

FACT SHEET – NAMING PARTIES IN A NTCAT PROCEEDING

When filing a Form 1 Initiating Application, the applicant must correctly identify the parties to the proceeding.

‘Applicant’ and ‘respondent’ are the general names given to the parties. There can be more than one applicant and more than one respondent.

NTCAT cannot give advice about who are the correct parties to a proceeding or the correct legal name for the parties.

A document, invoice, receipt, contract or agreement related to the dispute may assist the applicant to correctly identify the appropriate legal entity and legal name.

If the parties to a proceeding are not correctly identified and named, any orders made by NTCAT may not be enforceable.

If in doubt, the parties should obtain legal advice

How to name parties in a proceeding

This fact sheet is provided as a guide about who may be a party to a proceeding before NTCAT. It provides general information and examples. It should not be considered legal advice.

Type of entity	Can the entity be named as a party?	Comment	Example
Individual person	Yes – full name (first and last name)	If the individual is a sole trader that trades under a registered business name, include the registered business name and Australian Business Number (ABN)	John Doe Or John Doe trading as Big Wheels NT (ABN: 12345678)
Company	Yes – full registered company name (will usually have the letters ‘Pty Ltd’ or ‘Ltd’ after their name) and Australian Company Number (ACN) – if the company is trading under a business	You may also need the address of the registered office of the company for service	Aussie Haulage Pty Ltd (ACN 00000000) Or Aussie Haulage Pty Ltd (ACN 00000000) trading as Big Wheels NT (ABN 1234568)

	name, also include that name		
Trust	No – the trust cannot be a party	The trustee for the trust is the party	Jane Smith as trustee for the John Doe Trust Or Aussie Haulage Pty Ltd (ACN 00000000) as trustee for Big Wheels NT Trust
Body Corporate	Yes – identify the body corporate by the relevant identifying number, such as the Unit Plan Number		The Proprietors of Unit Plan 01/123
Government or Government Department	Yes – name the State or Territory		Northern Territory of Australia
Partnership	No	The individuals that make up the partnership must be named	Jane Smith and John Doe
Incorporated Association	Yes – full name of incorporated association		John Doe Association Inc
Registered Business Name	No	The individual or company trading under the registered business name must be named	John Doe trading as Big Wheels NT (ABN 12345678) Or Jane Smith and John Doe trading as Big Wheels NT (ABN 12345678) Or Aussie Haulage Pty Ltd (ACN 00000000) trading as Big Wheels NT

Applications for review of government decisions

If your NTCAT matter involves a challenge to a decision by a government officer or authority, the person or authority who made the decision should usually be named as the respondent.

Applications against a company or business

The Australian Securities and Investment Commission (ASIC) maintains registers showing information about the names, addresses and ownership of companies and businesses.

The information contained in these registers may assist the applicant to correctly identify the parties to a proceeding or the correct legal name for the parties in the case of a company, business or organisation. You may give NTCAT a copy of the search result but you are not required to do so.

For a company, you may request a 'company extract' from ASIC which will show:

- the name of the company and Australian Company Number (ACN)
- the registered address of the company
- the names of the officeholders and other roles in the company

For a registered business, you may request a 'business name extract' from ASIC which will show:

- the name of the business
- the address for service of documents
- the names of the entities that hold the business name

The registers can be searched online at: <http://www.asic.gov.au>

ASIC can also be contacted by telephone on 1300 300 630 within Australia.

A fee may be charged for certain information contained in the registers. NTCAT cannot obtain, or pay the costs associated with obtaining, this information for parties.

Application against an incorporated organisation

Licensing NT maintains a register showing of the following information about organisations:

- a public register of association names
- financial statements
- constitutions
- names and addresses of public officers

The public register can be accessed via the following website address for NT Licensing:

<https://licensingnt.nt.gov.au/PublicRegister/>

NT Licensing can be contacted by email at agd.licensingnt@nt.gov.au or telephone on (08) 8999 1800.