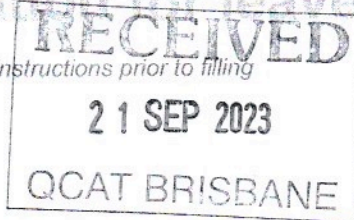


Form Number 39 (version 2)
Queensland Civil and Administrative Tribunal Rules 2009 (rule 95)

Application for leave to appeal or appeal

Refer to attached instructions prior to filling out this form.



Case number:	AP305-23
Date filed:	21/9/23
Registry:	Bris
Fee paid:	\$100.00
Receipt number:	5142588

PART A APPLICANT'S DETAILS

Applicant details: (for multiple applicants attach details on a separate sheet)

Name
Gordon James Craven

Address
46 Oval Avenue, Caloundra QLD

Postcode 4551

Contacts

() 0478 598 861 <i>Preferred phone number</i>	() <i>Alternative number</i>	gordon@getmail.com.au <i>Email</i>
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Representative's details (if applicable)

Tick if you want this to be your address for notices

Tick if you want your representative to represent you in proceedings before the tribunal (see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented).

Name

Company/Partnership/other

ABN

Business Name

Address

Postcode

Contacts

() <i>Preferred phone number</i>	() <i>Alternative number</i>	 <i>Email</i>
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PART A RESPONDENT'S DETAILS

RESPONDENTS 1

Respondent's details: (for multiple respondents attach details on a separate sheet)

Name

Saurav Kataria and Ashleigh Kataria

Address

Unit 3 / 12 Grace Street, Nundah QLD 4021

8 Musa Place, Arona QLD 4551

Postcode

Contacts

() 0478 598 861

Preferred phone number

()

Alternative number

saurav.kataria@airservicesaustralia.com

Email

eliza.black@coronis.com.au

Representative's details (if applicable)

Name

Company/Partnership/other

ABN

Business Name

Address

Postcode

Contacts

()

Preferred phone number

()

Alternative number

Email

RESPONDENT 2

DETAILS OF DECISION WHICH YOU ARE APPEALING

Case number (if known):

Q1363-23

Decision was made by the tribunal or another entity, namely

When was the decision made?

29 / 08 / 2023

When did you receive the decision?

29 / 08 / 2023

1. The Applicants were taken by surprise by the Respondents introducing False and Misleading Information (FMI) to the Tribunal which was received as evidence.
2. The introduction of the FMI evidence, was a calculated attempt to mislead the Tribunal.
3. The Tribunal was misled by the FMI evidence, thus causing erroneous findings.
4. There was no reliance on FMI evidence within the Response filed in the Registry to the Statement of Claim. As such the Response was misleading by omission, in the circumstances of Ground 1.
5. The Adjudicator erred, by giving weight to the FMI evidence that was false and did not exist, in particular the evidence of an "Administrative Error".
6. The Adjudicator erred, by not giving proper weight to the true facts in the Statement of Claim before the Tribunal, evidencing that there could be no "Administrative Error".
7. The Adjudicator erred, in not applying the provisions of Australian Consumer Law, by finding that behaviour alleged as unconscionable in the Statement of Claim was not unconscionable, by reason of the behaviour being "Normal Practice" or "Common Practice".
8. Once written reasons and transcript are received, many instances of bias will be provided in submissions, which show the Adjudicator favouring the Respondents.

VARIED ORDERS SOUGHT

- A. Leave to Appeal be given.
- B. Set aside the dismissal of the Initiating Application.
- C. Pursuant to sub-section 48(2)(b)(i) of the QCAT Act.
 - (a) the Tribunal make a final decision in the proceeding, in the Applicant's favour.
 - (b) ALTERNATIVELY the matter be set down for :
 - (i) a re-hearing of the matters relevant to the RTRA Act; and
 - (ii) Unconscionable Conduct being declared by the Appeal Tribunal as relevant to the behaviour of the Respondents and where the Conduct is not excused by "normal practice" or "common practice".
- D. Pursuant to sub-section 48(2)(c) of the QCAT Act, the Tribunal make an order under section 102, for the Respondent to reimburse the Applicant for the Appeal filing fee and postal charges.
- E. The First and Second Respondents together with [REDACTED] be declared to have committed offences by contravening sub-sections 216(1)¹ and 216(2)² of the QCAT Act.
- F. Pursuant to sub-section 218(g) of the QCAT Act, The First and Second Respondents and [REDACTED] be held in Contempt by the Tribunal.
- G. Pursuant to section 219 of the QCAT Act, those held in contempt be punished at the discretion of the Tribunal.
- H. Other order or orders as deemed appropriate.

1. Paragraphs 1 to 3 of the Grounds.
2. Paragraph 4 of the Grounds.

PART E LEAVE TO APPEAL *Please tick your box and provide a date if applicable.*

- I do not require leave to appeal in this case
- I am seeking leave to appeal
- Leave to appeal has been *already granted by the tribunal on*
 (insert date)

PART F CHECKLIST AND SIGNATURE

- I have completed all questions on the application form according to the instructions
- I have provided the correct number of copies of the application form and attachments (for the number of copies required – see instructions)
- I have paid the prescribed fee
- I am ready to proceed

Interpreter

Is an interpreter required?

- Yes
- No

If YES, please specify language

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* 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.

Statement of Applicant

The information in this application is true to the best of my knowledge.

Signature

Date

If more than one person is named each applicant must sign the application.