

Civil Dispute Application

ACAT File Number:

XD

(ACAT use only)

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 for the recovery of the value of goods or services, for the recovery of goods, for the provision of services 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:

APPLICANT DETAILS:

(for multiple applicants, attach details on a separate page)

Name:

Postal Address:

Preferred Phone Number:

Alternate Phone Number:

Email:

(preferred address for service)

If a company:

ACN/ARBN

and address

of registered office

APPLICANT REPRESENTATIVE DETAILS (IF ANY)

(any representative who is not a lawyer should file an *Authority to Act for a Corporation* or *Power of Attorney* providing authorisation to represent the applicant)

Name:

Address:

Preferred Phone Number:

Alternate Phone Number:

Email:

(preferred address for service)

RESPONDENT DETAILS

(for multiple respondents, attach details on a separate page)

Name:

Postal Address:

Preferred Phone Number:

Alternate Phone Number:

Email:

(preferred address for service)

If a company:

ACN/ARBN

and address

of registered office

What is the dispute about?

Please set out a brief history of the dispute, including the reasons for the claim (attach page if insufficient space)

Orders sought

Please describe the orders you want ACAT to make including the details of any amounts you want paid to you.

THE APPLICANT APPLIES FOR THE FOLLOWING ORDERS (complete Part A and/or Part B):

Part A

- Monetary claim.** Details of amounts claimed are below:

DETAILS OF AMOUNTS CLAIMED

Amount

- Amount claimed
- ACAT filing fee
(fee for commencing proceedings)
- Search or hearing fees

- Other amount claimed (if any)
(specify amounts sought and reasons claimed):

Particulars of Interest:

Please indicate the preferred method of interest calculation:

- Interest to be determined by the Tribunal is claimed in accordance with the *Court Procedures Rules 2006* and ACAT Procedural Directions.

Provide beginning date for interest calculation:
(or attach worksheet specifying amounts and dates relied upon).

OR

- Contractual Interest is claimed. Please **attach** interest schedule used to calculate interest. Include information on the period(s) for which interest is claimed. (Also attach contract or excerpt of contract that authorises contractual interest to be claimed).

Total amount of interest accrued to date:

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.

TOTAL AMOUNT OF CLAIM:

Part B

For any other orders sought:

- I am claiming the delivery of goods AND/OR
- Other orders are sought for the resolution of any other dispute
(give details below – or attach details on a separate page where more space is required):

Availability

Please indicate times or dates in the next 14 weeks that you or your representative may **not** be available for any dispute resolution process or hearing.

The applicant certifies that the respondent's address details provided in this application are the most current available to the applicant and believes that service of documents to this address will most likely result in the respondent receiving them.

Please complete the attached Checklist for Applicants prior to lodgement with ACAT, on the back of this form.

**Signature of applicant/
applicant's representative:
(All applicants to sign)**

**Name of applicant/
applicant's representative:**

(Any representative who is not a lawyer must be properly authorised by an *Authority to Act for a Corporation* or a *Power of Attorney*)

Date:

Checklist for Applicants

Lodgement of a Civil Dispute Application

- Civil Dispute Application* form (available at www.acat.act.gov.au) has been correctly filled out including:
 - Applicant's name and full contact details, including email address are completed
 - Respondent's name and full current postal address are completed
 - The nature of the dispute is clearly identified
 - Times and dates that you or your representative may not be available for any dispute resolution process or hearing advised
 - Form is signed and dated by the applicant or the applicant's authorised representative.

- If applicable, where substituted service to the respondent's email address rather than their postal address is required, completed *Application for Interim and Other Orders* form (available at www.acat.act.gov.au) is attached.

- If applicable, *Power of Attorney* to represent an individual, or *Authority to Act for a Corporation* to represent a corporation or incorporated association has been completed (available at www.acat.act.gov.au) and filed with the application.

- Copies of relevant documents that you will rely on for your application are attached. Examples may include:
 - Correspondence between parties
 - Receipts, invoices and/or quotes
 - Particulars of financial loss.

- Full company extract is provided when respondent is a business or company.

- The correct number of copies of the application and attachments have been prepared ready to accompany the original application at lodgement: **one for each party and one for the Tribunal.**

- Correct lodgement fee is ready to be provided with application. The ACAT accepts cash, bank cheque and credit card payments over the counter, and bank cheque or credit card payments via post. Information on fees payable is available at www.acat.act.gov.au.

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