

Sample 4: Request for decision by default – minor civil dispute – minor debt

QCAT

Queensland Civil and Administrative Tribunal

Form Number 6 (version 5)
Queensland Civil and Administrative Tribunal Rules 2009 (Qld) (rule 60)

For office use only	
Case number	
Date filed	
Registry	

Request for decision by default – minor civil dispute – minor debt

This form **MUST** be filed at the registry where your original application was filed

Part A	APPLICATION AND MATTER DETAILS
Applicant <i>(the party who made the original application)</i>	
<input type="text" value="John Edward Gee"/>	
Respondent <i>(the party against whom the original application was made)</i>	
<input type="text" value="Mary Johansen"/>	
QCAT case number	
<input type="text" value="MCD789-21"/>	
Location of Registry <i>(the QCAT registry or Magistrates Court where the original application was made)</i>	
<input type="text" value="Brisbane"/>	

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Part B AFFIDAVIT OF SERVICE

An affidavit of service is used to prove that you have provided a copy of any document/s to the other party/parties.

PLEASE TICK THE APPLICABLE BOX

A **Form 9 - Affidavit of service** has already been filed (please proceed to Part C)

OR

I rely on **THIS** affidavit of service (please complete ALL the details below)

I,

(insert full name of person making affidavit)

of (insert residential or business address, or place of employment)

Suburb

State/Territory

Postcode

state on oath / solemnly and sincerely affirm and declare:

On the / / at am/pm,

Day Month Year

I served

(insert name of person or entity/s served)

a copy of

I have attached a copy

(insert name of document)

filed on

/

/

at the Queensland Civil and Administrative Tribunal

Day Month Year

(insert Tribunal address)

**YOU MUST PROVIDE DETAILS OF THE SERVICE IN ONE OF FOLLOWING THREE SECTIONS.
PLEASE COMPLETE THE SECTION THAT IS RELEVANT TO YOUR APPLICATION.**

1. Personal service on an individual

(note: personal service is required for minor civil dispute - minor debt applications)

I personally delivered the copy to him her them

at (insert address)

Suburb

State/Territory

Postcode

I identified the person served by (insert means of identification)

Person making affidavit to sign

Person taking the affidavit to sign (qualified witness)

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2. Service on a company

I personally delivered a copy to a director of the company, namely:

Suburb _____ State/Territory _____ Postcode _____

I left a copy at the company's registered office, namely:

Suburb _____ State/Territory _____ Postcode _____

I posted a copy to the company's registered office, namely:

Suburb _____ State/Territory _____ Postcode _____

I served the copy otherwise in accordance with section 109X of the *Corporations Act 2001* (Commonwealth), namely:

(insert method of service)

3. Other service

I served the copy in another way in accordance with the service practice direction, namely by:

(insert method of service)

I served the copy in accordance with the Tribunal's direction, namely by

(insert method of service)

Interstate service (You MUST complete this part if you served the document interstate)

Please tick the applicable box:

I did attach the notice under the *Service and Execution of Process Act 1992* (Commonwealth) to the document.

I did not attach the notice under the *Service and Execution of Process Act 1992* (Commonwealth) to the document.

John Gee
Person making affidavit to sign

Karen Jones
Person taking the affidavit to sign (qualified witness)

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Part C AFFIDAVIT OF DEBT *(this section must be completed)*

I,
(insert full name of person making affidavit)

of *(insert residential or business address, or place of employment)*

Suburb State/Territory Postcode

state on oath / solemnly and sincerely affirm and declare:

- The application against the respondent is for \$ as a debt or liquidated demand of money.
- I have not received a response to the application from the respondent.

Complete 3 OR 4 if you are the applicant:

- The respondent has not paid the amount claimed by me.
 The amount of \$ remains owing to me.
- The respondent has paid the following amounts to me in part satisfaction of the claim *(please complete the table below)*. The amount of \$ remains owing to me.

Date	Payment

Complete 5 OR 6 if you are solicitor/agent/director of the applicant:

- I have this day spoken with *(insert the name and role of the person)*

 being the person who has custody and control of the records of the applicant and they informed me, and I believe, that the respondent has not paid the amount claimed by the applicant.
 The amount of \$ remains owing to the applicant.
- I have this day spoken with *(insert the name and role of the person)*

 being the person who has custody and control of the records of the applicant and they informed me, and I believe, that the following amounts have been received from the respondent *(please complete the table below)*. The amount of \$ remains owing to the applicant.

John Gee
 Person making affidavit to sign

Karen Jones
 Person taking the affidavit to sign (qualified witness)

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Part D DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

I am claiming the following amounts:

- the amount owing (as stated in Part C) \$ 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

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: \$ 3,680.90

John Gee
Person making affidavit to sign

Karen Jones
Person taking the affidavit to sign (qualified witness)

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CHECKLIST

- I have completed all relevant parts to this form.
- I have completed Part B (or I have already filed a Form 9 - Affidavit of service)
- I have completed Part C and Part D.
- I have attached all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.
- 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.

SIGNATURE

Sworn/Affirmed by (insert full name):


John Edward Gee

On the 29 / 01 / 2022 at (place) Brisbane
Day Month Year



Person making affidavit to sign

In the presence of:



Person taking the affidavit to sign (qualified witness)

Commissioner for Declarations/Solicitor/
Justice of the Peace

Karen Anne Jones

Print name

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

Mail to:

Queensland Civil and
Administrative Tribunal
GPO Box 1639
Brisbane Qld 4001
OR
your local Magistrates Court.
To find your local courthouse visit:
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INSTRUCTIONS FOR COMPLETING FORM 6

Request for decision by default – minor civil dispute – minor debt

When can you make a request for a decision by default?

- You can only make a request if:
 - no response has been filed within 28 days of service of your application on the respondent; and
 - your claim is for a fixed amount of money.
- You cannot get a decision by default if your application, or any part of it, is for:
 - restitution;
 - a declaration that a term of a contract is of no effect;
 - avoidance of a policy of insurance under the statutory insurance scheme; or
 - an order for rectification or completion of defective or incomplete work.

To apply for a decision by default you must provide:

- affidavit evidence that the application has been served on the respondent;
- evidence that the respondent has not responded to the application within the time frame allowed;
- details of the amount claimed in default and that there is an amount outstanding.

Important note: Do not use this form if you are applying for an electronic decision by default.

Supporting documents

You must attach all supporting documents to this application if you have not already filed the documents with the [Form 3 – Application for minor civil dispute – minor debt](#).

If you had a verbal agreement, you will need to file an affidavit providing evidence of this agreement (if you haven't already filed it).

Filing requests for decisions by default

You must file the request at the same Magistrates Court or QCAT registry at which you filed the original application. No extra copies of the request and attachments are needed. You should make a copy for yourself.

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](#).

Protecting your privacy

We collect your contact details to ensure QCAT proceedings comply with the Queensland Civil and Administrative Tribunal Act 2009. 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](#).