

## INFORMATION SHEET – TRIBUNAL PROCEEDINGS

Information about NTCAT and its process and procedure can be found at NTCAT's website at: [www.ntcat.nt.gov.au](http://www.ntcat.nt.gov.au).

This information sheet sets out some information in relation to issues that may arise during the course of proceedings.

### Communication With NTCAT To Include Other Parties

It is important that parties to NTCAT proceedings recognise the need for the tribunal to remain completely independent, and also to be seen as independent.

This means that any correspondence sent to NTCAT must also be sent to all other parties involved in the proceeding.

If you send an email to NTCAT without copying in the other party, NTCAT will remind you of the need to do so and forward a copy of your email to the other party in that response.

If you disadvantage a party by not giving them a copy of correspondence, it may delay the proceeding.

In some limited circumstances NTCAT will accept a communication from one party without the party being included. For example, where one party seeks an adjournment and would like to submit a private medical report as evidence and which they would not like disclosed to the other party. In those circumstances parties are encouraged to phone the NTCAT registry first for guidance.

### Communication With Tribunal Members

Parties must not contact or attempt to contact Members directly about proceedings. This includes communicating or attempting to communicate in person, by telephone, by email, by social media or any other way.

If you wish to make a submission or seek to raise an issue with a Tribunal member, this should be communicated to the NTCAT registry.

If a decision in a proceeding is reserved, a party must not send to or lodge with the tribunal any further information or evidence relating to the proceeding, unless the tribunal has made an order permitting them to do so.

### SMS (Mobile Phone Text) Notifications from NTCAT

NTCAT regularly sends SMS messages to parties 2 days prior to a listing as a reminder of the upcoming listing.

This is a courtesy and should not be relied upon by parties. Parties should rely on the NTCAT orders which set out timeframes and should plan accordingly.

## Legal Representation

The majority of NTCAT proceedings are between parties who are self-represented and NTCAT's rules and procedures have been designed with this in mind.

In most cases (except for small claims where leave is required) parties are also entitled to have a lawyer represent them.

The decision to engage legal representation is a matter for each party. Parties are encouraged to consider:

- the costs involved of engaging a lawyer in the context of the amount being claimed;
- the complexity of the matter;
- that the usual rule in NTCAT proceedings is that the parties bear their own costs in a proceeding before the Tribunal; and
- seeking to have a matter reviewed because the other party was represented by a lawyer and you chose not to, is generally not considered a viable basis for review.

## Costs

Except in some limited circumstances, the usual rule in NTCAT proceedings is that the parties bear their own costs, this includes legal costs.

For more information about costs, parties are encouraged to view the information sheet which can be found at: [www.ntcat.nt.gov.au/publications/information-sheets-costs](http://www.ntcat.nt.gov.au/publications/information-sheets-costs).

## Appropriate Interactions With NTCAT Staff and Members

It is understood that Tribunal proceedings can be challenging and stressful to parties. NTCAT staff and members are understanding of this and aim to accommodate this as much as possible in their interactions and dealings with parties.

Parties are however reminded that inappropriate and/or offensive behaviours towards NTCAT staff and members is not accepted.

Where inappropriate and/or offensive behaviour occur, steps will be taken to address the issue. This may include being asked to leave the premises, termination of phone calls, restricting means of communication/interaction with NTCAT or reporting a person to the Northern Territory Police or other law enforcement body.

## Legal Advice - Staff and Members

NTCAT staff and members cannot act as an advocate or give legal advice.

While NTCAT staff can assist you in explaining process and procedure, they cannot advise you what you should do in a particular case and what the legal ramifications might be.

## Transferring Large Volumes of Material (Such as Evidence) To and From NTCAT

Due to Northern Territory Government security measures, NTCAT does not use products such as Google Drive and Dropbox.

NTCAT utilises a facility called FTP (File Transfer Protocol). The NTCAT staff can assist you for the purposes of utilising this facility.

## Electronic Case Files

NTCAT utilises electronic case files. Physical or hard copies of materials (including data storage devices such as flash drives/memory sticks) that are given to the tribunal prior to or during a proceeding will be copied/scanned and stored electronically in the electronic case file.

Unless the party that has given the materials to the tribunal requests their immediate return, those materials will be destroyed immediately after they are stored electronically in the electronic case file.