

Fact Sheet: How to identify and name parties in ACAT proceedings

The ACT Civil and Administrative Tribunal (ACAT) is an independent tribunal that resolves disputes in a manner that is accessible, quick and inexpensive. Disputes at the ACAT will generally involve two or more persons or other legal entities. Below is general information about parties, and how to identify and name them in ACAT cases.

About the parties

1. The applicant(s) and respondent(s) are the parties to the proceeding.
2. There can be more than one applicant and more than one respondent in an application.
3. You must identify the correct parties to the application. Any document, invoice, receipt, contract or agreement related to the dispute may help with this and you may wish to seek independent legal advice.
4. ACAT cannot give you advice about who are the correct parties.
5. You must use the correct legal name for the parties.

How to identify and name parties at ACAT

The following information is a guide about who may be a party to an application to ACAT and what the correct legal name for that party is. This information is provided as an example only.

Type of entity	Can be named as a party?	If no, who should be named as a party?	Example of how to name
Australian Capital Territory agency	Yes. Name the Australian Capital Territory, and then the specific Directorate. Check the reviewable decision letter to confirm whether the other party is the agency OR a delegate of a person or authority (see below).		The Australian Capital Territory (represented by the ACT Health Directorate)
Body / Person / Authority established under legislation.	Yes. Name the body / person or authority as named in the legislation. Check the reviewable decision letter to confirm whether the other party is the agency OR a delegate of a person or authority.		For example, Commissioner for ACT Revenue, Commissioner for Fair Trading.

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Type of entity	Can be named as a party?	If no, who should be named as a party?	Example of how to name
Company	Yes. Include: <ul style="list-style-type: none"> Australian Company Number (ACN). “Current Company Extract” from ASIC. If company is trading as a business name, include that name. 		Jim Smith Removals Pty Ltd, ACN 123 456 789 or Jim Smith Removals Pty Ltd, ACN 123 456 789 trading as Fast Removals.
Co-operative	Yes. Include: <ul style="list-style-type: none"> details of the registration of the co-operative under the <i>Cooperatives National Law (ACT)</i>; and the Australian Business Number (ABN). 		The Farm Co-operative Shop Ltd ABN 123 456 789 123.
Incorporated association	Yes. Include: <ul style="list-style-type: none"> the ABN the word ‘Incorporated’ or Inc. at the end of the name. 		Jane Smith Association Inc.
Individual person	Yes – use the full name or names, not just initials.		Jane Smith
Owners corporation	Yes. Identify the owners corporation for the units plan as registered under the <i>Unit Titles (Management) Act 2011</i> .		The Owners – Units Plan No. XYZ.
Partnership	No, unless the partnership is an incorporated limited partnership.	Each partner of the partnership should be named personally	Jane Smith and John Jones OR, if an incorporated limited partnership, Smith and Jones LP.

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Registered or unregistered business name	No.	You must find out the name of the person, company or other legal entity that is carrying on the business. To do this, you can: <ul style="list-style-type: none"> • Search the Australian Securities and Investments Commission's (ASIC) business name register • Ask the person who they have dealt with in relation to the dispute • Check any letters or other documents from the business • Conducting a title search on the business address. 	
Sole trader	Yes. <ul style="list-style-type: none"> • You need to include the name of the individual and the trading name. 		Jim Smith trading as Jim's Mechanics.
Superannuation fund	No.	The superannuation fund cannot be a party. The trustee for the superannuation fund is the party.	Jane Smith as trustee for Jill Smith Superannuation Fund.
Trust	No.	The trust cannot be a party. The trustee for the trust is the party.	Jim Smith as trustee for John Smith or Jim Smith Pty Ltd ACN 123 456 789 as trustee for Fast Removals Trust.
Unincorporated association	No.	Each member of the unincorporated association must be named personally.	Jane Smith and Jim Smith as members of Smith Association, unincorporated.

Useful Links: To obtain "Current Company Extracts" and "Business Name Extracts" showing business and company details, refer to [Applications against a Company or a Business.](#)