



Consumer and Commercial Division Guideline August 2017

Online applications

What does this Guideline explain?

1. This Guideline is issued sets out the policy and procedures that apply in Consumer and Commercial Division proceedings where a party wants to lodge and receive documents electronically under Part 3 of the *Civil and Administrative Tribunal Regulation 2013* (the Regulation).
2. The purpose of this direction is to set out protocols for users of the NCAT Online and the NCAT Electronic Case Management System (known as the 'ECM system').

Definitions

3. Definitions that explain words or concepts used in this guideline are at the back of the guideline.

Which applications can be lodged online?

4. The following Consumer and Commercial Division matter types can be lodged electronically by means of the NCAT Online system:
 - a) All Tenancy List matters;
 - b) All Social Housing List matters;
 - c) All Home Building List matters;
 - d) All Residential Parks List matters;
 - e) General List consumer claim matters;
 - f) Motor Vehicles List consumer claim matters.

How is an application lodged online?

5. An application may be lodged by means of NCAT Online, by:
 - a) The party or;
 - b) A person who is authorised to sign the document under clause 22 of the Regulation; or
 - c) A person who has been directed to lodge the application by the party.
6. When lodged by means of NCAT Online, an application is taken as being:
 - a) duly signed, and;
 - b) to have been duly authenticated for the purposes of Schedule 1 Clause 5 of the *Electronic Transactions Act 2000*, if the person's name is printed where his or her signature would otherwise appear.

7. An application that is lodged by means of NCAT Online is deemed to be lodged and accepted by a Registrar on the day of lodgement, except in the Consumer and Commercial Division Home Building List where preliminary alternative dispute resolution provisions apply under the *Home Building Act 1989*.

How is an application that is lodged online listed for hearing?

8. Where an application is lodged by means of NCAT Online and a hearing date can be allocated immediately, notification of the hearing date, time and place will be communicated to the applicant by one the methods set out in paragraphs 8 and 9.
9. Where the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be sent to that email address. This notice should be either printed or saved electronically as no further notice of hearing will be issued.
10. If the applicant has not provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be displayed on the screen at the conclusion of the online lodgement process. This notice should be either printed or saved electronically as no further notice of hearing will be issued.
11. Where an application is lodged by means of NCAT Online and a hearing date cannot be allocated immediately and the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be sent to that email address at a later date. This notice should be either printed or saved electronically as no further notice of hearing will be issued.
12. Where the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, irrespective of the method of lodgement of the application, all notices for second and subsequent hearings, Tribunal orders and other case related correspondence will be sent to that email address via the ECM system.

Will the other party be notified of the hearing electronically?

13. The Registrar will not notify the other party of the hearing electronically unless the party consents.

What do some of the words in this Guideline mean?

- **Act:** *Civil and Administrative Tribunal Act 2013 (NSW)*
- **Adjournment:** A postponement or delay, by order of the Tribunal, of any hearing, directions hearing or interlocutory hearing.
- **Hearing:** A hearing, final hearing, interlocutory hearing, directions hearing, conclave or mediation.
- **Party or parties:** A person or entity involved in a particular case or joined to the proceedings under section 44 of the Act. The Tribunal calls the person or entity that brings an application 'the applicant' and the person or entity they seek orders against 'the respondent'.

- **Registrar:** The Principal Registrar or any other person employed as a Registrar of the Tribunal.

This Guideline applies to:

Proceedings in the Consumer and Commercial Division of the Tribunal.

Effective Date

1 August 2017

Notes

You must use the latest version of this Guideline. The latest version of this Guideline is on the [NCAT website](#).

The law about the information in this Guideline is mainly in:

- Sections 36, 38 and 51 of the *Civil and Administrative Tribunal Act 2013*
- Clauses 10, 11 and 12 of the Civil and Administrative Tribunal Rules 2014.

There is a copy of this Act on the [NSW Legislation website](#).

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