

SERVICE GUIDELINES



1. NTCAT may refuse to deal with a matter if it is not satisfied that a document has been served.
2. In matters where it is not clear that a document has been served on a party (for example if the party does not attend for a scheduled hearing) NTCAT will require proof of service.
3. NTCAT Rule 3 deals with service of documents.
4. A person required to serve a document must take reasonable steps to bring the document to the attention of the other person and must do so as soon as possible (even if NTCAT has set a deadline).
5. A document is served on a person if the person required to serve it has brought the document to the other person's attention.
6. The following are examples of methods of service that are acceptable in NTCAT matters:
 - personally handing a document to the party;
 - delivering or mailing a document to the party's residential or business address – provided there is proof that the address is current and that the document reached the address (for example by reference to a tracking number);
 - emailing or otherwise electronically sending a document to the party – provided there is proof that the transmission was received (eg a read receipt or a reply to the email); or
 - any of the above methods of delivery to someone representing the party – provided there is evidence of such representation.
7. Mailing a document to a company's 'registered office' is effective service on a **company**. This method of service on a company is compliant with section 109X of the *Corporations Act 2001* (Cth). A company's registered office is shown on a company search obtained from the Australian Securities and Investment Commission ('ASIC'). A search of ASIC's registers can be done online. When providing proof of service on a company, a copy of the ASIC company search should be provided. The cost of an ASIC search can be claimed as an out of pocket expense under section 132(ba) of the *Northern Territory Civil and Administrative Tribunal Act 2014* (NT).
8. In matters where a party has been unable, despite reasonable attempts, to serve a document (for example because the other party is evading service or otherwise cannot be located) NTCAT may make orders as to how the document is to be served (for example by publication of a notice in a newspaper).
9. **IMPORTANT NOTICE – INTERSTATE RESPONDENT:** Service of an NTCAT Initiating Application on a respondent who is in another State or Territory is subject to the requirements of the *Service and Execution of Process Act 1992* (Cth) ('SEPA'). The Initiating Application **must** be served with a properly completed Form 4 under the *Service and Execution of Process Regulations 1993* (Cth). **In addition**, NTCAT's standard orders for matters involving interstate respondents involve different timeframes than apply to NT-based respondents. Failure to serve an interstate respondent with a properly completed Form 4 and NTCAT's '*Standard Orders – Interstate Respondent*' may mean that service is invalid under SEPA.