

Sample 2: Minor civil dispute – counter-application

QCAT

Queensland Civil and Administrative Tribunal

Form Number 8 (version 3)

Queensland Civil and Administrative Tribunal Rules 2009 (Old) (rule 50)

NOTE: This form CANNOT be used to respond to an application for a minor debt claim (Form 3 – Application for a Minor Civil Dispute – minor debt)

For office use only	
Case number	
Date	
Registry	
Fee	
Date paid	
Receipt number	

Minor civil dispute – counter-application

This form **MUST** be filed at the registry where the original application was filed
Application fees apply – visit qcat.qld.gov.au/resources/fees-and-allowances for details

Part A APPLICATION AND MATTER DETAILS

Applicant (the party who made the original application)
June Willis

Respondent (the party against whom the original application was made)
Super Best Quality F & W Pty Ltd

Party against whom counter-application is made
Applicant

QCAT case number

Location of Registry (the QCAT registry or Magistrates Court where the original application was made)
Brisbane

Part B RESPONDENT'S DETAILS (your full contact details must be supplied)

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 or full name of the State agency or department. If your business name has been named as the respondent, you must disclose the names of all persons, partners, or companies that carry on business under that business name.

Name Super Best Quality F & W Pty Ltd **ACN/ABN** (if applicable) 000 111 222

Postal Address
121 Grovsnor Avenue

Suburb Cherside **State/Territory** Qld **Postcode** 4032

Contact details (MUST be provided)
Mobile 0704568210 Alternative number Email

Do you identify as Aboriginal or Torres Strait Islander?
 No Yes, Torres Strait Islander
 Yes, Aboriginal Yes, both Aboriginal and Torres Strait Islander

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](#).

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

Name ACN/ABN (if applicable)

Postal Address

Suburb State/Territory Postcode

Contact details (MUST be provided)

Mobile Alternative number Email

Part C DETAILS OF THE PARTY AGAINST WHOM COUNTER-APPLICATION IS MADE

If your counter-application is not against the party who made the original application, then you must include all proper respondents. 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.

Name ACN/ABN (if applicable)

Postal Address

Suburb State/Territory Postcode

Contact details (MUST be provided)

Mobile Alternative number Email

Part D WHAT ORDER/S DO YOU WANT THE TRIBUNAL TO MAKE?

If there is insufficient space please attach additional pages.

That the application be dismissed.

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Part E LIST THE REASONS FOR THIS COUNTER-APPLICATION

If there is insufficient space please attach additional pages. You MUST attach copies of all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.

- 1) On 6 November 2016 the applicant came to our Springwood store and was served by a salesperson called Jasmina.
- 2) The applicant was told that certain imported items of Italian furniture were reduced because they were damaged in transit from our Melbourne depot.
- 3) The applicant agreed to purchase a Missini couch that had been damaged. As Jasmina has not been with the business a long time she did not have the applicant sign the usual visual inspection certificate.
- 4) The applicant purchased the couch on the basis that she received a considerable discount to take into account the damage.

Part F ASSISTANCE AT THE TRIBUNAL HEARING

Will you require an interpreter at the hearing?

- Yes - please specify language or Auslan:
- No

Do you have any of the following needs?

- wheelchair/mobility access speech impairment
- hearing impairment/loss vision impairment/loss
- other

If you have ticked any of these boxes, please provide details below.

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CHECKLIST

- I have completed all of 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, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.
- I am aware that the prescribed fee must be paid at time of lodgement.
- 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

05/02/2022

Print your name/s here

John William Smith - Sole Director

Lodgement Details

IMPORTANT: This form MUST be filed at the registry or local courthouse where the original application was filed.

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

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

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INSTRUCTIONS FOR COMPLETING FORM 8

Minor civil dispute – counter-application

A counter-application is an application by the respondent against the applicant or another party. For example, in a building dispute, an applicant could be a builder who has made a claim against the respondent for outstanding money. The respondent may have a claim against the applicant for damages for defective work. The respondent's claim against the applicant is called a counter-application.

Because the response and counter-application both arise out of the same transaction, it is logical to resolve them at the same hearing. This is why you should include the facts upon which your counter-application is based. It is not compulsory to make a counter-application.

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.

Lodging your application form

Before you lodge your application with QCAT you must make **two (2)** photocopies of the application and all attached supporting documents and lodge these together with your original application. An extra copy is required for each additional respondent. If you file your documents in person or by post, you must include a stamped self-addressed A4 envelope.

You must lodge this form in the registry where the application was lodged.

Giving copies

You have **7 days** from the day you lodge your application to give (serve) 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.

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](#).

Withdrawing an application

An application can be withdrawn if you no longer wish to proceed to have the dispute decided by the Tribunal. An application can be withdrawn at any time prior to the final hearing and determination of the application by lodging a [Form 58 – Application for leave to withdraw an application or referral / Notice of withdrawal of application or referral](#) online. Visit the QCAT website for more information on how to [withdraw an application](#).

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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](#).

SAMPLE