

INFORMATION SHEET – EXTENSION OF TIME TO COMMENCE A NTCAT PROCEEDING

There are several important things to note regarding NTCAT's ability to grant an extension of time to commence NTCAT proceedings:

- first, NTCAT may not have power in a particular case to grant an extension of time. In other words, some time limits for commencing NTCAT proceedings are *absolute*. Whether NTCAT can grant an extension of time to commence a proceeding will be affected by the legislation under which the proceeding is brought and can involve difficult legal questions. It is *always* safest to make sure that NTCAT proceedings are commenced within the applicable time limit;
- secondly, an extension of time cannot be granted prior to the commencement of a proceeding;
- thirdly, the procedure for seeking an extension of time is to file an Initiating Application and to include in it a request for the extension. The form for the Initiating Application includes a section for such a request (see Form 1 Part H item 3); and
- fourthly, in matters where an extension of time is requested, NTCAT will make orders about how and when that issue is to be determined. Depending on the type of case, the issue may be determined before, or at the same time as, the main hearing.