

INFORMATION SHEET

FORM 1 INITIATING APPLICATION

NTCAT proceedings (apart from guardianship and mental health matters) are commenced by filing a Form 1 Initiating Application and paying the applicable fee or being granted a fee waiver.

It is important to include as much detail as possible in the Form 1 Initiating Application, otherwise your application may be delayed, or in some cases, not accepted.

PART A - Naming Parties

The Applicant must correctly identify all parties in the proceeding. The parties can either be an individual person, a company, a body corporate, a trustee, a government department or the government.

NTCAT cannot give you any advice about who are the correct parties or the correct legal name of the parties. If you require assistance, you should seek legal advice or review the NTCAT guide for 'Naming Parties to a Proceeding' which can be found on the NTCAT website.

PART B - Applicant/s Details

If you are making the application, then you are the Applicant. There can be more than one Applicant in a proceeding.

The Applicant must provide their correct legal name, postal address, email address and contact number to NTCAT.

Full Name/s:	John Doe
Postal address:	1 Smith St, Nightcliff, NT 0810
Email address:	john.doe@outlook.com
Phone number:	0419 222 333

PART C - Applicant/s Representative Details

Legal representation is not required for NTCAT proceedings. However, if you wish to use the services of a Lawyer or a professional advocate, such as a real estate agent, then you must provide the details of your representative in the Form 1 Initiating Application.

If you do not have any representation and are self-represented, then you should leave this section blank on the Form 1 Initiating Application.

PART D - Respondent/s Details

The Respondent is who you are making your claim against. There can be more than one Respondent in a proceeding and the Applicant is responsible for identifying the Respondent/s correct legal name. This also includes providing their correct address and contact details for the application to be processed.

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](https://asic.gov.au/).¹

PART E – Jurisdiction

NTCAT can only hear a case when an Act of Parliament gives NTCAT authority to do so. The NTCAT website has a list of Acts which NTCAT has jurisdiction to hear which can be found [here](https://ntcat.nt.gov.au/).²

The Applicant must identify the jurisdiction (the Act) they are relying upon to bring a proceeding before NTCAT. It is recommended that you check the relevant legislation and consider obtaining legal advice if you are unsure whether NTCAT can deal with your matter.

PART F – ORDER(S) SOUGHT

The Applicant must advise what outcome they want from their application. They will need to clearly convey what decision, remedy or order they want NTCAT to make. Some common orders that are sought are:

1. In a small claim matter, an Applicant might seek an order that the Respondent pay a specified amount of money owed to them.
2. In a residential matter, an Applicant might seek an order that the Respondent pay compensation for unpaid rent, terminate the rental agreement and vacate the property.

PART G – Grounds for Application

The Applicant must provide a summary of only the facts they are relying upon to bring this proceeding before NTCAT, not evidence. This summary must clearly explain the information for the Tribunal and the Respondent to understand the claim.

PART H – Fee Waiver

To apply for a fee waiver, you must provide written reasons to support your application for a fee waiver. NTCAT may also ask you to provide supporting documentation of financial hardship such as proof of income, proof of expenditure, proof of assets, proof of liabilities, bank statement/s, and/or letter of support from a service provider.

NTCAT considers applications for a fee waiver on a case by case basis. You will be advised in writing if the fee has been waived, or if you are still required to pay the fee in full for your initiating application to be processed.

¹ <https://asic.gov.au/>

² <https://ntcat.nt.gov.au/>