



NCAT Consumer and Commercial Division Procedural Direction 5

ONLINE LODGEMENT

This Procedural Direction applies to:	Consumer and Commercial Division
Effective Date:	1 January 2014
Replaces Procedural Direction:	Not Applicable
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at www.ncat.nsw.gov.au

Introduction

1. This direction is issued pursuant to section 26 of the *Civil and Administrative Tribunal Act 2013* (NCAT Act) and set out the policy and procedures which apply in Consumer and Commercial Division proceedings where a party wants to lodge and receive documents electronically pursuant to Part 3 of the *Civil and Administrative Tribunal Regulation 2013*.
2. The purpose of this direction is to prescribe protocols for users of the NCAT Online and the NCAT Electronic Case Management System (known as the 'ECM system').

Online lodgement of applications

3. The following Consumer and Commercial Division matter types can be lodged electronically by means of the NCAT Online system:
 - (a) All Tenancy List matters;
 - (b) All Social Housing List matters;
 - (c) All Home Building List matters;
 - (d) All Residential Parks List matters;
 - (e) General List consumer claim matters;
 - (f) Motor Vehicles List consumer claim matters.

4. An application may be lodged by means of NCAT Online, by:
 - (a) The party or;
 - (b) A person who is authorised to sign the document under clause 22 of the *Civil and Administrative Tribunal Regulation 2013*; or
 - (c) A person who has been directed to lodge the application by the party.
5. When lodged by means of NCAT Online, an application is taken as being:
 - (a) duly signed, and;
 - (b) to have been duly authenticated for the purposes of Schedule 1 Clause 5 of the *Electronic Transactions Act 2000*, if the person's name is printed where his or her signature would otherwise appear.
6. An application that is lodged by means of NCAT Online is deemed to be lodged and accepted by a Registrar on the day of lodgement except in the Consumer and Commercial Division Home Building List where preliminary alternative dispute resolution provisions apply under the *Home Building Act 1989*.

Notice of first hearing: applications lodged online

7. The Tribunal or a Registrar may issue a document to any party by means of the NCAT Online lodgement system or the NCAT ECM system.
8. Where an application is lodged by means of NCAT Online and a hearing date can be allocated immediately, notification of the hearing date, time and place will be communicated to the person (the applicant) lodging the application electronically in accordance with the methods set out in paragraphs 9 and 10.
9. Where the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be sent to that email address. This notice should be either printed or saved electronically as no further notice of hearing will be issued.
10. If the applicant has not provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be displayed on the screen at the conclusion of the online lodgement process. This notice should be either printed or saved electronically as no further notice of hearing will be issued.
11. It is the party's responsibility to contact the Registry to determine whether the hearing venue has the capacity to accommodate their laptop/tablet.
12. Where an application is lodged by means of NCAT Online and a hearing date cannot be allocated immediately and the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, the notice of hearing will be sent to that email address at a later date. This notice should be either printed or saved electronically as no further notice of hearing will be issued.

Notice of second and subsequent hearing and other documents

12. Where the applicant has provided an email address for the purpose of receiving notices, orders and other correspondence, irrespective of the method of lodgement of the application, all notices for second and subsequent hearings, Tribunal orders and other case related correspondence will be sent to that email address via the ECM system.

Requirement to serve other parties

13. Neither the Tribunal nor the Divisional Registrar will serve notice to the other party to proceedings electronically unless the party consents.

Compliance with procedural directions

14. Where parties are, as a result of procedural directions, required to provide the Tribunal and the other party with documents, these are to be provided to the Tribunal in hard copy only. The Tribunal and the Divisional Registrar will not accept service to the Tribunal of such documents electronically at this stage.

(Sgd)

24 December 2013

STUART WESTGARTH

Deputy President