

INFORMATION SHEET

UNCONTESTED HEARINGS

What is an Uncontested Hearing?

In cases where the Respondent does not provide a Form 2 Response by the due date, the matter is considered uncontested and where it is deemed not able to be decided by a default decision it may be listed for an uncontested hearing.

NTCAT has the power to list a matter for an uncontested hearing if the following occurs:

- a Form 1 Initiating Application and NTCAT Standard Orders have been served on the Respondent and the Applicant has provided NTCAT evidence of this; and
- the Respondent does not file a Form 2 Response; and
- the Applicant provides evidence in support of their application.

When will NTCAT List the matter for Uncontested Hearing

If the Respondent does not file a Form 2 Response by the due date, NTCAT will issue orders listing the matter for an uncontested hearing. These orders will outline when the matter is going to be heard and require the Applicant to file evidence to prove their case. This is required 7 days before the hearing, if this is not supplied the hearing of the matter may be impacted.

Do I need to serve the other party with the uncontested hearing orders?

No, you do not need to notify the other party that the matter is being listed for uncontested hearing.

Do I need to attend the Uncontested Hearing?

Yes, the matter will be dealt with by an NTCAT Tribunal Member with the requirement for you to attend a hearing.

What will happen at the Uncontested Hearing?

The Tribunal Member will either make a final order or will make orders identifying any further steps required to progress the matter.

What happens if I get a final Orders in my favour?

If you receive a final order in your favour, you will need to serve the final order on the other party. If the other party does not comply with the order, you will then need to take enforcement action.

NTCAT does not have jurisdiction to enforce orders, so you will need to refer to the information sheet on enforcement to take further steps.