

Sample 5: Witness hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing

QCAT

Queensland Civil and Administrative Tribunal

Form Number 38 (version 3)
Queensland Civil and Administrative Tribunal Act 2009 (Qld) (section 97)

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

Witness hearing notices: application for notice requiring witness to attend a hearing OR produce document/thing at a hearing

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)
John Edward Gee

Respondent (the party against whom the original application was made)
Mary Johanssen

QCAT case number
MCD789-21

Part B DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

1. Requiring a person to attend the hearing

I/We the applicant(s)/respondent(s) John Edward Gee
(insert name of party applying)

apply to the Tribunal for a notice to:

require a person to attend the hearing/proceeding before the Tribunal at 10.30 am/pm,
on the 23 / 03 / 2022
Day Month Year

Please provide details of the person you want the Tribunal to require to attend:

Name
Fred Jones

Postal Address
60 Apple Street

Suburb Holland Park **State/Territory** Qld **Postcode** 4121

Is the person a child? Yes No

Sample 5: Witness hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd

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Queensland Civil and Administrative Tribunal

Part B DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL (continued)

Please provide the reasons why the person is required to attend the hearing to give evidence:

Mr Fred Jones is a former flatmate who witnessed the agreement on 2 February 2021 that was entered into between the respondent and myself.

2. Requiring a person to produce a document or other thing

I/We the applicant(s)/respondent(s)

(insert name of party applying)

apply to the Tribunal for a notice to:

require a person to produce a document or other thing for the Tribunal at am/pm,
on the / /
Day Month Year

Please provide details of the person you want the Tribunal to require to produce a document/thing:

Name

Postal Address

Suburb State/Territory Postcode

Is the person a child? Yes No

Please provide the details of what document/thing:

Please provide the reasons why you are requesting the witness to produce the document/thing and explain why it may be relevant to the proceeding:

NOTE: If the Tribunal requires the attendance of a person, or the production of a document or other thing, you will be required to pay an amount prescribed by regulation to the recipient of the order.

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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.
- I am aware that the prescribed fee must be paid at time of lodgement.
- I acknowledge that I may be required to pay conduct money and witness expenses.
- 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

14/02/2022

Print your name/s here

John Edward Gee

Lodgement Details

Deliver to:	Mail 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	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 38

Hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing

Use this form if you believe a person should attend your hearing to provide evidence or produce documents, you can apply to QCAT to order this person to attend or produce the documents.

Only QCAT can order a person to attend a hearing or to produce documents by issuing an attendance notice. QCAT may charge a fee for this service.

If a person is willing to attend or produce a document you do not need to apply to QCAT.

Pursuant to section 97 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) the Tribunal may, by written notice, require a person to:

- attend at a stated hearing of a proceeding to give evidence; or
- produce a stated document or other thing for the Tribunal at a hearing of a proceeding.

You must state in the application form the reasons why you are requesting the document or information, or why the person is to be required to attend the hearing.

Important note: this application should be made with sufficient time before a Tribunal hearing date. The Tribunal may not issue the notice to produce or attend if there is insufficient time before a hearing for a notice to be issued. For example, applications should be submitted at least seven (7) days before the hearing.

Copies of the application and providing copies to other parties

For a minor civil dispute, two (2) copies must accompany the application form and all attachments.

For all other cases, except some children's or guardianship matters, three (3) copies must accompany the application form and all attachments. For some children's and guardianship matters, additional copies are not required.

When there is more than one respondent, extra copies of the application form and attachments are required for each additional respondent.

You must give a copy of the application to all parties to the proceeding as soon as practicable, and no later than seven (7) days after the application is filed. Visit the QCAT website for information [on serving applications and documents](#).

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

Sample 5: Witness hearing notices: application for notice requiring witness to attend a hearing or produce document/thing at a hearing cont'd

QCAT

Queensland Civil and Administrative Tribunal

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.

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](#).