

Instructions for completing dispute notice

Dispute notice for referral to mediation – *Retirement Villages Act 1999*

General instructions

Copies of the application and providing copies to other parties

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: Queensland Civil and Administrative Tribunal, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some applications may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee

For more information on QCAT fees, please refer to the QCAT factsheet or go to 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).

PART A APPLICANT'S AND RESPONDENT'S DETAILS

- More than one applicant or respondent can be named in an application. For instance, an application may be brought by more than one resident. If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered under the *Business Names Act 1962*
 - a State agency name, for example a Queensland Government department.
- 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.
- Any change in your address for notices must be filed in the tribunal and served on all other parties.

Instructions for completing (continued)

PART A APPLICANT'S AND RESPONDENT'S DETAILS (continued)

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details and tick the relevant box. A party may be represented by a lawyer or an agent at mediation unless the mediator is satisfied the party should not be represented. If you want your representative to represent you at mediation, please tick the relevant box. Generally the tribunal expects people to represent themselves. It may not grant your request.

PART B RETIREMENT VILLAGE DETAILS

Please complete the name and address of the retirement village to which the dispute relates.

PART C PRELIMINARY NEGOTIATION

You must have attempted to resolve the dispute by negotiation within the village before the dispute can be mediated under the Act.

Form 3 – *Dispute notice for referral to mediation – Retirement Villages Act 1999* may only be used when the dispute is referred to mediation. If are applying for a tribunal hearing, use the form 31 – *Application for a tribunal hearing*.

PART D GENERAL DISPUTE DETAILS

You must tick the appropriate boxes and fill in the details wherever you have ticked the yes box.

Chief Executive: at the time of preparation of these instructions, the Chief Executive is the Director-General of Department of Employment, Economic Development and Innovation.

PART E OUTLINE OF THE DISPUTE

Please include a clear outline of the history and nature of the dispute and state the remedy you consider would resolve the matter in dispute. A copy of the contract or any other documents which are relevant to the dispute may be attached.

Form Number 3 (version 1)
 Retirement Villages Act 1999 (section 157)

Dispute notice for referral to mediation – Retirement Villages Act 1999

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:	
Fee paid:	
Rec no:	

PART A APPLICANT'S DETAILS	
Name	
<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>
<input type="text"/>	
<i>Surname/Family name</i>	
Company/Partnership/other	
<input type="text"/>	ABN <input type="text"/>
Business Name	<input type="text"/>
Address	<input type="text"/>
	Postcode <input type="text"/>
Telephone	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<i>Home Business Mobile</i>
Fax	<input type="text"/>
Email	<input type="text"/>

PART A APPLICANT *(continued)*

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 *(see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented).*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

Applicant is *(please tick)*

- village resident
- village operator

PART A RESPONDENT'S DETAILS *(continued)*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	() <input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

Email

Representative's details *(if applicable)*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company/Partnership/other

<input type="text"/>	ABN	<input type="text"/>
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Business Name

Address

<input type="text"/>	Postcode	<input type="text"/>
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Telephone

() <input type="text"/>	<input type="text"/>
<i>Business</i>	<i>Mobile</i>

Fax

Email

Respondent is *(please tick)*

- village resident
- village operator

PART B RETIREMENT VILLAGE DETAILS

Retirement village
name:

Retirement village
address:

<input type="text"/>	Postcode	<input type="text"/>
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PART C PRELIMINARY NEGOTIATION

Please tick correct box:

Yes No **1. Preliminary negotiation**

Have you attempted to resolve the dispute by negotiation within the village under section 154 of the Act?

Note: before a dispute can be referred to mediation, section 154 of the Act requires the applicant and the respondent to first attempt to resolve the dispute. This preliminary negotiation process is outlined in the Act.

Yes No **2. Dispute notice for referral to mediation**

Are you seeking mediation of your dispute, under section 157 of the Act? (*for any other application, refer to Form 31 – Application for a tribunal hearing, Retirement Village Act 1999*)

PART D GENERAL DISPUTE DETAILS

1. The date the residence contract was entered into

2. Are you alleging a contravention or failure to comply with a residence contract?

Yes No

If yes, please indicate what the contravention or failure relates to:

- | | |
|--|--|
| <input type="checkbox"/> accommodation | <input type="checkbox"/> facilities |
| <input type="checkbox"/> residents' contributions | <input type="checkbox"/> mandatory funds |
| <input type="checkbox"/> operator's payments to resident | <input type="checkbox"/> resale process |
| <input type="checkbox"/> village land | <input type="checkbox"/> other (<i>please set out details</i>) |

3. Are you alleging a contravention or failure to comply with a section of the Act?

Yes No

If yes, please state which section or sections:

PART D GENERAL DISPUTE DETAILS *(continued)*

4. If you are alleging a contravention or failure to comply with a section of the Act, are you materially prejudiced by the alleged contravention or failure to comply?

Yes No

If yes, please state how you believe you are materially prejudiced:

5. Is the dispute the subject of arbitration, or has the dispute been the subject of an interim or final award in an arbitration proceeding?

Yes No

If yes, please provide details:

6. Is the dispute before, or has the dispute been decided by, a court?

Yes No

If yes, please specify:

• which court	
• file number	
• town or city	
• commencement date	

7. Have you made a previous complaint to the Chief Executive or the tribunal about any of the issues in this dispute?

Yes No

If yes, state date of complaint and file number of complaint

PART E DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If there is insufficient space here, please attach additional page/s.

1. Set out the main points of the dispute:

Insert main points in numbered paragraphs

2. Set out the remedy you are seeking to resolve the dispute:

Insert orders sought in numbered paragraphs

PART F CHECKLIST AND SIGNATURE

Complete the checklist below:

- I have completed all questions on the dispute notice 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 or completed an application for waiver of the fee.
- I am ready to proceed with this application.

Interpreter

Is an interpreter required?

- Yes No

If YES, please specify language

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.