

INFORMATION SHEET – DEFAULT DECISIONS

As of 3 December 2018, NTCAT has the power in some cases to make a default decision and orders pursuant to section 101A of the *Northern Territory Civil and Administrative Tribunal Act*.

Such a decision may be made if:

- an Initiating Application involves a claim for a debt or other fixed sum owing;
- the respondent does not file a Response to the Initiating Application when it is served; and
- the applicant files an unattested declaration (new NTCAT Form 7) proving service of the Initiating Application and confirming that the sum claimed remains owing.

In the past, for uncontested matters where a respondent failed to file a Response, NTCAT would issue standard orders listing the matter for a hearing and requiring the applicant to provide evidence in support of their claim.

For uncontested matters that may qualify for a default decision, NTCAT will from now on issue standard orders requiring the applicant to file a Form 7 Unattested Declaration (Default Decision). The matter will then be dealt with by an NTCAT member without the requirement for the applicant to attend a hearing. The member will either make a default decision and orders or will make orders identifying any further steps that may be required.

Other uncontested matters will continue to be dealt with as before, that is, they will be listed for a hearing.