

For office use only	
Case number	
Date filed	
Registry	

Form Number 42 (version 3)  
Queensland Civil and Administrative Tribunal Act 2009 (Qld) (section 61)  
Agents Financial Administration Act 2014 (Qld) (section 122)

## Application to extend or shorten a time limit or for waiver of compliance with procedural requirement

Application fees apply – visit [qcat.qld.gov.au/resources/fees-and-allowances](http://qcat.qld.gov.au/resources/fees-and-allowances) for details

### Part A WHAT ARE YOU APPLYING FOR?

Tick the appropriate box:

Extend a time limit

Shorten a fixed timeframe

Waive compliance with another procedural requirement

**QCAT case number**

**Location of Registry**

*(the QCAT registry or Magistrates Court where the original application was made)*

**Part B**

**APPLICANT'S DETAILS** *(full contact details must be supplied)*  
*(for multiple applicants attach details on a separate sheet)*

The applicant is the party who is making this application. If the applicant is not an individual than you must use the proper full company name, business name or the full name of the State agency or department. You must include all proper applicants.

**Name** **ACN/ABN** *(if applicable)*

**Postal Address**

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**Suburb** **State/Territory** **Postcode**

**Contact details** *(MUST be provided)*

*Mobile* *Alternative number* *Email*

**Name** **ACN/ABN** *(if applicable)*

**Postal Address**

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**Suburb** **State/Territory** **Postcode**

**Contact details** *(MUST be provided)*

*Mobile* *Alternative number* *Email*

If you want someone to represent you in any proceedings before the Tribunal you must complete [Form 56 - Application for leave to be represented](#). You are not required to seek leave if you are a child or a person with impaired capacity. Visit the QCAT website for more information about [legal advice and representation](#).

**Part C**

**RESPONDENT'S DETAILS** *(full contact details must be supplied)*  
*(for multiple respondents attach details on a separate sheet)*

The respondent is the party against whom the original application was made. If the respondent is not an individual then you must use the proper full company name, business name or the full name of the State agency or department. You must include all proper respondents.

**Name**

**ACN/ABN** *(if applicable)*

**Postal Address**

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**Suburb**

**State/Territory**

**Postcode**

**Contact details** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

**Name**

**ACN/ABN** *(if applicable)*

**Postal Address**

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**Suburb**

**State/Territory**

**Postcode**

**Contact details** *(MUST be provided)*

*Mobile*

*Alternative number*

*Email*

**Part D**     **DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL**

**1. What order/s do you want the Tribunal to make?**


**2. List the reasons for this application**

Explain why you are seeking an extension, abridgement or waiver. You **MUST** attach copies of all documents that you say are relevant to this application.


## CHECKLIST

I have completed all the questions on this application.

I have provided the correct number of copies of the application form and attachments (*that is, a copy for each party, plus one for the Tribunal*).

I have attached all relevant documents.

I am ready to proceed with this application.

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) 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 *(if more than one applicant is named, then all must sign)*

The information in this application is true to the best of my knowledge.

Applicant/s sign here

Date

Print your name/s here

## Lodgement Details

### Deliver to:

Queensland Civil and Administrative Tribunal  
Floor 11, 259 Queen Street  
Brisbane Qld 4000  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[courts.qld.gov.au/contacts/courthouses](https://courts.qld.gov.au/contacts/courthouses)

### Mail to:

Queensland Civil and Administrative Tribunal  
GPO Box 1639  
Brisbane Qld 4001  
OR  
your local Magistrates Court.  
To find your local courthouse visit:  
[courts.qld.gov.au/contacts/courthouses](https://courts.qld.gov.au/contacts/courthouses)

## INSTRUCTIONS FOR COMPLETING FORM 42

### Application to extend or shorten a time limit or for waiver of compliance with procedural requirement

Use this form if you are a party to a proceeding and seeking to:

- extend a time limit fixed for the start of a proceeding by the QCAT Act or another Act
- extend or shorten a time limit fixed by the QCAT Act, another Act or the Rules
- waive compliance with another procedural requirement under the QCAT Act, another Act or the Rules.

You cannot use this form if you are not a party to a proceeding or listed as a party on a decision or notice.

#### **Adjust a time limit or waive compliance as directed by QCAT**

You may apply to extend or shorten a time limit, or to seek a waiver of compliance with a procedural requirement for directions, decisions, or requirements.

We cannot change a time limit or waive compliance with another procedural requirement if the outcome would cause prejudice or detriment to a party (or potential party) to a proceeding that cannot be remedied by an appropriate order for costs or damages.

Before filing this application, you should seek consent from the other party/ies if possible.

You should provide detailed reasons (and supporting documents, if available) to explain why there was a delay, and why you are asking for the order/s.

There is **no fee** for this application when seeking to extend or shorten a time limit or waive procedural requirement for directions, decisions, or requirements.

#### **Extend time to seek a review of a decision of the chief executive**

You may apply to extend the time in which to seek a review of a decision of the chief executive under the:

- *Agents Financial Administration Act 2014*, section 122
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*, section 119(1)
- *Motor Dealers and Chattel Auctioneers Act 2014*, section 198(1)
- *Property Occupations Act 2014*, section 178(1)

You should provide detailed information to help QCAT make a decision, including:

- whether this application is made within 42 days of receiving notice of the decision to be reviewed;
- the reasons for not seeking the review within the time allowed;
- the review application generally;
- the justice of the matter generally.

Provide any supporting documentation or evidence with your application, including a copy of the chief executive's decision.

An [application fee](#) is payable for extending time for decisions of the chief executive.

## Extend time to make a claim against the claim fund

You may apply to extend the time in which to make a claim against the claim fund under the *Agents Financial Administration Act 2014* (Qld), section 122.

You should provide detailed information to help QCAT make a decision, including:

- whether this application is made within the time mentioned in the notice given under section 88(5)(b);
- the reasons for not making the claim within the time allowed;
- the claim application generally;
- the relative hardship that an extension of time or a refusal to extend time would place on the claimant or respondent;
- the justice of the matter generally.

An **application fee** is payable for extending time to make a claim against the claim fund.

## Identify and naming parties

The applicant and respondent must be named correctly. If the party is not an individual then you must use the precise/exact company name, a business name (whether it is registered or not, including real estate agencies), or the name of a State agency or department. To ensure that you are taking action against the right organisation you **MUST** include the correct ABN/ACN for the company or business name. If you do not correctly name a party you may not be able to enforce any order made against them if you succeed in your claim.

Visit the QCAT website for information on [identifying and naming the parties](#) or contact the Australian Securities and Investment Commission (ASIC) for business name and company information. A search fee may be charged.

More than one applicant or respondent can be named in an application. If there is more than one, then everyone **MUST** be named. If there is not enough space to include additional parties, you can attach the contact details (name and address details) on a separate sheet of paper to the application.

## Fee

You must pay the prescribed application fee when lodging your application. Visit the QCAT website for [application fees](#).

Cash payments can be made in person at the QCAT Brisbane registry or your local Magistrates Court.

Cheque or money order payments are to be made out to 'Department of Justice and Attorney-General'.

Credit card payments can be made by submitting a [Credit card payment authorisation form](#) with your application and can only be accepted by post or in person.

You may apply to QCAT for a waiver of the fee on the grounds of financial hardship. To apply, you **MUST** complete and lodge [Form 49 - Application for fee waiver or appeal fee reduction by reason of financial hardship](#). If you are eligible for a waiver you will not be required to pay the fee.

## Copies of the application and serving 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 Protection Act 1999*
- *Disability Services Act 2006*, section 178(9)
- *Education and Care Services Act 2013*
- *Education and Care Services National Law (Queensland)*
- *Guardianship and Administration Act 2000*
- *Public Guardian Act 2014*, section 133
- *Working with Children (Risk Management and Screening) Act 2000*.

You also do not need to give a copy of the application to another party in those cases.

For minor civil disputes, the application form and all attachments must be accompanied by **two (2) copies**. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

For all other cases, the application form and all attachments must be accompanied by **three (3) copies**. Where there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

You have seven **(7) days** from the day you lodge your application to serve (deliver) a copy of the application to each of the respondent/s. You can check the lodgement date by looking at the date stamp on your application form. Visit the [QCAT website for information on serving application and documents](#).

### **Providing evidence**

You **MUST** attach a copy of all relevant documents that you want to use as evidence to prove your case at the Tribunal hearing.

### **Legal advice and representation**

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

### **Protecting your privacy**

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

### **Contact us**

For information about the application process or going to the Tribunal visit the [QCAT website](#).