

Instructions for completing

Application for interim order

An interim order is an order made in a proceeding before the final decision is made. It may protect a party's position while the proceeding is running, or provide for something to be done to make sure that any final decision of the tribunal can be effective.

Is this the right form?

If you want an interim order in relation to an adult under the *Guardianship and Administration Act 2000*, you should not use this form. You should complete and lodge a *Form 54 Application for an interim order – Guardianship and Administration Act 2000* and a *Form 10 Application for administration / guardianship appointment or review*.

If you are seeking to stay an administrative decision while it is being reviewed by the decision-maker, or reviewed by the tribunal, you should not use this form. You should complete and lodge a *Form 44 Application to stay a decision*.

If you are seeking an injunction, you should not use this form. You should write to the tribunal setting out the names of the parties, the case number, details about the injunction you want, and the reasons why the tribunal should grant the injunction.

If you use the wrong form, your application may not be accepted and may be returned to you with a request that you use the correct form.

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 attached documents
- plus an extra copy of this application and any attached 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 2000*
- Education and Care Services National Law (Queensland).

Lodging your application

If the matter is a minor civil dispute the application for interim order must be lodged in the same 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, and 1 extra copy.

QCAT will stamp QCAT's seal on your other copy or copies and return them to you.

Providing copies to the other parties

If your application is related to any of the following enabling Acts you do not have to give each other party a stamped copy of the application:

- *Adoption Act 2009*
- *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)
- Education and Care Services National Law (Queensland).

For all other matters, you must give a stamped copy of the application to each 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 each other party by filing a *Form 9 Affidavit of Service*, or by filing some other evidence or document that shows that each other party has received a stamped copy of the application.

PART A PARTY DETAILS

Insert the name of the applicant and the respondent and indicate who you are in the matter.

PART B APPLICATION OR REFERRAL DETAILS

Insert the case number if known.

PART C WHAT INTERIM ORDER DO YOU WANT?

Insert details about the interim order you want.

An interim order is an order made in a proceeding before the final decision is made. It may protect a party's position while the proceeding is running, or provide for something to be done to make sure that any final decision of the tribunal can be effective.

The tribunal will only make an interim order if it is in the interests of justice to do so.

An interim order can be for the duration of the proceedings or for a shorter time.

If the tribunal does make an interim order, it may also require an undertaking from a party, or may make a conditional order.

PART D WHY DO YOU WANT THE ABOVE INTERIM ORDER?

Insert the reasons explaining why you want the interim order.

Form Number 41 (version 2)

Queensland Civil and Administrative Tribunal Act 2009 (section 58)

Application for interim order

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 PARTY DETAILS**Applicant****Respondent****I am the**

Applicant Respondent Another party (please provide details):

PART B APPLICATION OR REFERRAL DETAILS**Case number (if known)**

PART C WHAT INTERIM ORDER DO YOU WANT?

Explain the interim order you want.

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

PART D WHY DO YOU WANT THIS INTERIM ORDER?

Explain why you want the interim order.

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

PART E 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 understand that 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.

Applicant/s sign here

Date

If more than one applicant 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.