



# Application to reinstate proceedings

## SECTION 55(2) OF CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013

Complete this form to apply to reinstate proceedings that were dismissed under section 55(1)(c) of the *Civil and Administrative Tribunal Act 2013* because you failed to appear in the proceedings.

### IMPORTANT INFORMATION:

- This application must be made **within 7 days** of the decision being made, unless the Tribunal extends that time.
- Only the applicant/appellant to the original proceedings or their representative can apply for a reinstatement.
- Before making a decision the Tribunal Member will ask the other parties their view on having the application reinstated.

### File Number

Office use only

## 1. PROCEEDINGS FOR REINSTATEMENT

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In which NCAT Division were the proceedings that you want reinstated?

- Division**
- Administrative and Equal Opportunity Division       Consumer and Commercial Division
- Guardianship Division       Occupational Division       Appeal Panel

NCAT File Number

Date of Orders dismissing proceedings

## 2. APPLICANT FOR REINSTATEMENT

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Only the applicant/appellant to the original proceedings or their representative can apply for a reinstatement. Provide details of who is applying for the reinstatement of the proceedings. For multiple applicants attach details on a separate sheet

Full name

Representative name (if applicable)

**Contact details**      Daytime telephone      Mobile

Email address\*

\* By providing an email address you are agreeing that any NCAT notices, orders and correspondence can be emailed to you. Please ensure the email address provided is accurate and the email account is checked regularly.

## 3. RESPONDENT

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A copy of the application for reinstatement will be sent to the other parties. They will usually be given time to respond to the application to reinstatement. Complete respondent details below.

Full name

**Contact details**      Daytime telephone      Mobile

Email

## 4. REASONS FOR REINSTATEMENT

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The Tribunal can only reinstate proceedings if it considers there is a reasonable explanation for your failure to appear.

Explain why you did not appear at the hearing and why the proceedings should be reinstated. Attach any documents that support your explanation such as medical certificates, travel documents, emails or other communications. Attach additional pages if needed.

## 5. EXTENSION OF TIME

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This application must be lodged within 7 days of the orders dismissing the proceedings. The Tribunal can extend this time if there are special circumstances.

**The application is lodged in time**

OR

**This application is not lodged in time and I have an explanation.**

Explain why you did not lodge the application within 7 days of the dismissal and why time should be extended. Attach any documents that support your explanation such as medical certificates, travel documents, emails or communications. Attach additional pages if needed.

## 6. ON THE PAPERS HEARING

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The Tribunal may deal with this application on the basis of the written material filed without holding an oral hearing (called a 'hearing on the papers'). This can occur if the Tribunal is satisfied that the issues for determination can be adequately dealt with without an oral hearing. If the application to reinstate proceedings is granted, the Tribunal Member will give direction to progress the original application or appeal.

**I want this application to be dealt with on the papers**

OR

**I do not want this application to be dealt with on the papers.**

Explain why the Tribunal should not be satisfied that the application to reinstate can be adequately dealt with on the papers. Attach additional pages if needed.

## 7. APPLICATION CHECKLIST

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**I have attached all other documents relevant to this application**

*Note:* A copy of this application and any attachments will be sent to the other party. You should not include any confidential information you do not want disclosed to the other party.

**I have made a copy of this application for my own records**

**I have attached the application fee**

Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or Service NSW Centre. Concession fee applicants must provide a photocopy of their concession card.

If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

## 8. SIGNATURE

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Name

Signature

Date

### Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Registry locations refer to information on your Tribunal orders or NCAT correspondence. For all NCAT enquiries telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).