

Temporary changes to NCAT procedures to minimise the spread of Coronavirus (COVID-19)

Effective date: 18 March 2020

Replaces: Message from the President, 17 March 2020 - Coronavirus (COVID-19)

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

In an endeavour to contain its effects and keep the Tribunal operational as much as possible, the Tribunal is implementing the following temporary procedures. The primary aim is to minimise the need for parties to physically come to the Tribunal in the near future and to develop methods of dealing with cases that do not require face-to-face contact.

Listings other than substantive hearings

- Directions hearings, callovers, conciliation conferences and some other interlocutory hearings will be conducted where possible by telephone or audio visual link, rather than in person.
- Return of Summons lists will be conducted by telephone.
- Precise arrangements regarding telephone or audio visual link hearings will be provided separately.

Specific arrangements for substantive hearings in Divisions and for appeals

A 'substantive hearing' is a hearing, the outcome of which will determine the proceedings.

Administrative and Equal Opportunity Division and Occupational Division:

- Substantive hearings may be conducted, with the consent of both parties, by telephone or audio visual link, where appropriate, at the discretion of the Tribunal Member presiding and depending upon the availability of the necessary technology.
- Mediations and substantive hearings will not be conducted in regional areas where the Tribunal Member presiding would need to fly to the regional location. If both parties agree, such mediations and substantive hearings may be able to be conducted by telephone or audio visual link, at the discretion of the Tribunal Member or mediator.

Consumer and Commercial Division:

- Substantive hearings will continue to be conducted in regional areas at the current time.

MESSAGE FROM THE PRESIDENT



- Consumer and Commercial Division Group lists with multiple parties will be re-organised to reduce the need for attendance by parties and to stagger hearing times. Effective Monday 23 March 2020, all Group lists are suspended until further notice. Group List matters already listed at various venues across New South Wales will be adjourned to a further date to be fixed. Further information will be made available on the NCAT website and parties will be advised directly about when the Tribunal will deal with their applications. Future hearings will be by telephone wherever possible.
- Substantive hearings (whether listed for Greater Sydney or regional areas) may be conducted by telephone or audio visual link, where appropriate, at the discretion of the Member presiding and depending upon the availability of the necessary technology.

Guardianship Division:

- All hearings will be conducted by telephone or audio visual link. After careful consideration of the welfare and interests of the people who are the subject of applications in the Division, and the demographics of our hearing participants, we have decided that in person hearings should not occur at this time in this Division.
- The Division will be deferring all but urgent reviews of existing guardianship and financial management orders which would otherwise be listed for hearing in May and June 2020. To extend the operation of those orders until a hearing can be held, a notice of hearing will shortly be issued to parties in relation to each of these matters, to advise of a hearing date later this year.

Appeal Panel:

- Substantive hearings in appeals emanating from the Guardianship Division will be conducted by telephone or audio visual link.
- Substantive hearings in appeals emanating from the other three Divisions (Administrative and Equal Opportunity Division, Consumer and Commercial Division and Occupational Division) will be conducted by telephone or audio visual link, wherever possible. Where an 'in person' hearing is required, it is unlikely this would be conducted before October 2020, except in emergency or other exceptional circumstances.

Hearing rooms

- Where you attend NCAT in person, you should bring your own plastic water bottles. Water jugs and water glasses have been removed from hearing rooms.

Non-attendance at NCAT and request for adjournments

- If you are scheduled to attend NCAT in person but you are unable to do so, or 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;
 - for 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 (including the Appeal Panel, where relevant) will take into account the current unusual circumstances and any inability to obtain a medical certificate.

Please note that these measures are current at the date of this notice. It is expected that the position may change as the situation develops and you should confirm the position seven days prior, and then on the day prior, to any hearing you are involved in.

MESSAGE FROM THE PRESIDENT



NCAT
NSW Civil &
Administrative
Tribunal

Where hearing schedules are disrupted, priority will be given to the most urgent matters across the Tribunal.

Attending NCAT premises

NCAT remains open for business. In order to adhere to NSW Health advice the following measures apply:

- **DO NOT ATTEND A TRIBUNAL unless you:**
 - are a party to a tribunal matter or a party's legal representative;
 - require face-to-face services of the registry; or
 - are a bona fide representative of an established news-media organisation.
- **Despite the above**, 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**
- If you have travelled and returned from overseas in the past 14 days **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 or have been to a country considered at a higher risk of Coronavirus in the past 14 days.**

If you consider that this advice applies to you please **DO NOT ATTEND**. If you are a party to proceedings, you should contact NCAT or your legal representative.

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

The Hon Justice Lea Armstrong
President
18 March 2020