

QCAT Practice Direction No. 2 of 2023

APPLICATIONS FOR REVIEW OF DECISIONS MADE ABOUT ANIMALS

Contents

THIS PRACTICE DIRECTION SUPERSEDES PRACTICE DIRECTION 8 OF 2022	2
APPLICATIONS.....	2
REASON FOR THIS PRACTICE DIRECTION	2
APPLICATIONS FOR REVIEW OF DECISIONS MUST BE LODGED WITHIN 28 DAYS OF BEING GIVEN NOTICE OF THE DECISION	3
WHAT ARE THE POWERS OF QCAT IN DECIDING AN ANIMAL MATTER	3
THE DECISION BY THE COUNCIL WILL REMAIN IN EFFECT UNLESS AND UNTIL QCAT SETS ASIDE THE DECISION, OR GRANTS A STAY	4
APPLICATIONS FOR EXTENSION OF TIME.....	4
THE FIRST DIRECTIONS HEARING	5
PARTIES ARE REQUIRED TO KEEP QCAT INFORMED OF THEIR CONTACT DETAILS.	6
METHOD OF SERVICE OF MATERIAL	7
FAILURE TO COMPLY WITH A DIRECTION	7
SEEKING AN EXTENSION OF TIME TO COMPLY WITH A DIRECTION	8
THE (PRE-FINAL HEARING) DIRECTIONS HEARING.....	8
NOTICE OF TRIBUNAL HEARING	9
EVIDENCE	9
STATEMENTS.....	9
IF A PARTY OR WITNESS HAS DIFFICULTY READING OR WRITING.....	10
THE QCAT HEARING.....	10
ORAL SUBMISSIONS MADE AT A QCAT HEARING.....	11
NOTICE TO PRODUCE APPLICATIONS AND APPLICATIONS REQUIRING A PERSON TO ATTEND THE HEARING	11
LEGAL REPRESENTATION.....	11
AVENUES OF APPEAL FROM A DECISION OF QCAT.....	12
WHERE TO LOOK TO FIND SOME OTHER ANIMAL MATTERS QCAT HAS DECIDED ..	12
ANNEXURE A – TEMPLATE DRAFT DIRECTIONS FOR ANIMAL MATTERS	13

THIS PRACTICE DIRECTION SUPERSEDES PRACTICE DIRECTION 8 OF 2022

1. This practice direction supersedes practice direction 8 of 2022. This practice direction is effective on and from 28 August 2023.

APPLICATIONS

2. “Animal matters” are matters where there is an application to QCAT to review a decision made by local government or council (“the council”), under the *Animal Management (Cats and Dogs) Act 2008 (Qld)* (“the Act”) or local council regulations. The most common type of decisions received by QCAT are decisions to review a decision to declare a dog to be a “regulated dog” and/or to destroy a dog.¹
3. In reviewing these decisions, the QCAT decision maker must produce the correct and preferable decision.

REASON FOR THIS PRACTICE DIRECTION

4. This practice direction contains:
 - a) information that will assist the parties in understanding the process; and
 - b) directions to the parties about some of the things they must do.

COMPULSORY CONFERENCES AND FIRST DIRECTIONS HEARING – SHORT OVERVIEW

5. Compulsory conferences will only proceed in Animal matters where QCAT forms the view that it is desirable to do so. This might occur, for example, where QCAT forms the view that there is a realistic possibility that a compulsory conference might result in resolution of the matter, or a meaningful narrowing of issues, or where a compulsory conference might be a better way to help a particular applicant to understand QCAT processes. QCAT might come to that view by itself, or after being asked by a party to consider ordering a compulsory conference.
6. A directions hearing will be held in Animal matters at an early stage of the process. During this first directions hearing, the QCAT decision maker will seek to ensure applicants and respondents are informed of their obligations and responsibilities in progressing the matter to finalisation and that the parties understand the processes of the Tribunal and the issues to be determined.
7. It is envisaged that at the first directions hearing, QCAT will make directions through to the final hearing. This will assist the parties to know and understand:

¹ As to the decisions that might be reviewed by QCAT, see section 188 of the Act. A person must in some instances firstly apply to council for an internal review.

- a) the steps they must undertake and the timeframes for those steps to be completed; and
- b) when their final hearing will be.

APPLICATIONS FOR REVIEW OF DECISIONS MUST BE LODGED WITHIN 28 DAYS OF BEING GIVEN NOTICE OF THE DECISION

- 8. QCAT can review some council decisions about a dog, where the person is given, or is entitled to be given, a review notice for the decision. Firstly, a person must apply to the council for an internal review before applying to QCAT for an external review.²
- 9. To apply to QCAT to review the decision, the person (“the applicant”) needs to file a [Form 23 – Application to review a decision \(Form 23\)](#).
- 10. The Form 23 must be filed within 28 days after the applicant is given notice of the decision.
- 11. The applicant must give a copy of the application to the council within 7 days after filing.³ It is not the responsibility of QCAT to serve the application on the respondent. The council is then known as “the respondent”.
- 12. Once served with an application, the respondent must provide QCAT and the applicant with the following documents (the “section 21 of the QCAT Act documents”) within 28 days:⁴
 - a) a written statement of reasons; and
 - b) an indexed and page numbered bundle in date or other logical order of the documents and other material in its possession or under its control that may be relevant to the review of the decision.

WHAT ARE THE POWERS OF QCAT IN DECIDING AN ANIMAL MATTER

- 13. In relation to review of a decision, once QCAT has heard the matter, QCAT can:
 - a) confirm or amend the decision; or
 - b) set aside the decision and substitute a new decision; or
 - c) set aside the decision and return the matter for reconsideration, together with any directions the Tribunal considers appropriate.
- 14. By far the most common types of orders are (a) and (b).

² See sections 180 to 183 of the Act for the internal review process before external review.

³ Section 19(2)(c) of the *Queensland Civil and Administrative Tribunal Rules 2009* (Qld).

⁴ Section 21(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act) which sets out the obligation, at law, to provide these documents to the Tribunal.

THE DECISION BY THE COUNCIL WILL REMAIN IN EFFECT UNLESS AND UNTIL QCAT SETS ASIDE THE DECISION, OR GRANTS A STAY

15. While the matter is before QCAT, QCAT can stay (that is, put on hold) the decision of the council to declare a dog a regulated dog, subject to certain conditions. A person may apply for a stay by filing a [Form 44 – Application to stay a decision \(Form 44\)](#).
16. An application can be made for a stay of the decision if an application has been made to council for an internal review.⁵ The council may only destroy a dog if an application for internal review and any application for external review (before QCAT) is finally decided or is otherwise ended.⁶
17. An application to stay a decision will usually be determined “on the papers”, that is, by the QCAT decision maker, in the absence of the parties, relying only on the written material which the parties have provided, rather than requiring the parties to attend at a hearing and make oral argument. This is one reason why it is important that when filing a Form 44, the person sets out, in full, why it is desirable to grant a stay, attaching any evidence or material they want to rely upon.
18. QCAT will advise the parties of its decision.

APPLICATIONS FOR EXTENSION OF TIME

19. If the applicant does not file their application in QCAT within time, that is, within 28 days of being given notice of the decision, and they still want to apply to QCAT to review their decision, then they need, as soon as possible:
 - a) to file their application to review their decision (that is, the Form 23);

AND

 - b) at the same time, file a [Form 42 – Application to extend or shorten a time limit or for waiver of compliance with procedural requirement \(Form 42\)](#).
20. In making a decision on the application for an extension of time, QCAT will consider, amongst other things, whether there is a reasonable excuse for delay, the length of the delay and any prejudice to the respondent. If there is no reasonable excuse for the delay, then the application for extension of time may be refused, and the application to review dismissed.

⁵ See sections 184 and 189 of the Act.

⁶ See section 127(7) & (8) of the Act.

21. Form 42 asks the applicant to fill out the type of order sought. If an applicant is seeking an extension of time, then the applicant should fill this out by writing: “an order extending the time to file the application to review a decision.”
22. Form 42 also asks the applicant to list the reasons for the application. This is where the applicant needs to set out the reasonable excuse relied on for not lodging the Form 23 application to review the decision within 28 days, and why the applicant submits that QCAT should make an order extending time.
23. After the Form 42 is filed, the applicant **must** provide a copy of the Form 42 (and attachments, if any) and the Form 23 (and attachments, if any) to the respondent within 7 days.
24. The respondent **must** then, within 14 days of receiving this material, file any submissions in reply to the application to extend time, together with any evidence or material relied upon.
25. An application for an extension of time will usually be determined “on the papers”, that is, by the QCAT decision maker, in the absence of the parties, relying only on the written material which the parties have provided, rather than requiring the parties to attend at a hearing and make oral argument. This is one reason why it is important that when filing a Form 42, the person sets out, in full, why they say an extension of time should be granted, attaching any evidence or material they want to rely upon.
26. Sometimes, when considering the Form 42, the QCAT decision maker will consider it appropriate to issue further directions (for example, a direction to the applicant to file any further material, evidence and/or submissions in reply to the respondent’s material, evidence and/or submissions). Alternatively, the QCAT decision maker may consider it more appropriate to determine the application to extend time at an oral hearing. If that is the case, QCAT will notify the parties of the time and place for that oral hearing.

THE FIRST DIRECTIONS HEARING

27. Each application which is filed within time, or where an extension of time has been granted, will be listed for a directions hearing before a QCAT decision maker (“the first directions hearing”).
28. The first directions hearing is designed to reduce the overall time of litigation for the parties in these matters and to ensure that all parties understand the steps that they must go through prior to the hearing date.
29. At the directions hearing:
 - a) the QCAT decision maker will make the directions necessary to progress the proceeding to a final hearing, so far as is practicable; and

- b) the QCAT decision maker will ask the parties for their opinion as to how long they think the final hearing may take and as to the appropriate mode of hearing (that is, in person or by remote hearing).
- 30. The first directions hearing will take place as soon as practicable after the applicant has filed the application.
- 31. It is very important that both parties participate in the directions hearing. Both parties must attend the directions hearing:
 - a) having considered the type of evidence on which they wish to rely upon at the hearing;
 - b) ready to give an estimate of the length and mode of hearing; and
 - c) ready to advise as to when they and any witnesses are available to take part in a hearing.
- 32. Wherever possible, at the first directions hearing the QCAT decision maker will allocate the date for final hearing.
- 33. On average, final hearings will take approximately 1 day; but sometimes the final hearings can be longer or shorter. It is important for QCAT to know how long the parties think the final hearing might take to ensure this is taken into account when scheduling the hearing.
- 34. **Annexure A** to this Practice Direction is a set of template directions which are intended to generally apply. However, the QCAT decision maker retains full discretion to amend, supplement or reduce those directions as appropriate in each matter.

PARTIES ARE REQUIRED TO KEEP QCAT INFORMED OF THEIR CONTACT DETAILS

- 35. At the first directions hearing both parties will be required to confirm their correct email addresses and contact details.
- 36. Should a party's contact details change at any time throughout the proceedings, that party must update QCAT and the other party as soon as possible.
- 37. Accuracy and currency of contact details are solely the responsibility of the applicant and the respondent individually and not a matter for QCAT to monitor.
- 38. When the parties are provided with a copy of the directions, they will also be provided with an Attendance Advice.
- 39. That Advice sets out the current telephone details that QCAT has for the party, that is, the telephone number that QCAT will use to contact the party.

40. If the party's telephone number is different to that shown on the Attendance Advice, then the party must fill out their new telephone number on the Attendance Advice and send it back to QCAT as early as possible, but at least 5 business days before the hearing date. The email address to send any change of contact details is: QCATCivil@justice.qld.gov.au
41. Late receipt of the change of contact details may mean that QCAT is not able to contact the party on the hearing date (if it is a telephone hearing, as most directions hearings will be) and the matter might proceed in that party's absence.
42. Each party needs to ensure that they are available and answer their telephone when QCAT telephones the party on the date of a telephone hearing. If the party does not answer, then the matter might proceed in the party's absence.

METHOD OF SERVICE OF MATERIAL

43. The directions may, and usually will, contain directions for the filing and serving of documents and materials.
44. The preferred method of filing and service is via email.
45. It is very important that parties keep a close eye on their email to monitor the receipt of any correspondence from QCAT, or the other party.
46. The email filing address for QCAT for filing the initiating application, any stay application, and any application for an extension of time is EnquiriesQCAT@justice.qld.gov.au.
47. The email address for all material filed after the initiating application is QCATCivil@justice.qld.gov.au
48. If a party does not have an email address, then service on the party is to be by the next most efficient means; for example, by post.
49. Parties are advised that it can take several days between when a document is emailed to QCAT, and when it makes its way to the QCAT file. Therefore, parties should ensure they provide any material they are filing **at least 5 business days in advance**, and in accordance with the dates in QCAT directions.

FAILURE TO COMPLY WITH A DIRECTION

50. If a party fails to comply with a direction for filing material or submissions, the matter may be determined without that material or submissions. As a consequence, if the party failing to file is the applicant, it is possible that the entire application to review a decision will be dismissed.

SEEKING AN EXTENSION OF TIME TO COMPLY WITH A DIRECTION

51. It is very important that all parties do their very best to comply with directions issued by QCAT.
52. However, it is acknowledged, that sometimes compliance becomes impossible for some unforeseen reason, and that sometimes a party will need to apply to extend time.
53. Where a party seeks an extension of time to comply with a direction made by QCAT, the request for extension should be made before the relevant step falls due. You can seek an extension of time by filing a Form 42. You must send a copy to the other party.
54. The QCAT decision maker may, where appropriate, extend the time for a reasonable period. This can be done with or without reference to the other party, depending on the overall circumstances.
55. In extending time, the QCAT decision maker may also extend the time for the other party to comply with a subsequent direction.
56. The QCAT decision maker will also consider (but is not limited to) if granting the extension of time will put the hearing date at risk of not being able to proceed.
57. Even though you may apply for an extension of time to comply with a direction, you cannot assume it will automatically be granted. The QCAT decision maker must consider all of the material supporting the application as well as any response from the other party, and then determine the outcome of the request.

THE (PRE-FINAL HEARING) DIRECTIONS HEARING

58. There will be a further directions hearing prior to the final hearing. This directions hearing will be conducted by telephone (unless otherwise ordered). Its purpose is to confirm that the matter is ready for the final hearing.
59. At that directions hearing, the decision maker will confirm with the parties:
 - a) the material they have filed and which they intend to rely on at hearing;
 - b) the precise issues to be determined at the hearing;
 - c) the witnesses, if any, they require for cross-examination;
 - d) the estimated length of time for hearing;
 - e) whether it is proposed that the witnesses will be giving evidence in person or by remote means (specifying the mode of attendance);
 - f) any limitations as to the time of availability of witness; and
 - g) any other issue necessary to ensure that the matter is ready to proceed to hearing as scheduled.

NOTICE OF TRIBUNAL HEARING

60. The directions made at the first directions hearing that lists the date for the final hearing, and/or another directions hearing, and/or a compulsory conference, **will serve as the required provision of notice for the final hearing, further directions hearing and compulsory conference.**⁷
61. The parties **must** ensure they read all directions that are made in the matter and ensure they record the hearing date in their own records, and appear at that hearing date at the time specified (which commonly will be at 9.30 am).

EVIDENCE

62. Evidence describes, explains, demonstrates or supports a party's claims about what is the correct and preferable decision that the QCAT decision maker should make at the conclusion of the hearing.
63. Evidence can be given orally or in writing and, if required, under oath or by affidavit. Usually, parties will be directed to provide the evidence of their own witness/es in writing (see paragraphs below).
64. Some examples of evidence are (this is not an exhaustive list):
- a) a written statement (see paragraphs below) by a person in which the person sets out what they want to say about the matter; or
 - b) a document that is a record of an event, for example, a certificate or diploma; or
 - c) a document that is proof of an event, such as a photograph; or
 - d) a document that accurately and factually demonstrates or supports something explained in a statement, such as a plan or a map; or
 - e) an expert report from, for example, a doctor or a psychologist.

STATEMENTS

65. A witness statement is the evidence of the witness, reduced to writing, prepared prior to the QCAT hearing.
66. As stated above, the applicant will usually be directed to provide statements from themselves and for any other witnesses they intend to rely upon to support their case.
67. The preparation of statements is a very important part of a party's preparation for a hearing. The evidence of each witness needs to be set out in detail in the statements, as the QCAT decision maker can, where appropriate, refuse to

⁷ Section 92 of the QCAT Act.

allow a party to present evidence at the hearing which is not contained in their statements.

68. A witness statement **must** be signed.

69. It is generally expected that any witnesses whose evidence is intended to be relied upon by a party can be cross-examined by the other party. However, whether a party chooses to seek to cross-examine a witness is a decision for them. The directions issued at the directions hearing will set out the date by which a party **must** inform the other party, and QCAT, whether they wish to cross-examine any particular witness or witnesses of the other party.

70. QCAT's website contains an information sheet on the preparation of statements. A sample template is also available on QCAT's website at <https://www.qcat.qld.gov.au/going-to-the-tribunal/preparing-statements>.

IF A PARTY OR WITNESS HAS DIFFICULTY READING OR WRITING

71. If a party or a witness the party wishes to call has difficulty reading or writing, then the party should raise this with the QCAT decision maker at the first directions hearing so that possible alternatives to written evidence from that party / witness can be discussed.

THE QCAT HEARING

72. At the hearing, the QCAT decision maker may allow each party to:

- a) give evidence themselves or call a person to give evidence (however, generally, and with some exceptions, the only oral evidence is through cross-examination of the applicant's and respondent's witnesses. This is because written statements of all potential witnesses should have been filed at QCAT prior to the hearing and a copy given to the other party); and
- b) question a witness.

73. The QCAT decision maker may also:

- a) call a person to give evidence;
- b) examine a witness on oath/affirmation or require a witness to give evidence by statutory declaration;
- c) examine or question a witness to obtain information;
- d) order a witness to answer questions relevant to the proceeding.

74. The QCAT decision maker may place some restrictions on evidence and witnesses. For example, if sufficient information has been presented to allow a decision to be made, the QCAT decision maker may not allow the parties to present more information. In making such a decision, the QCAT decision maker will take into account fairness and justice to the parties.

ORAL SUBMISSIONS MADE AT A QCAT HEARING

75. At the QCAT hearing all parties will be given an opportunity to make oral submissions after all evidence has been given by both parties. The applicant will be given the first opportunity to do this.
76. The representative for the council will make oral submissions, including as to what they consider is the correct and preferable decision having regard to the legislative framework and the evidence, including the oral evidence given at the hearing.
77. The applicant will then have an opportunity to make oral submissions in reply to the submissions of the council (see [Practice Direction No. 3 of 2013 – Hearings in Administrative Review Proceedings](#)).

NOTICE TO PRODUCE APPLICATIONS AND APPLICATIONS REQUIRING A PERSON TO ATTEND THE HEARING

78. Sometimes parties want to obtain documents from third parties or seek to have a person attend the hearing to give evidence. When that happens, the party must make an application setting out what it is that they seek and why it is being sought.
79. If a person is willing to attend or produce a document, it is not necessary to apply to QCAT for an order.
80. To apply to QCAT for an order, applicants and respondents must file a [Form 38 – Hearing Notice: application for notice requiring witness to attend a hearing or produce document/thing at hearing](#). A notice to produce application **must** be filed no later than 7 days after the first directions hearing.
81. Only QCAT can order a person to attend a hearing or to produce documents by issuing an attendance notice. QCAT may charge a filing fee⁸ for this application, unless this fee has been waived⁹. However, you cannot assume it will automatically be granted. The decision about whether to grant such an application and in what form it is granted is a decision for the QCAT decision maker in the exercise of their independent judicial function.
82. A party will be required to pay any witness they call the prescribed witness attendance allowance and conduct money, which may include travel and accommodation expenses¹⁰.

LEGAL REPRESENTATION

⁸ Schedule 1, item 4, *Queensland Civil & Administrative Tribunal Regulation 2019*

⁹ Section 12, *Queensland Civil & Administrative Tribunal Regulation 2019*

¹⁰ Sections 14 to 20, *Queensland Civil & Administrative Tribunal Regulation 2019*

83. With limited exceptions, generally the parties will be required to obtain leave if they wish to be legally represented.¹¹ Relevant factors for the granting of leave include:

- a) the party is a State agency;
- b) the proceeding is likely to involve complex questions of fact or law;
- c) another party to the proceeding is represented in the proceeding; or
- d) all of the parties have agreed to the party being represented in the proceeding.

84. Issues relating to leave for legal representation will be canvassed at the first directions hearing, and the parties can generally expect a decision on leave for legal representation to be made at that time.

AVENUES OF APPEAL FROM A DECISION OF QCAT

85. There are avenues of appeal from a decision of QCAT.

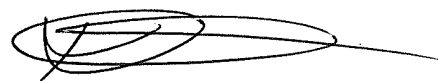
86. The first is to the Queensland Civil and Administrative Tribunal Appeals Tribunal (QCATA).

87. The second avenue which is available to the parties after a decision is made by the QCATA, is to appeal to the Court of Appeal (in some cases, only with leave of the Court of Appeal).

WHERE TO LOOK TO FIND SOME OTHER ANIMAL MATTERS QCAT HAS DECIDED

88. If the parties would like to read some QCAT decisions on animal matters, or some decisions by the Court of Appeal about animal matters, these are available on the internet.

89. For example, some QCAT decisions and Court of Appeal decisions on animal matters are kept by the Supreme Court Library. The Supreme Court Library is accessible at <https://www.sclqld.org.au/caselaw>.



Hon Justice Kerri Mellifont
President

2 August 2023

¹¹ See section 44 of the QCAT Act.

ANNEXURE A – TEMPLATE DRAFT DIRECTIONS FOR ANIMAL MATTERS

[INSERT STANDARD QCAT HEADER FOR DRAFT DIRECTIONS]

PARTIES ARE TO NOTE:

You will **not** receive reminders of the steps you need to take as set out in these directions from QCAT.

You will **not** receive reminders of the date/s set out in these directions for any further directions hearing, compulsory conference or the final hearing date. Your copy of these directions is your written notice of future hearings/conference dates. Please ensure that you put these dates in your own calendar/diary to ensure that you take part in the proceeding on those days.

Please make sure you keep a copy of these directions. If you have a SMART phone, you may wish to make an extra copy for yourself by taking a photograph of these directions.

Material sought to be relied upon by parties and witnesses sought to be called by parties

1. The applicant must file in the Tribunal two (2) copies and give to **[Insert local council/authority]** one (1) copy of all material upon which they intend to rely at the hearing by:
4:00pm on [the date 8 weeks after the first directions hearing].
2. The material referred in direction 1 above must include any statements of the applicant and any other witnesses.
3. Each witness statement must:
 - a) be dated and signed by the person making the statement;
 - b) attach any document referred to in the statement and include an explanation of its relevance; and
 - c) be sequentially page numbered, including any attachments.
4. **[Insert local council/authority]** must file two (2) copies in the Tribunal and give a copy to the applicant of:
 - a) any material the **[Insert local council/authority]** proposes to rely on at hearing which is not already included within the section 21 QCAT Act documents it provided; and
 - b) a list of the documents within the section 21 QCAT Act documents it proposes to rely upon at hearing by:

4:00pm on [3 months from the date of the first directions hearing]

5. If the applicant wishes to rely upon further material, in reply to the **[Insert local council/authority]** material filed under a direction, the applicant must file in the Tribunal two (2) copies and give to **[Insert local council/authority]** one (1) copy of such additional material by:

4:00pm on [the date 2 weeks after the filing date of direction 4 of these directions]

Written submissions

6. **[Insert local council/authority]** must file in the Tribunal and give to the applicant any written submissions relevant to the issues to be determined by the Tribunal, outlining the issues upon which it still maintains the original decision or advise that it has changed its decision by:

4:00pm on [the date 2 weeks after the filing date of the applicant's material referred to in direction 5]

7. If the applicant wishes to rely upon any written submissions, the applicant must file in the Tribunal and give to **[Insert local council/authority]** those written submissions by:

4.00 pm on [the date 2 weeks after the filing date of the Respondent's submissions referred to in direction 6]

Pre-final hearing directions hearing

8. The matter will be listed for a directions hearing at QCAT, 259 Queen Street, Brisbane (via telephone). The purpose of this directions hearings is for the Tribunal to confirm with the parties:
 - a) the material they have filed and which they intend to rely on at hearing;
 - b) the precise issues to be determined at the hearing;
 - c) the witnesses, if any, they require for cross-examination;
 - d) the estimated time for a hearing;
 - e) whether it is proposed that the witnesses will be giving evidence in person or by remote means (specifying the mode of attendance);
 - f) any limitations as to the time of availability of witnesses; and
 - g) any other issue necessary to ensure that the matter is ready to proceed to hearing as scheduled on the date in paragraph 8:

[4 weeks after the Respondent's submissions].

9. If the applicant fails to comply with the preceding directions without reasonable excuse, the application to review may be dismissed without further notice to the parties pursuant to s 48 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld), due to non-compliance with the Tribunal's Directions.

Date of final hearing

10. The matter will be **listed** for hearing at [xxxx on a xxxx].

Legal representation [where relevant]

11. [Insert local council/authority] has leave to be legally represented [if applicable insert: by an in-house legal officer]; or

Both parties are granted leave to be legally represented; or

Neither party is granted leave to be legally represented; or

The applicant is refused leave to be legally represented; or

The respondent is refused leave to be legally represented.

FURTHER INFORMATION FOR THE PARTIES:

A. INFORMATION ABOUT HOW TO ATTEND THE DIRECTIONS HEARING

The next directions hearing will be by telephone.

You will be given an “Attendance Advice”.

That Advice sets out the current telephone details that QCAT have for you. That is the telephone number that QCAT will use to call you at the next directions hearing. If your telephone number is different to that shown on the Attendance Advice, then you must fill out your new telephone number onto the Attendance Advice and send it back to QCAT as early as possible, but at least 5 business days before the hearing date. Late receipt of the notice may mean that QCAT is not able to contact you on the hearing date and that the matter might proceed in your absence.

The email address to use is: QCATCivil@justice.qld.gov.au

You need to make sure that you are available to answer your telephone, and you do answer your telephone, when QCAT telephones you on the date of the directions hearing. If you do not answer the telephone, the matter might proceed in your absence.

If you have any enquiries, please contact a case manager on _____.

B. INFORMATION ABOUT HOW TO ATTEND THE FINAL HEARING

Please ensure that you arrive no later than 10 minutes prior to the time set for your hearing.

If you fail to appear at the hearing, the Tribunal may proceed and make orders in your absence.

Your witnesses (i.e., all persons who have provided statements upon your request) must attend the hearing if the other party has advised you that they are required for cross-examination.

You must bring to the hearing your copies of all statements and documents relevant to the matter.

You must also ensure that your witnesses have with them copies of their statements and any documents that are relevant to the evidence they will be giving.

If you have any enquiries, please contact a case manager on _____.

C. PRACTICE DIRECTION

More information about how Animal matters proceed in QCAT is found in Practice Direction 2 of 2023. Applicants will have received a copy of this Practice Direction from QCAT together with QCAT's acknowledgement receipt of the application to review the decision by the local council/authority.

You can also find a copy of that Practice Direction on QCAT's website at: <https://www.qcat.qld.gov.au/resources/practice-directions#2022>