

NSW Civil & Administrative Tribunal proceedings during COVID-19

The NSW Civil and Administrative Tribunal (NCAT) temporarily adjusted its practices and procedures in response to COVID-19. Matters continue to proceed by audio visual link (AVL) or telephone if possible, not in-person. If you would like to make enquiries about your hearing, you can contact the Registry. Any further changes to the Tribunal's services will be announced on the Tribunal's COVID-19 web page: <https://www.ncat.nsw.gov.au/content/dcj/ctsd/ncat/ncat/coronavirus-covid-19.html>

Making an Application to the Tribunal

If you have a dispute with your landlord, housing provider or land lease community operator, consider making an Application to the Tribunal for an independent, legally binding decision. Refer to our general factsheet on the Tribunal (tenants.org.au/factsheet-11-nsw-civil-and-administrative-tribunal) for the kinds of application you can make and the time limits you should observe.

During COVID-19, parties are encouraged to make Applications online. If this is not possible, you can still download the Application from the Tribunal website and lodge it at Services NSW. Depending on the Tribunal's caseload, it may take weeks before a matter is listed for hearing. If you require an urgent hearing, you should complete the Tribunal Application and attach to it a written request for an urgent hearing *clearly indicating either your email or phone number for **urgent contact***. You will need to explain why an urgent hearing is required. The Tribunal may or may not allow the expedited hearing.

Always check with the Tribunal registry whether your Application or other request or correspondence have been received. Once you lodge your Application, you should receive an email or letter with a Tribunal file number and further directions about the timetabling of your case. There are seven Registries across the State: **Sydney, Liverpool, Parramatta, Newcastle, Penrith, Tamworth and Wollongong**. The Registry that is handling your case will be noted at the bottom of the Tribunal's letterhead.

Notice of Hearing and Directions

When an Application is made to the Tribunal, a **Notice of Hearing and Directions** will be sent out to the parties by the Tribunal either in email (if this is provided) or letter to the address nominated in the Application. The Applicant is the party making the Application and the Respondent is the party responding to the Application.

This Notice will contain important information including: the date and time of the hearing and timetabling of your

case, including deadlines by which a party must file all the material that they intend to rely on at the hearing.

All listings for hearings are published on the Tribunal website. You can look up the Hearing List at the assigned Tribunal Registry at: <https://online.ncat.nsw.gov.au/mobile/hearinglists>. These lists provide details of hearings in the Tribunal's Consumer and Commercial Division that are scheduled over the following 14 days.

Filing your evidence

Read the Tribunal directions carefully. You must comply with these directions including any specific instructions about how your evidence should be presented, such as using coloured photographs or ordering and numbering every page.

If you do not comply with the directions/deadline, the Tribunal may decide not to consider your material. If you need further time to lodge your material or to respond to an Application made against you, you should make a written request for extra time to the Tribunal. A list of all the Tribunal Registries and their contact details are below.

As a rule of procedural fairness, you **must** serve on the other party the same (and all) documents you file with the Tribunal. This can be done by copying both the Tribunal and the other party in the email.

The Tribunal has a financial impact statement form which you can fill out carefully and attach any relevant material. https://ncat.nsw.gov.au/content/dam/dcj/ctsd/ncat/documents/forms/ccd_form_tenancy_financial_statement_covid19.docx

During a phone or online hearing

Many Tribunal hearings are now being conducted over the phone and by audio-visual linkup using Microsoft Teams. You will receive the Notice of Hearing specifying the date and time for hearing. You can also check the Hearing List on the Tribunal website.

The Notice of Conciliation and Hearing will provide

details of your hearing and instructions on how to join the telephone or virtual hearing. Please ensure you ring or log in 5 minutes before the hearing to make sure your technology is working

The Notice of Hearing will also contain the details you need to join the hearing on the day. You can participate in the hearing by joining the virtual hearing room or you can attend the hearing by phone (audio only).

The details you will need to join the hearing are:

1. The url to join the virtual hearing room or (if you prefer) the phone number to dial into the hearing; and
2. Your 'Meeting ID'.

If you are unsure of these details you can call the relevant Tribunal Registry and/or refer to the hearing list.

You will need to actively join the hearing by phone or audio visual link. The Tribunal will not contact you for the hearing.

Tribunal hearings can run late (or early), If you do not join the hearing promptly, it is likely that the Tribunal may make orders in your absence. You can ring the Registry to check if the Tribunal is running late.

In practice, the duration of hearings can vary. You can check how much time your matter has been allocated by looking up the Hearing List at the assigned Tribunal Registry.

If both parties have supplied all of their evidence at the date of the first hearing, the Tribunal may proceed to deal with the matter at the first hearing. However, if you believe that you have not had a proper chance to submit relevant evidence in support of your case, or if you need more time to do so, you can request an adjournment of the matter at the hearing for this reason.

It is possible that your matter will take more than one hearing to resolve, particularly if there is some complexity to the matter or a lot of issues to consider. The parties should continue to negotiate and try to resolve the dispute outside of the hearing.

If you believe that the Tribunal has not properly reviewed your material or adequately considered your matter, raise this before the end of the hearing and ask the Tribunal Member for written reasons of their decision. For more information about challenging a decision, refer to our general factsheet on the Tribunal: www.tenants.org.au/factsheet-11-nsw-civil-and-administrative-tribunal

Contacts and links

Contact the Tribunal (have your file number ready)

- **Phone: 1300 006 228**
Translating and Interpreting Service: 131 450
National Relay Service: 1300 555 727
- **Email:**
Sydney: ccdsydney@ncat.nsw.gov.au
Liverpool: ccdLiverpool@ncat.nsw.gov.au
Parramatta: ncatparramatta@ncat.nsw.gov.au
Newcastle: ccdnewcastle@ncat.nsw.gov.au
Penrith: ccdpenrith@ncat.nsw.gov.au
Tamworth: ccdTamworth@ncat.nsw.gov.au
Wollongong: ccdWollongong@ncat.nsw.gov.au

Other useful information

- **Tribunal Coronavirus (COVID-19) web page:**
<https://ncat.nsw.gov.au/ncat/coronavirus-covid-19.html>
- **Temporary arrangements for lodging documentation during COVID-19 by email:**
www.ncat.nsw.gov.au/documents/covid-19/temporary-arrangements-to-lodging-documentation.pdf
- **Tribunal Hearing Lists:**
<https://online.ncat.nsw.gov.au/mobile/hearinglists>
- **Tenants' Union general Tribunal factsheet:**
www.tenants.org.au/factsheet-11-nsw-civil-and-administrative-tribunal

Thanks to the Inner Sydney TAAS at Redfern Legal Centre for initial research and drafting of this infosheet.

Infosheet updated 8 March 2022.

For free tenancy advice, call your local Tenants Advice and Advocacy Service:

SYDNEY:

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

REGIONAL:

• Blue Mountains	4704 0201
• Central Coast	4353 5515
• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

ABORIGINAL:

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
• North NSW	1800 248 913

WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by, the law as it applies in New South Wales, Australia. ©Tenants' Union of NSW