

Form number 42 (version 2)

Queensland Civil and Administrative Tribunal Act 2009 (section 61)

Agents Financial Administration Act 2014 (section 122)

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

Refer to attached instructions prior to filling out this form.

For office use only

Case number:

Date:

Registry:

PART A APPLICANT'S DETAILS

APPLICANT'S DETAILS

Name

Address

 Postcode

Contacts

 () ()
Preferred phone number Alternative number Email

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

Name

Address

 Postcode

Contacts

 () ()
Preferred phone number Alternative number Email

PART A RESPONDENT'S DETAILS

RESPONDENT'S DETAILS

Name

Address

	Postcode	

Contacts

()	()	
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

REPRESENTATIVE'S DETAILS *(if known)*

Name

Address

	Postcode	

Contacts

()	()	
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>

INTERPRETER

Is an interpreter required? *The assistance of an interpreter is subject to approval by the tribunal.*

Yes No

If YES, please specify language

PART C 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 (if applicable)
- 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 – 100 penalty units.

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.

Instructions for completing**Application to extend or shorten a time limit or for waiver of compliance with procedural requirement****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 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 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 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 in person or by post

For minor civil disputes, if this matter is already in the tribunal, your application must be lodged in the registry where the application that started the proceeding was 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, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

To find your nearest Magistrates Court, look under “Justice and Attorney-General” in the phone book or visit www.courts.qld.gov.au. For more information visit www.qcat.qld.gov.au or call 1300 753 228.

Applications must be accompanied by the prescribed application fee or an application for waiver

For more information on QCAT fees visit www.qcat.qld.gov.au. Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see *Credit Card Payment Authorisation form* – MasterCard and Visa accepted).

Instructions for completing (continued)

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant and respondent may be named in an application.
- If there is insufficient space for the names of either applicant or respondent you may attach additional pages with similar details.
- In an application to review a decision, the decision-maker will be the respondent.
- If the applicant or respondent is not an individual then the correct name must be used e.g. a company name, a business name (whether it is registered or not) or the name of a State agency or department. You must also state the correct ACN/ABN for the company or business name. Please refer to the tribunal's factsheet *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. If you change your address, you must file in the tribunal and serve on all other parties a notice of change of contact details form.

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 Form 56 - *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. The decision regarding representation will be decided by the tribunal.

PART B DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

You must set out the details of the application including the facts of your case, what you seek from the tribunal and the reasons why the order should be made in your favour.

This form may be used for applications to the tribunal 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.

If you are applying for an extension of time within which to seek review of a decision of the chief executive under:

- *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); or
- *Property Occupations Act 2014*, section 178(1);

note that the tribunal will need to consider the following:

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

Instructions for completing (continued)

If you are applying for an extension of time within which to make a claim against the Claim Fund under the *Agents Financial Administration Act 2014*, section 122 note that the tribunal will need to consider the following:

- 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 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.

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.