



# INFORMATION SHEET

## REOPENING PROCEEDINGS AT NTCAT

### Can I apply to have NTCAT proceedings reopened?

In some cases, a party may apply to have a proceeding reopened. Under section 80 of the NTCAT Act, this may be possible if the party or person:

1. Did not appear and was not represented at a relevant hearing for the decision, and had a reasonable excuse for not appearing or being represented at the relevant hearing; or
2. Consented to making the decision and believes there are grounds for it to be set aside by the Tribunal, including that the party's consent was obtained through fraud, duress, suppression of evidence, or false evidence.

If you were unaware of the matter at NTCAT and the decision was a 'default decision,' you will need to apply for an 'application to set aside a default decision.' This process is like a reopening but falls under a different section of the Act.

### Will NTCAT reopen my proceeding?

NTCAT will reopen a proceeding only if it satisfies the above factors. Your application could be unsuccessful if you cannot present evidence to meet the above requirements.

### What happens if NTCAT reopens the proceeding?

If you can present this evidence and your proceedings are reopened, NTCAT will ensure that the issues between the parties are adequately considered. If a proceeding is reopened, NTCAT will typically manage the matter as if the original hearing and order had not taken place. Depending on the circumstances, the parties may be required to participate in a compulsory conference before the matter proceeds to hearing again.

### How do I apply?

If you wish to reopen a proceeding or set aside a default decision, you must complete and submit a Form 3 – Ordinary Application. You have 28 days from the decision to apply for a reopening (although this period can be extended in certain circumstances). No fee is required for this type of application.

### Where can I get further information?

NTCAT cannot offer legal advice regarding the application to reopen a proceeding. Please refer to the [NTCAT Information Sheet: Legal Advice](#).

Please feel free to reach out to the NTCAT Registry at 1800 604 622 or [AGD.ntcat@nt.gov.au](mailto:AGD.ntcat@nt.gov.au) for further information.