



# INFORMATION SHEET

## NAMING PARTIES IN NTCAT PROCEEDINGS

### Who are the parties in an NTCAT Proceedings?

When filing a Form 1 Initiating Application, the Applicant must correctly identify the parties to the proceedings. There will be an Applicant (the person or persons seeking the orders) and the Respondent (the person or persons responding to the application). There can be more than one Applicant and more than one Respondent.

### How do I correctly identify the Parties?

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.

### What if the Respondent is a Business or Company?

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.

In cases where the respondent is a company, the applicant must submit a copy of the current company extract from the Australian Securities and Investment Commission (ASIC). You can access the ASIC website [here](#). ASIC can also be contacted by telephone on 1300 300 630 within Australia.

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

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 but it may be claimed as a cost that the other party must pay if you are successful in your claim at NTCAT

### What if the Respondent is an incorporated organisation (such as a sporting club)?

Licensing NT maintains a register showing information about organisations. This includes a public register of association names, financial statements, constitutions and names and addresses of public officers.

The public register can be accessed at the following website [Public Register](#). NT Licensing can also be contacted by email on [agd.licencing@nt.gov.au](mailto:agd.licencing@nt.gov.au) or telephone on (08) 8999 1800.

## Who is the Other Party in Residential Tenancy Agreements?

NTCAT cannot advise who is a party to proceedings, however generally the Respondent in a Residential Tenancy matter is the owner of the property and not the real estate agent. For example, if you are seeking return of your bond, it is the owner of the property that must be named. Please refer to the residential tenancy agreement for details and our information sheet on seeking assistance in residential tenancy matters.

## What happens if I do not name the parties correctly?

If the parties to a proceeding are not correctly identified and named, the Tribunal may either not be able to make the orders you are seeking or the orders made may not be enforceable. If in doubt you should always seek legal advice, please refer to the NTCAT Information sheet about obtaining advice which can be found [here](#).

## How do I name parties?

Please see some examples below of naming parties in a proceeding. This should be used as a guide only, it should not be considered as legal advice.

Individual Person	<b>Can an individual be named as a party?</b> Yes, full name (first and last name)
	<b>Note:</b> If the individual is a sole trader that trades under a business name, include the business name and Australian Business Number. (ABN)
	<b>Example:</b> John Doe Or <b>John Doe trading as Big Wheels NT</b> (ABN: 1234567678)
Company	<b>Can a company be named as a party?</b> Yes, full registered company name (will usually have Pty Ltd or Ltd after the name and Australian Company Number (ACN), if they also trade under a business name, also include that name)
	<b>Note:</b> You will locate the information about the company name and number through the ASIC website. Please note that when you are required to serve documents upon a company, there are different rules that apply. It will be important to know the "registered office" details and the name and address of the Directors of the company
	<b>Example:</b> Aussie Haulage Pty Ld (ACN 00000000) Or <b>Aussie Haulage Pty LTd (ACN 00000000) trading as Big Wheels NT</b> (ABN 12345678)
Trust	<b>Can a Trust be named as a party?</b> No, The Trust cannot be a party.
	<b>Note:</b> The Trustee of the Trust must be the named party.
	<b>Example:</b> Jane Smith as Trustee for the John Doe Trust Or <b>Aussie Haulage Pty Ltd (CAN 00000000) as trustee for Big Wheels NT Trust (ABN: 1234567678)</b>

Body Corporate	<b>Can a Body Corporate be named as a party?</b> Yes, identify the body corporate by the relevant identifying number such as the Unit Plan Number
	<b>Example:</b> The Proprietors of Unit Plan 01/123
Government or Government Department	<b>Can the Government or a Government Department be named as a party?</b> Yes, name the State or Territory
	<b>Note:</b> 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.
	<b>Example:</b> Northern Territory of Australia
Registered Business Name	<b>Can a Registered Business Name be named as a party?</b> No,
	<b>Example:</b> John Doe trading as Big Wheels NT (ABN12345678) Or Jane Smith and John Doe trading as Big Wheels NT (ABN12345678) Or Aussie Haulage Pty Ltd (ACN) trading as Big Wheels NT
	<b>Note:</b> the individual trading as the registered business name must be named.
Deceased Estate	<b>Can a deceased estate be named as a party?</b> No the estate cannot be a party.
	<b>Note:</b> the executor or administrator of the estate is the party
	<b>Example:</b> Jane Smith as executor/administrator of the estate of the late John Smith (deceased).
Partnership	<b>Can a partnership be named as a party?</b> No
	<b>Note:</b> The individuals that make up the partnership must be named
	<b>Example:</b> Jane Smith and John Doe
Incorporated Association	<b>Can an incorporated association be named as a party?</b> Yes
	<b>Example:</b> John Doe Association Inc