

Civil Dispute Application

ACAT file number **XD**

1. TYPE OF APPLICATION

- ☐ **Debt application:** an application to recover a debt. You can also recover interest owing on the debt.
- ☐ **Damages application:** an application to recover damages caused by negligence or other tort, except nuisance or trespass.
- ☐ **Goods application:** an application dealing with the provision of goods or services. You can make a goods application to recover the value of goods or services, to recover the goods, for a service to be provided or for damages caused by the detention of goods.
- ☐ **Contract application:** an application to determine disputes in relation to contracts including damages for breach of contract.
- ☐ **Nuisance application:** an application to deal with interference with use or enjoyment of land. You can apply for particular orders to deal with the interference. You can also apply for monetary damages and/or an order to stop the interference. An example is an overflow from a neighbour's burst sewerage pipe on to your land.
- ☐ **Trespass application:** an application to deal with an unauthorised entry onto property. You can seek monetary damages and/or an order to stop the trespass. An example is an application for an order requiring a squatter to leave your land.
- ☐ **Debt declaration application:** a 'debt declaration' is an order of the ACAT declaring the amount, or a maximum amount, you owe to someone else. It could also be an order of the ACAT declaring you are not indebted to the other person at all. *(Attach a copy of the letter of demand that has been sent to you)*
- ☐ **Application under other authorising law:** (eg Australian Consumer Law). Specify the law:

2. APPLICANT

For more than one applicant, attach a separate page.

Name
(if a company, include
ACN/ARBN)

Postal address
(if a company, address should
be the registered office)

Email
(preferred contact)

Telephone

ACAT will use these details to communicate with you.

3. APPLICANT'S AUTHORISED REPRESENTATIVE (IF ANY)

A representative who is not a lawyer must also lodge a *Power of Attorney* (for an individual) or an *Authority to Act for a Corporation* (for any other legal entity).

Name

Postal address

(if a company, address should be the registered office)

Email

(preferred contact)

Telephone

If you have an authorised representative, ACAT will communicate with your representative.

A copy of this application form will be provided to the applicant, the respondent and any other party. ACAT hearings are usually open to the public and information provided to ACAT may be publicly available. If you have concerns about your information being made public please contact the Registry.

4. RESPONDENT

For more than one respondent, attach a separate page.

Name

(if a company, include ACN/ARBN)

Postal address

(if a company, address should be the registered office)

Email

Telephone

5. WHAT IS THE DISPUTE ABOUT?

Set out a brief history of the dispute, including the reason/s for the claim (attach a separate page if needed).

6. ORDERS

What order/s do you want ACAT to make? Include the details of any amounts you want paid to you. Complete Part A and/or Part B.

☐ Part A MONETARY CLAIM

(i) DETAILS OF AMOUNTS CLAIMED

- **Amount claimed**
- **ACAT filing fee**
(fee for commencing proceedings)
- **Search fees**
(company and/or business name search)
- **Other amount claimed (if any)**
(specify amounts sought and reasons claimed)

(ii) PARTICULARS OF INTEREST

Please indicate the preferred method of interest calculation:

- ☐ **Interest to be determined by the Tribunal** in accordance with the *ACT Civil and Administrative Tribunal Procedures Rules 2020* and the *Court Procedures Rules 2006*.

Provide beginning date for interest calculation

(if the respondent has made any payments to you during the period interest is claimed, attach a worksheet specifying dates and amounts paid, and outstanding balance from time to time)

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OR

- ☐ **Contractual Interest is claimed.** Please attach:
- interest schedule used to calculate interest, including information on the period(s) for which interest is claimed; and
 - contract or excerpt of contract that authorises contractual interest to be claimed.

Total amount of interest accrued to date

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It is important to provide as much information as you can. The Statement of Interest Claimed Worksheet (available from www.acat.act.gov.au) may be used and attached to your application if more space is required.

(iii) TOTAL AMOUNT OF CLAIM

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☐ Part B ANY OTHER ORDERS SOUGHT

- ☐ I am claiming the delivery of goods; AND / OR
- ☐ I am seeking other orders for the resolution of the dispute
Give details below (attach details on a separate page if needed).

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7. HEARING

What dates are you **not** available to attend ACAT in the next 3 months?

Do you need an interpreter? ☐ No ☐ Yes (language and dialect)

Do you need assistance? (for example, a hearing loop when you attend ACAT)

A list of services ACAT can provide is available on the 'Accessibility' page of our website (www.acat.act.gov.au)

☐ No ☐ Yes (provide details)

8. SIGNATURE

By signing this form, you certify that the respondent's contact details you have provided are the most current available to you and that service of documents to this address will most likely result in the respondent receiving them.

Signature of applicant or
applicant's representative
(all applicants to sign)

Name of person/s
signing

Date

Complete the checklist on the next page before lodging this application with ACAT.

CHECKLIST

- ☐ **Civil Dispute Application form** (available at www.acat.act.gov.au) is correctly filled out including:
- Applicant's name and full contact details, including email address
 - Respondent's name and full current postal address
 - The nature of the dispute is clearly identified
 - Times and dates that you or your representative are not available for any dispute resolution process or hearing
 - Form is signed and dated by the applicant or the applicant's authorised representative
- ☐ If **substituted service to the respondent's email address rather than their postal address is required**, completed *Application for Interim and Other Orders* form is attached (available at www.acat.act.gov.au).
- ☐ If applicable **Power of Attorney** (for an individual) or **Authority to Act for a Corporation** (for a corporation or a different legal entity) is attached (available at www.acat.act.gov.au).
- ☐ **Documents to be relied on are attached.** Examples are:
- Correspondence between parties
 - Receipts, invoices and/or quotes
 - Particulars of financial loss
 - Contract
- ☐ **Full company extract and/or business name search is provided** if respondent is a business or company.
- ☐ **Correct number of copies of this form and attachments (at least 3) are provided.** An extra copy is needed for each additional applicant or respondent.
- ☐ **Correct lodgement fee is ready to be paid.** The ACAT accepts cash, bank cheque and credit card payments over the counter, and bank cheque or credit card payments via post.

OR

- ☐ **Complete a Request About Payment of Fees form** if payment of fees will cause hardship and you wish to apply for a waiver or deferral of fees. Information on fees payable is available at www.acat.act.gov.au.

Do you need assistance?

If the applicant or respondent need assistance (for example, an interpreter or hearing loop), please let ACAT know as soon as possible. A list of services ACAT can provide is available on the *Accessibility* page of our website (www.acat.act.gov.au).

More information

Visit our website www.acat.act.gov.au for information about:

- What to expect
- Case types: Civil disputes
- Fees and forms
- Lodge and serve documents

Contact ACAT

Telephone (02) 6207 1740

Email tribunal@act.gov.au

Post ACT Civil and Administrative Tribunal (ACAT)
GPO BOX 370
CANBERRA ACT 2601