

NCAT Policy 6
June 2017

Communicating with the Tribunal and Members

Purpose and Scope

1. This policy provides guidance for parties and other persons involved in proceedings in the Tribunal about how and when they can communicate with a Tribunal Member or Registry staff.
2. For the purpose of this policy, a reference to a party or other person involved in proceedings in the Tribunal includes:
 - a) a legal representative of the party or other person; and
 - b) anyone else acting on behalf of the party or other person.

How parties and other person can communicate with NCAT Members

3. Parties to Tribunal proceedings can speak to the Member or Members hearing their matter during the hearing.
4. In addition, a party can, and is often required to, give to the Tribunal and to the other parties copies of all documents the party wants the Member or Members hearing the matter to consider. Since Divisions have different requirements for how to do this, parties should check the requirements for the relevant Division before giving documents to the Tribunal. If the Tribunal makes directions on how documents are to be given, the parties must comply with those directions.
5. Registry staff will give the Member or Members hearing the matter any application, reply, written evidence or submissions that a party has lodged before the hearing if the Division's requirements have been complied with. If the other parties have received a copy of those documents and have had time to respond, the Member or Members will generally consider the contents of those documents at the hearing.
6. If an application, reply, written evidence or submissions are sent to the Registry after the hearing, the situation is different. Even if a copy has been given to all other parties, the Member or Members generally will not consider these additional documents. The Member or Members may consider the documents if permission has been given for these documents to be lodged after the hearing or there is some other good reason why they should be considered.
7. In addition, if a Member is acting as a conciliator or mediator helping the parties to resolve their issues at an NCAT hearing, conciliation or mediation, the parties can speak to the Member while the Member is conducting the conciliation or mediation.

8. All communications not at a hearing, conciliation or mediation and intended to be considered by the Member or Members should be:
 - a) in writing;
 - b) addressed to the Registrar (not an individual Tribunal Member);
 - c) copied to all other parties (The fact that it has been copied to the other parties can be indicated by writing and completing “cc: [*insert name of each party given a copy*]” at the end of the letter or cc’ing them on the email).

How parties and other person can communicate with the Registry

9. Parties and other interested persons can obtain information about how NCAT works, the application process, hearings and similar matters from the [NCAT website](#). If the relevant information is not on the website, parties and other persons can contact an NCAT Registry by:
 - a) going to the Registry in person. To view Registry locations visit “Contact NCAT” on the above website; or
 - b) telephoning the Registry on 1300 006 228.
10. Further information concerning communications with Registry staff is provided on the NCAT website including, for example, the NCAT Fact Sheet [How we can and cannot assist \[PDF, 119kB\]](#).

How parties and other persons cannot communicate with NCAT Members

11. Apart from the types of communication referred to in sections *How parties and other person can communicate with NCAT Members* and *How parties and other person can communicate with the Registry* above, parties or other people involved in proceedings should not contact, or attempt to contact, Members, or anyone associated with a Member, about proceedings. This includes communicating, or attempting to communicate, face to face, by telephone, by email, by mail, through social media or by any other means.
12. Communicating or attempting to communicate with a Member without the other parties being aware or present may be seen as potentially compromising the Member’s independence and impartiality.
13. In various circumstances, including for example if the purpose of the communication is to influence, harass or intimidate the Member, inappropriate communication with a Member may be a crime. It can be expected that communications of this kind will be reported to police.

The Hon Justice Robertson Wright

President

June 2017