

# INFORMATION SHEET

## SUPPORT PERSON

A support person is someone who will only be supporting the relevant party and not taking an active role in the proceedings.

A support person can be a family member, friend, colleague, union official etc.

### What can a support person do?

A support person can be present in the proceedings by way of sitting beside the party they are supporting and provide general assistance to that person. For example, the support person may help the party by providing comfort and other personal assistance.

### What can a support person NOT do?

A support person cannot play an active role in the proceedings by way of intervening and providing input in any way. For example, the support person cannot speak on the party's behalf, make submissions, or present the case.

If it is intended for the support person to play an active role in the proceedings, they must apply to become a 'Non-Legal Representative'. The party must file a Form 3 – Ordinary Application and complete the section for 'Leave to appear by a person who is not a legal practitioner (all NTCAT proceedings)'. The application must be approved or refused by the Registrar or Presiding Member before the hearing, and notification of outcome provided to the party.

### Can the other party object to the presence of a support person?

Yes, the other party in the proceeding may object to the presence or actions of a support person. If the other party does object, this objection will be considered by the Presiding Member. Only the Presiding Member can consider the arguments and decide if the presence of a support person is appropriate, or whether to limit that support person's involvement in the hearing.

### Do I need to apply to NTCAT to have a support person? Closed Hearings (CC, AG, any other 'closed' files)

All compulsory conferences, adult guardianship and any other 'closed' civil files are not open to the public. The party must apply to the Tribunal by way of email to have their support person present at the proceeding. The party does not need to complete a Form 3- an email for the file is sufficient.

### Open Hearings (All matters excluding CC, AG & any other 'closed' files)

All proceedings excluding compulsory conferences, adult guardianship and any other 'closed' civil files are open to the public. The party does not need to make a formal application to have the support person present in the proceeding. For example, the support person can attend Hearings and Directions Hearings without needing to ask the Tribunal for leave to appear as they are open hearings accessible to the public.