

# INFORMATION SHEET

## CHALLENGING AN NTCAT DECISION

NTCAT advises parties who are considering challenging a decision of NTCAT to seek independent legal advice.

If you were a party to a proceeding before NTCAT and disagree with its decision, there are several ways you may challenge the decision.

The alternatives depend on the type of decision and the basis on which you wish to challenge it. The three options are:

### 1. Internal Review

A party seeking an internal review must complete and file a Form 1 Initiating Application with the NTCAT registry.

An internal review will only proceed with the President's approval.

To apply for an internal review, you have 28 days from the date of the decision, and an application fee applies.

### 2. Appeal to the Supreme Court

There is a limited right to appeal to the NT Supreme Court against NTCAT decisions. An appeal can only be made on a question of law, and the Supreme Court must grant leave to appeal.

While a party may still seek leave to appeal an NTCAT decision at the Supreme Court, the Court can deny leave if it finds that the party should first pursue an internal review of the decision.

### 3. Reopening Proceedings

In cases where a party to the proceeding did not appear and was not represented at a hearing and had a reasonable excuse for not appearing, or consented to an order where there is an allegation of fraud or duress may apply for the decision to be set aside and the proceeding reopened.

The party may apply to have the proceeding reopened by completing and filing a Form 3 Ordinary Application.

Please see the Information Sheet: Reopening Proceedings.

## IMPORTANT INFORMATION – Stays of Orders

Filing an application for internal review or appealing to the Supreme Court does not affect the operation of the decision.

A party wishing to challenge an NTCAT decision must obtain a stay of that decision if they want to prevent the other party from taking steps to enforce it.

A stay may be granted by NTCAT itself or, in the case of appeals to the Supreme Court, by that Court. If an NTCAT order has been registered with the Local Court, a stay must be obtained from that Court to prevent further enforcement.

Even when a stay is requested, there is no guarantee it will be granted. The party applying for a stay of orders must demonstrate reasonable grounds for why NTCAT's decision should not benefit the other party until the challenge to the decision is determined.