

# Sample 1: Application for minor civil dispute – minor debt

# QCAT

Queensland Civil and Administrative Tribunal

Form Number 3 (version 5)  
Queensland Civil and Administrative Tribunal Act 2009 (Qld) (section 33)

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

This form can be completed and lodged online at:  
[qcat.qld.gov.au/resources/forms/our-online-services/start-an-application-for-a-minor-debt-dispute](http://qcat.qld.gov.au/resources/forms/our-online-services/start-an-application-for-a-minor-debt-dispute)

## Application for minor civil dispute – minor debt

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 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 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 applicants.			
Name	ACN/ABN (if applicable)		
John Edward Gee			
Postal Address			
10 Green Street			
Suburb	State/Territory	Qld	Postcode
Yeronga			4104
Contact details (MUST be provided)			
0412 345 678		john@fake.com.au	
Mobile	Alternative number	Email	
Do you identify as Aboriginal or Torres Strait Islander?			
<input type="checkbox"/> No	<input type="checkbox"/> Yes, Torres Strait Islander		
<input type="checkbox"/> Yes, Aboriginal	<input checked="" type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander		
If you want someone to represent you in any proceedings before the Tribunal you must complete <a href="#">Form 56 - Application for leave to be represented</a> . 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 <a href="#">legal advice and representation</a> .			

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

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

**Postal Address**

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

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

**Part B** **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/IABN** (if applicable)

**Postal Address**

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

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

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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*

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## Part C ORDER AND REASONS DETAILS

I am claiming the following amounts:

- the amount owing \$ 3,500.00
- date when the amount owing became due: 02 / 12 / 2021  
Date Month Year

I also want to claim interest on the amount owing from the date when the debt became due to the date of the Tribunal's final decision. Choose from the rate which applies:

- the rate I agreed with the respondent (attach agreement): [ ] % p.a.

OR

- If there is no agreement with the respondent about the interest to be paid, the interest will be determined by the Tribunal. Refer to the interest calculator available at [courts.qld.gov.au/courts-calculator/calculator](https://courts.qld.gov.au/courts-calculator/calculator)

In either case:

- I have calculated the amount of the interest up to the date of this application as \$ [ ]  
Amount owing  
% [ ]  
Interest rate p.a.  
Dates [ ] to [ ]  
Period interest payable

Sub-total on which the filing fee is calculated: \$ [ ]

I also want to claim these amounts:

- the filing fee \$ 127.50
- bailiff / sheriff / service fee (to serve the documents on your behalf) \$ 53.40
- [Australian Securities and Investment Commission \(ASIC\) business name extract or company extract search fee](#) \$ [ ]

The total amount of my claim is: \$ 3680.90

Why are you seeking payment of the total amounts?

You **MUST** provide as much detail as possible, including details of any written or verbal agreement. You **MUST** attach copies of all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs. If you do not provide this information your application may be dismissed. *If there is insufficient space please attach additional pages.*

1. I lent the respondent \$9,500.00 on 2 February 2021 to purchase a motor vehicle.
2. The money was lent to the respondent on the basis that the respondent would pay the amount in full by 2 December 2021.
3. I received \$6000.00 on 29 November 2021 from the respondent.
4. There were no discussions in relation to charging interest.
5. I have not received any further payment from the respondent.

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## Part D 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.


## 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 copies 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.

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**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

*John Gee*

Date

16/12/2021

Print your name/s here

John Edward Gee

**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)

**WARNING TO RESPONDENTS**

You must respond to this application by completing and lodging [Form 7 – Response to minor civil dispute – minor debt](#) within twenty eight (28) days after you are given a copy of the application. Otherwise, the applicant may apply to the Tribunal for a decision by default against you.

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### INSTRUCTIONS FOR COMPLETING FORM 3

#### Application for minor civil dispute – minor debt

A minor debt is where another person, business or company owes you \$25,000 or less (excluding interest) and the amount is a fixed or an agreed sum of money.

A minor debt can be:

- a sum of money you lent to another person;
- an 'I owe you' or 'IOU' note;
- a cheque that was not cleared because the writer of the cheque did not have enough funds to cover it;
- the cost of work done under a written or verbal contract.

Do not use this form if:

- someone owes you more than \$25,000 (excluding interest);
- your application is not for a fixed amount;
- you are a consumer having problems with a trader about goods or services;
- you are in conflict with another trader about goods or services;
- you have a claim against a builder for losses associated with residential;
- building work;
- you have a dispute about a bond held by the Residential Tenancies Authority

#### 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.

#### Fees

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.

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### 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.

### Giving copies to the respondent

You must give (serve) a copy of the application to the respondent/s no later than 90 days after you lodge the application. You can check the lodgement date by looking at the date stamp on your application form.

If you cannot serve the application on the respondent you must complete a [Form 42 – Application to extend or shorten time limit or waiver of compliance with procedural requirement](#).

You can serve the application personally, by post or by using the services of a Magistrates Court bailiff, commercial agent or process server. Visit the QCAT website for information [on serving applications and documents](#).

Once the respondent has been served, you must complete [Form 9 Affidavit of service](#). An affidavit is a statement sworn under oath/affirmation in the presence of a commissioner of declarations, justice of the peace or a lawyer. The affidavit is required to prove the application has been given to the respondent.

The respondent has 28 days from the date they were served to file a response to your application. To do so they need to complete and lodge [Form 7 – Response to minor civil dispute – minor debt](#).

Visit the QCAT website for [information on responding to an application](#).

### What if the respondent doesn't respond?

If the respondent doesn't respond to your application within 28 days, you may be able to apply to QCAT for a 'default decision' to end the matter. A default decision is where the Tribunal makes an order without hearing the evidence from the respondent. To apply for a default decision you will need to lodge the following forms:

- [Form 6 - Request for decision by default - minor civil dispute - minor debt](#)
- [Form 9 - Affidavit of Service or Part B of the Form 6 - Request for decision by default - minor civil dispute](#).

### 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](#).

### Witnesses

If you have a witness whose evidence you rely upon to support your claim, that person should complete an affidavit setting out their evidence and attach it to your claim. Your witness may be required to answer questions at the hearing. If the witness cannot attend the hearing in person, they **MUST** be available by telephone.

### 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](#).