

Debt disputes

Debt disputes involve disagreements with another person, business or company about a fixed or agreed sum of money, up to and including \$25,000.

Examples of a debt dispute

- an unpaid invoice or account
- rent arrears (other than for a residential tenancy)
- work done and/or goods supplied with the cost having been agreed beforehand
- money loaned and not repaid
- an IOU
- a dishonoured cheque

Resolving debt disputes

Try to resolve your dispute with the other party. If you can reach an agreement, put it in writing, sign it, and both keep a copy. If you are unable to agree you can invite the other party to attend mediation to try and settle the dispute without legal action. You can access free mediation services through [Dispute Resolution Centres](#).

Or you can apply to QCAT to resolve your dispute.

Making an application to QCAT

Apply **online** to start a minor debt dispute (QCAT form 3) via <http://www.qld.gov.au/minordebttapplication>

OR complete and lodge [Form 3 - Application for a minor civil dispute – minor debt.pdf](#) available from www.qcat.qld.gov.au

You can lodge your application form at QCAT's Brisbane office or any Magistrates court (except Brisbane).

You can make a claim against another person who lives interstate if the debt occurred in Queensland.

If your dispute is against a trader or company it is important to have their correct business details, including their full name and address. This ensures you take action against the right organisation. Contact the [Australian Securities and Investment Commission](#) (ASIC) for company information. A search fee may be charged.

What happens next?

QCAT will review your application and return to you copies of your application which have been stamped with the QCAT seal (official stamp).

You must then deliver (serve) a copy of the stamped documents to the other party. You may use the services of a bailiff or process server to serve the documents on your behalf.

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights you should get legal advice. Any actions taken to resolve your dispute should be determined by your individual circumstances.

Responding to the application

The other party can file a response to the original application using [Form 7 Response to minor civil dispute – minor debt](#).

In a response, the other party outlines facts which try to disprove the original claims. For example, if you say "the contract is a written document dated 1 July 2008", the other party may say "I deny the contract was a written document dated 1 July 2008. The contract is signed and dated 1 July 2007".

The other party has 28 days in which to file a response from the time they are served. It is up to the other party to send you a copy of the sealed response after it is lodged at QCAT.

All parties will then receive a notice to attend mediation including the date, time and location of mediation. The aim of mediation is to get all parties to reach an agreement.

If no agreement is reached at mediation, the matter will proceed to a hearing for a final decision.

When no response is received

If the other party fails to lodge a response within 28 days of being served with the application, or they do not resolve the dispute to your satisfaction, QCAT can proceed with the application and make a decision anyway.

You can apply to QCAT to make a decision by default by lodging [Form 6 - Request for decision by default – minor civil dispute – minor debt](#).

Contact information

QCAT

Address: Level 9, 259 Queen Street, Brisbane, 4000

Post: GPO Box 1639, Brisbane Qld 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

The contact details of your local Magistrates Court are available in the phone book or at www.courts.qld.gov.au

Dispute Resolution Centres

Phone: 07 3239 6269 or 1800 017 288 (toll free outside Brisbane)

Web: <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/>

Australian Securities and Investment Commission (ASIC)

Phone: 1300 300 630

Web: www.asic.gov.au

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