

ACT Civil and Administrative Tribunal

Practice Note Number 1 of 2020

3 February 2020



## Communicating with the tribunal

The ACT Civil and Administrative Tribunal makes the following practice note under the *ACT Civil and Administrative Tribunal Procedures Rules 2020*.

A handwritten signature in blue ink that reads "K Soper".

Registrar K Soper

Dated 3 February 2020

*Note* The practice note begins below the line. The information above the line is a summary of the key issues only.

## **Communicating with the tribunal**

This practice note sets out the requirements for communicating with the tribunal, including Members and Registry staff.

### **Key points**

- Documents lodged or sent to the tribunal must contain information to enable the Registry to identify the proceedings to which the document relates, why the document has been sent, and what steps are required.
- Correspondence sent to the tribunal must be copied to each other party to the proceedings.
- Parties should not contact Members directly about proceedings.

### **Framework**

- This practice note is made under rule 7 of the *ACT Civil and Administrative Tribunal Procedures Rules 2020*.
  - The tribunal may excuse a person from complying with this practice note or make a direction in a proceeding which overrides this practice note.
  - Legislation that applies to this practice note is—
    - The *ACT Civil and Administrative Tribunal Act 2008* (the Act), section 6 (Objectives of Act) and section 7 (Principles applying to Act).
    - The *ACT Civil and Administrative Tribunal Procedures Rules 2020* (the Rules), rule 11 (What information must a document contain?).
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### **Application**

- (1) This practice note applies to proceedings in all jurisdictions and commences on 3 February 2020.

### **Principles of the Act**

- (2) When lodging documents or communicating with the tribunal, parties should keep in mind the principles applying under the Act, section 6 which include—
  - (a) ensuring tribunal procedures are simple, quick, inexpensive and informal as is consistent with achieving justice; and
  - (b) observe natural justice and procedural fairness.

## Documents lodged at the tribunal

- (3) Rule 11 (What information must a document contain?) requires that a document lodged or sent to the tribunal must state—
- (a) the tribunal's file number (if allocated); and
  - (b) the name or suppression alias of the party lodging or sending the document; and
  - (c) if a document cannot comply with (a) or (b), a covering note with the document addressing why the document cannot comply.
- (4) Documents that are lodged at the tribunal include forms, evidence and submissions.
- (5) A document lodged at the tribunal must be given to each other party to the proceeding.
- (6) Paragraph (5) does not apply if the document or required information is within the scope of—
- (a) an application for an order under the Act, section 39 (Hearings in private or partly in private) which has not been decided; or
  - (b) an order under the Act, section 39 (Hearings in private or partly in private); or
  - (c) material required to be kept confidential under the Act, Rules or a territory law; or
  - (c) an order of the tribunal dispensing with compliance with this practice note.

## Communicating with the tribunal

- (7) Correspondence sent to the tribunal must be respectful and courteous.
- (8) A person who sends correspondence to the tribunal must—
- (a) include the tribunal's file number (if allocated); and
  - (b) include the name or suppression alias of the party sending the correspondence; and
  - (c) give a copy of the correspondence to every other party; and
  - (d) write on correspondence that a copy has been given to each other party.

*Note* The best way to correspond with the tribunal is by email. If a person is unable to correspond by email, the person should inform the Registry, who will make arrangements to correspond with that person by another means. The tribunal's contact details are:

- Email: [tribunal@act.gov.au](mailto:tribunal@act.gov.au)
- Telephone: 02 6207 1740
- Post: GPO Box 370 Canberra ACT 2601
- Street address: ACT Health Building, Level 4, 1 Moore Street, Canberra City, ACT

- (9) Correspondence sent to the tribunal includes emails and letters.
- (10) Paragraph (8)(c) and (d) do not apply if the document or required information is within the scope of—

- (a) an application for an order under the Act, section 39 (Hearings in private or partly in private) which has not been decided; or
- (b) an order under the Act, section 39 (Hearings in private or partly in private); or
- (c) material required to be kept confidential under the Act, Rules or a territory law; or
- (e) an order of the tribunal dispensing with compliance with this practice note.

### **Compliance**

- (9) If a party has not complied with paragraph (3), (5), (7) or (8), the tribunal may—
- (a) not respond to or process the document or correspondence; or
  - (b) return the document or correspondence to the sender; or
  - (c) not consider, read, take any action in response to, or take into account the contents of the document or correspondence; or
  - (d) forward the document or correspondence to each other party; or
  - (e) place the document or correspondence on the file; or
  - (f) respond to, process, or consider the document; or
  - (g) take any other action the tribunal considers is appropriate.

### **Communication requirements in a particular proceeding**

- (10) The tribunal may direct that alternative communication processes be followed by parties in a proceeding. Written communication guidelines may be issued in some proceedings.

### **Communication with Members**

- (11) Parties must not contact or attempt to contact Members directly about proceedings. This includes communicating or attempting to communicate in person, by telephone, by email, by social media or any other way.
- (12) If a decision in a proceeding is reserved, a party must not send to or lodge with the tribunal any further information or evidence relating to the proceeding, unless the tribunal has made an order permitting them to do so.