

Temporary changes to NCAT operations

Effective date: 9 October 2020

Replaces: Message from the President, 12 August 2020 - Coronavirus (COVID-19)

The Tribunal is monitoring the Commonwealth and State Governments' announcements and health advice relating to Coronavirus (COVID-19).

Hearings

In an endeavour to contain the effects of COVID-19 and keep the Tribunal operational as much as possible, the following temporary procedures are being implemented. The primary aim is to remove the need for parties to physically come to the Tribunal.

From 30 March 2020, the Tribunal (all Divisions and the Appeal Panel) has been conducting all stages of its hearings by phone, audio visual link or on the papers. This arrangement will continue until December 2020.

Where a matter is decided "on the papers", this means the matter is decided without a hearing. This involves the Tribunal considering the documents that are lodged by all the parties and then making a decision about the case.

No face-to-face hearings will be conducted without prior approval of the President.

Whilst the Tribunal is currently listing most cases it is not possible for the Tribunal to continue hearing cases within its usual time standards. Priority will be given to urgent cases.

At this stage NCAT will be prioritising cases as follows:

- **Guardianship Division** – matters where the risk to the person who the hearing is about is assessed as high, urgent or serious based on the information available to the Tribunal.
- **Administrative and Equal Opportunity and Occupational Divisions** – any matters that can be heard on the telephone or on the papers.
- **Consumer and Commercial Division** –
 - [Tenancy matters](#)
 - Other urgent matters that arise in the following circumstances:
 - to address an imminent danger to a person's health or welfare;
 - to prevent unauthorised work being carried out;
 - to prevent property being damaged; or
 - where a lessee may be locked out of a retail shop or residential premises.
- **Appeal Panel** – any matters that can be heard on the telephone or the papers.



Filing documents

In order to further minimise the need to personally attend NCAT registries, the Tribunal will allow filing electronically where a party is unable to post an application or other documentation. The requirements in relation to this are [attached here](#).

Adjournments due to illness

If you are scheduled to attend by phone and you are too unwell to participate, for a reason related to the Coronavirus for:

- **Guardianship Division** matters, please contact the Registry by email or phone in the usual way;
- **Other Divisions and NCAT Appeal Panel** matters, you can use this [email template](#) to contact NCAT and apply for an adjournment. In considering the application for adjournment, the Tribunal will take into account the current exceptional circumstances and any inability to obtain a medical certificate.

Please note that these measures are current at the date of this notice.

Attending NCAT registries

Please try to avoid attending the NCAT registry in person. Do not attend if:

- If you have had close contact with **someone diagnosed with or suspected or confirmed as having Coronavirus (COVID-19)** in the last 14 days **DO NOT ATTEND NCAT**
- If you are feeling unwell and experiencing any of the following symptoms - fever, cough, sore throat or shortness of breath **DO NOT ATTEND NCAT**

Registrars/Sheriff officers may deny entry or request any person to leave a building.

NSW Health advise that people should **stay at home if they are feeling unwell.**

For the latest updates from NSW Health visit their [website](#).

The Hon Justice Lea Armstrong

President

9 October 2020