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Appeals and payment

Our decisions

If you are unhappy with one of our decisions, you can apply to the Queensland Civil and Administrative Tribunal (<http://www.qcat.qld.gov.au/>) (QCAT). This must be within 28 days of receiving our decision. QCAT is an independent body with the power to make legally binding decisions.

Learn more about appealing to QCAT (<http://www.qcat.qld.gov.au/matter-types/review-of-administrative-decisions>).

The review process

To begin the review, you will need to:

- submit the QCAT form
- provide a copy of the form to the agent or dealer and a copy to us.

Once you do, QCAT will schedule a review hearing to make a decision. They encourage you to represent yourself at the hearing, but may allow you to appoint a lawyer in a more complex case. **We cannot represent you.**

They will invite the agent or dealer to take part in the review. If they don't attend, QCAT can make a decision in their absence.

The decision

Once QCAT has made a decision, they will send you and the agent or dealer a notice explaining their decision.

QCAT may order that you or the agent or dealer pay costs. This means that you might have to reimburse them for anything they spent on defending against your claim.

QCAT may decide costs based on:

- what decision they reached
- whether your claim was strong or weak
- how you or the agent or dealer behaved through the hearing
- whether the claim was complex

- whether the claim was complex
- if they consider anything else to be relevant.

The decision is legally binding unless you or the agent or dealer makes an appeal. You must do so within 28 days.

QCAT's decisions

You have options if you aren't satisfied with a QCAT decision. You must appeal within 28 days. After this time, QCAT's decision is final.

This might be:

- a complex claim that we referred directly to them
- a review of a simple claim.

You can appeal to the:

- QCAT Internal Appeal Tribunal
- Court of Appeal (<https://www.qld.gov.au/law/court/courts/court-of-appeal>) (but only for an error of law or jurisdiction).

Learn more about appealing QCAT's decisions (<http://www.qcat.qld.gov.au/qcat-decisions/appealing-a-qcat-decision>).

Seek independent legal advice before you launch an appeal.

Payment

If a decision is made in your favour, either by us, QCAT or on appeal, we can make the payment to you from the claim fund. However, we will not pay your claim before the 28 day appeal period ends.

Once this time passes, we will usually pay within 21 days.

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Who can claim?

The claim fund may help you recover from a financial loss in some situations. It protects consumers who lose money due to certain types of action (or failures to act) by:

- real estate agents
- resident letting agents
- motor dealers
- auctioneers

- chattel auctioneers
- debt collectors or process servers
- employees of any of the above.

Always try to settle the claim with them first. Go through their complaint process. If this doesn't resolve the dispute, then you can lodge a written claim with us.

Don't leave it too long to claim, as time limits do apply.

[Find more details \(https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/claim-for-financial-loss/when-to-apply\)](https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/claim-for-financial-loss/when-to-apply)

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QCAT

Queensland Civil and Administrative Tribunal

Home (<https://www.qcat.qld.gov.au>) Decisions (<https://www.qcat.qld.gov.au/qcat-decisions>) Appealing a QCAT decision (<https://www.qcat.qld.gov.au/qcat-decisions/appealing-a-qcat-decision>) Decision made by a non-judicial member

Decision made by a non-judicial member

A non-judicial member ([Opens in new window](#))  is:


- a senior member or ordinary member who is not a former judge
- an adjudicator.


You can appeal a non-judicial member's decision to the QCAT Appeal Tribunal on a:

- question of law - a question which must be answered by applying relevant legal principles, by an interpretation of the law
- question or fact - a question which must be answered by reference to facts and evidence, and inferences arising from those facts
- mixed question of law and fact.

If you are applying on a question of law, you do not have to ask for permission to appeal the decision.

However, you must ask the QCAT Appeal Tribunal for permission to appeal if you are appealing:


- on a question of fact
- on a question of mixed law and fact
- a decision about a minor civil dispute ([Opens in new window](#)) 
- a decision about whether to award costs or not, rather than the amount of costs awarded
- an interim, interlocutory decision, or any other decision that is not a final decision of the tribunal.

To request permission to appeal, complete and lodge Form 39 - Application for leave to appeal or appeal (PDF, 301.9 KB) ([Opens in new window](#)) .

When the QCAT Appeal Tribunal hears an appeal, a new hearing takes place to consider the original information and evidence presented. New information and evidence may only be presented if you apply to the QCAT Appeal Tribunal and your request is approved.

Your appeal does not affect the operation of the original QCAT decision. However, in some cases QCAT or the Court of Appeal can make an order staying, or temporarily stopping, the decision from being carried out until the appeal is finalised.

Time limits

In most cases an application to appeal against a QCAT decision to the QCAT Appeal Tribunal must be lodged within 28 days of you receiving the reasons for the decision being appealed against. Some Acts [\(Opens in new window\)](#)  limit the appeals process altogether.

QCAT Appeal Tribunal decisions


If your appeal is based on a question of law, the QCAT Appeal Tribunal may:

- confirm or amend the decision
- set aside the decision and substitute its own decision
- set aside the decision and return the matter to the original QCAT jurisdiction, or the original body that made the decision, to reconsider it.

If your appeal is based on a question of fact or a question of mixed law and fact, the QCAT Appeal Tribunal may:

- confirm or amend the decision
- set aside the decision and substitute its own decision.

Appeals to the Court of Appeal

If your application for permission to appeal the QCAT decision through the QCAT Appeal Tribunal is refused, you have 28 days to appeal this rejection to the Court of Appeal [\(Opens in new window\)](#) .

The Court of Appeal will hear the appeal of the refusal if you are appealing on a question of law and you have applied and been granted permission for the Court of Appeal to hear it.

If you are dissatisfied with the QCAT Appeal Tribunal's decision, you have the right to appeal this decision to the Court of Appeal only on a question of law.

You have 28 days to appeal the decision to the Court of Appeal.

The Court of Appeal will review your application and decide whether to grant permission for your appeal to be heard.

A new hearing will take place which will consider the original information and evidence presented.

New information and evidence may only be presented if you make an application and the Court of Appeal approves your request.

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Resources

- ▶ [Administrative fees \(https://www.qcat.qld.gov.au/resources/fees-and-allowances/administrative-fees\)](https://www.qcat.qld.gov.au/resources/fees-and-allowances/administrative-fees)
- ▶ [Access and support \(https://www.qcat.qld.gov.au/resources/support-at-qcat\)](https://www.qcat.qld.gov.au/resources/support-at-qcat)

Read more about your matter type (<https://www.qcat.qld.gov.au/matter-types>) before making an application.

Descriptions of QCAT's jurisdiction on this website are general information only. They do not definitively describe the types of applications on which QCAT can make decisions. The relevant legislation determines QCAT's jurisdiction. If you are unsure about your legal rights, you should seek legal advice. Your individual circumstances should guide any actions taken to resolve your dispute.

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