

NCAT Strata Division Proceedings Flowchart From 30 November 2016

Interim orders

Complete and file application for interim orders. Note applications for interim orders are only granted where urgent considerations can be shown. In most circumstances, the applicant must also lodge an application for mediation and a substantive application at the same time.

Issued the same day to 72 hours

Tribunal issues orders

Time limit to appeal tribunal's orders being 28 days from the day on which the appellant was notified of the decision to be appealed or given reasons for the decision (whichever is later): or

At any time during which the interim orders are in effect with leave of the Tribunal in the case of an appeal against an order which is not an order dismissing an application

Total of all these steps is usually same day to 72 hours

Mediation

Application for mediation lodged at the Office of Fair Trading. In most cases, it is a requirement to attempt mediation prior to filing an application for orders (including some interim orders)

Typically 3 – 4 weeks

Mediation failed or refused by the Respondent

Disclaimer

- Typical steps only
- Timeframes can be much shorter or much longer
- Timeframes can be substantially increased due to procedural disputes, delay tactics etc.

Tribunals hearings and appeals

Complete and file application for Tribunal's orders

Tribunal serves application on all parties

Typically 1 – 2 weeks

Notice of directions hearing sent to parties

Typically 3 – 4 weeks

Directions and/or hearing (if it can't be dealt with, within 30 - 45 minutes it will normally be treated as a directions hearing)

Tribunal gives all parties time to file written submissions and evidence

Typically 4 weeks for each party (subject to any extensions)

Compliance with other directions (as per agreed timetable)

Typically within 8 – 12 weeks after the filing of evidence and submissions

Hearing (as set by the Tribunal and the parties)

Tribunal issues orders

Typically within 8 - 12 weeks after the hearing

Time limit to appeal Tribunal's orders being 28 days from the day on which the appellant was notified of the decision to be appealed or given reasons for the decision (whichever is later)

Total of all these steps is usually between 3 - 5 months

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