone on 1300 753 228 **no later than three (3) business days before the hearing**.
17. Failure by a party to provide the information may result in the matter being dealt with in the party's absence.

## PARTIES SEEKING TO APPEAR IN PERSON RATHER THAN BY REMOTE CONFERENCING

18. If a party seeks to appear in person at the hearing, (that is, not by remote conferencing) that party must give written notice to QCAT Brisbane and all other parties no later than three (3) business days before the hearing. The written notice (which can be an email) must set out the grounds upon which the party relies on as justification for attending in person.  
**\*A reminder:** all emails and post to the registry must contain the information set out in paragraphs 10 and 11 above.
19. The Tribunal will then decide how the matter will proceed, including whether a personal appearance by the party will be permitted. That decision may be made by the Tribunal on the papers or at a directions hearing, in the discretion of the Tribunal.
20. In cases where the Tribunal permits the personal appearance of a party, that person shall, before being admitted to the hearing room, provide, in writing,

their full name, address, and contact telephone number and confirmation that the person:

- a. has not been currently diagnosed with COVID-19;
- b. is not presently awaiting the results of a COVID-19 test;
- c. has not been in close contact with another who already has COVID-19 such as to require the person to self-quarantine (in accordance with Queensland Government guidelines and recommendations);
- d. is not suffering any of the symptoms of COVID-19.

21. Further, where the Tribunal permits the personal appearance of a party, and the proceeding is to be heard in a Magistrates Court, that person must also comply with any relevant Magistrates Court practice direction. At the time this practice direction was issued, the relevant Magistrates Court Practice Direction was No. 5 of 2021: <https://www.courts.qld.gov.au/courts/magistrates-court/practice-directions>

## PREPARATION FOR THE HEARING: ENSURING DOCUMENTS A PARTY WISHES TO RELY ON AT HEARING ARE PROVIDED TO THE TRIBUNAL AND TO OTHER PARTY/PARTIES NO LESS THAN 3 BUSINESS DAYS BEFORE THE HEARING DATE

22. In order for the Tribunal to hear and determine matters properly and efficiently, it is very important that the Tribunal has all of the documents that each party to the proceeding wishes to rely upon. For hearings dealt with by remote conferencing, it is particularly important that occurs before the hearing date.

23. Unless there is an existing direction in place in a matter which specifies that documents are to be provided earlier, the parties must provide all documents the party wishes to rely on at hearing to QCAT Brisbane and the other party/parties to the proceeding **no later than three (3) business days before the hearing.**

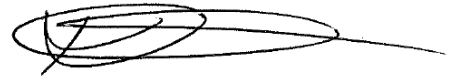
**\*A reminder:** all emails and post to the registry must contain the information set out in paragraphs 10 and 11 above.

24. Parties sending documents by post should allow at least **ten (10) business days** from the date of posting to seek to ensure the documents are received by the relevant registry and the other party/parties no later than **three (3) business days** before the hearing.

## ON THE PAPERS HEARINGS

25. From time to time, the Tribunal hears and determines matters “on the papers”, that is, based on the documents received by the Tribunal, without an oral hearing.

26. In matters where the Tribunal considers that the matter might properly be dealt with on the papers, the Tribunal will advise the parties, in writing.
27. If, having received communication that the Tribunal considers that the matter might properly be dealt with on the papers, a party objects to the matter proceeding on the papers (that is, without oral hearing), the party must notify the QCAT registry and the other party within five (5) business days of receiving that written communication, of the party's objection and the grounds for the objection. The Tribunal will thereafter determine and advise the parties how the matter is to proceed.



*Hon Justice Kerri Mellifont  
President*

*10 January 2022*