

Sample 1: Application for minor civil dispute – consumer/trader dispute; property damage caused by a motor vehicle



Queensland Civil and Administrative Tribunal

Form Number 1 (version 4)
Queensland Civil and Administrative Tribunal Act 2009 (Qld) (section 33)

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

Application for minor civil dispute – consumer/trader dispute; property damage caused by a motor vehicle

Application fees apply – visit qcat.qld.gov.au/resources/fees-and-allowances for details

Part A DISPUTE DETAILS

What is the dispute about? (tick the appropriate box)

Goods

Services

Property damage caused by a motor vehicle

Part B 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)**

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

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 **APPLICANT'S DETAILS** (continued) (full contact details must be supplied)
(for multiple applicants 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**

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

Part C **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/ABN (if applicable)**

Super Best Quality F & W Pty Ltd 000 111 222

Postal Address

121 Grovsnor Avenue

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

Chernside Qld 4032

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

0704568210

NOTE: A respondent who identifies as Aboriginal or Torres Strait Islander should inform the Tribunal prior to the hearing.

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Part C		RESPONDENT'S DETAILS (continued) (full contact details must be supplied) (for multiple respondents attach details on a separate sheet)	
Name		ACN/ABN (if applicable)	
<input type="text"/>		<input type="text"/>	
Postal Address			
<input type="text"/>			
<input type="text"/>			
Suburb	<input type="text"/>	State/Territory	<input type="text"/>
		Postcode	<input type="text"/>
Contact details (MUST be provided)			
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Mobile	Alternative number	Email	

Part D		GENERAL DISPUTE DETAILS	
What are you seeking?			
<input type="checkbox"/>	payment of money to me	\$	<input type="text"/>
<input checked="" type="checkbox"/>	refund of money to me	\$	1240
<input type="checkbox"/>	relief from payment of money by me	\$	<input type="text"/>
<input checked="" type="checkbox"/>	return of goods	\$	<input type="text"/>
<input type="checkbox"/>	rectification of work	\$	<input type="text"/>
<input type="checkbox"/>	costs of transporting a motor vehicle to the respondent if relevant to the claim	\$	<input type="text"/>
<input type="checkbox"/>	payment of the filing fee for this application	\$	<input type="text"/>
			TOTAL \$ 1240

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Part E WHAT ARE THE REASONS THE ORDER/S SHOULD BE MADE?

Explain why you are lodging this application and why you consider you are entitled to the orders you seek from the Tribunal. If you do not provide this information your application may be dismissed. You MUST attach copies of all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.

- 1) I purchased a Missini four seater couch model number 321 from Super Best Quality F & W Pty Ltd (trading as Super Best) on 6th November 2021.
- 2) I paid \$1,200.00 plus an additional \$40.00 for delivery, by credit card.
- 3) The couch was delivered on 8 November 2021, and unpacked by the delivery men.
- 4) After they left I inspected the couch and found that the inner springs were broken in places and were poking out. The wooden frame was also chipped and you could feel the springs when you sat on the couch.
- 5) I have contacted Super Best by telephone and I've sent them two letters but they deny all responsibility and have refused to replace the couch or refund any money.

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 attached copies all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.
- 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 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

25/01/2022

Print your name/s here

JUNE WILLIS

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 1

Application for minor civil dispute – consumer/trader dispute; property damage caused by a motor vehicle

Consumer and trader disputes are disputes against another person, trader or company resulting from a contract for the supply of goods or services up to \$25,000 (excluding interest).

Use this form if your claim is \$25,000 or less (excluding interest) and the dispute is about:

- an agreement you had with a trader about supply goods or services;
- an agreement you had with another traders about supply of goods or services
- property damage caused by a motor vehicle incident; or
- repair to a defect in a motor vehicle that is under a statutory warranty.

Do not use this form if:

- your consumer and trader dispute is for more than \$25,000;
- you want to claim a minor debt e.g. money borrowed and not repaid;
- you have debt resulting from overhanging branches; or
- you have a dispute about a bond held by the Residential Tenancies Authority (RTA)

Who is a consumer?

A consumer is a person who purchases good and services for their own use. Examples of goods include food, clothes, appliances and furniture. Services include car maintenance, meals served in restaurants, or haircuts by a hairdresser.

Who is a trader?

A trader is a person who runs a trade or commerce business supplying goods or services to consumers. A person supplying good and services outside of trade or commerce are not considered traders. For example lawyers, doctors, dentists, valuers, podiatrists and town planning consultants are not considered traders.

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.

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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.

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 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.

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

Once you have served the respondent, 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 may file an application for the same dispute - called a counter-application. To make a counter-application against this application complete [Form 8 - Minor civil dispute - counter application](#).

Providing evidence

You **MUST** attach a copy of all relevant documents that you want to use as evidence to prove your case at the Tribunal hearing.

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](#).

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](#).