NCAT
NSW Civil &
Administrative Tribunal

NCAT Domestic Violence Protocol

Introduction

The NCAT Domestic Violence Protocol has been developed to assist victims of domestic violence to have confidence in the Tribunal system, and to empower them to actively participate in proceedings.

Applications to NCAT

This protocol applies if you are making a request to NCAT, or providing evidence in response to an application made by someone else, and you need support to participate in proceedings.

You or someone on your behalf may request NCAT provide assistance to support your participation. The form attached to this protocol should be used to tell the Tribunal what support is required to enable a person who is the victim of domestic violence to participate in Tribunal proceedings, and any relevant information to support the request. The type of information supporting a request may include a copy of an Apprehended Domestic Violence Order (ADVO) and any other information that will help NCAT provide the appropriate support required.

If you are required to give NCAT a copy of your ADVO or other personal information you can ask for a confidentiality order to be made by a Tribunal Member before the first listing of the application. You should do this by separating the material you want kept confidential, marking it confidential and telling the Tribunal Member in writing why you are asking for a confidentiality order.

There may be a directions hearing to decide whether a confidentiality order will be made. The directions hearing may be a telephone hearing, on the papers (without a face to face hearing meaning you are not required to attend) or a hearing in person. The other parties may be asked for their views about whether a confidentiality order should be made. For further information about confidentiality refer to the NCAT Divisional Guidelines on [Confidentiality, privacy and publication [PDF 58kB]](). If a confidentiality order is made, the confidential information you have provided will not be placed on the Tribunal file or given to any other party. However, it may be necessary to give this information to the NSW Sheriff to determine what security measures are required.

Support for participants

If you are a victim of domestic violence and need to attend the Tribunal you may:

- Provide your address on a separate sheet and ask NCAT to make a confidentiality order at or before the first hearing to restrict disclosure of your personal details. You should also provide a copy of the ADVO or any other relevant information which will help NCAT make appropriate support arrangements to meet your needs.
- If necessary, you may ask NCAT if you can attend using a remote witness room for the hearing so you do not have to be in the same room as the perpetrator. Remote

witness rooms are available in Sydney and can be arranged at other locations on request.

- Request to give evidence by telephone or audio visual link (AVL). The Tribunal will decide if it is appropriate for one or all parties to do this.

- Alert NCAT if you think security is needed, by completing the attached form. NCAT will advise the NSW Sheriff about your concerns. The NSW Sheriff is responsible for security in NSW Courts and Tribunals. The Sheriff will assess what is required in each individual case.

- Ask NCAT to arrange for you to wait for your hearing in an area that is away from the perpetrator.

- Bring a support person to attend the hearing with you.

If you are unsure about the support you require, contact the NCAT Registry before the hearing day on 1300 006 228.

What happens at the hearing?

The Tribunal Member hearing the application is responsible for how the hearing will be conducted. At the hearing you may ask the Tribunal Member to make a confidentiality order to suppress your name, address or other information provided if you have not already asked for that to happen. You can also ask the Tribunal Member to close the hearing so that members of the public are excluded while your matter is being heard.

Consumer and Commercial Division tenancy applications only

Victims of domestic violence do not need to apply to NCAT to end their tenancy agreements. A person who is the victim of domestic violence can end a tenancy agreement without penalty by serving the landlord and co-tenants with a domestic violence termination notice. Victims should contact NSW Fair Trading on 13 23 20 for advice on how to serve a domestic violence termination notice and what to include with the notice.

A person may make an application to NCAT if they receive a domestic violence termination notice. NCAT aims to ensure that its proceedings are managed in a way which is efficient, fair and accessible.

Any applications made to NCAT following the service of a domestic violence termination notice will be managed by NCAT staff and Tribunal Members to ensure the victim's safety and privacy.

What happens when NCAT receives the application?

Step 1 – The application is given to a Tribunal Member to review.

Step 2 – The Member will look at the application and assess the urgency and safety requirements of the participants.

Step 3 – If necessary, the Member may make confidentiality orders so that the victim's address or personal information is not published or certain documents are not disclosed to the other parties.

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Request for assistance for victims of domestic violence

Case details

File number

Applicant

Respondent

Hearing date

Hearing Venue

Person requesting assistance

Name

Are you making this request on:

☐ Your own behalf

☐ For someone else, provide details

Details of safe method to contact the person concerned for their safety:

Phone

Email

Details of assistance required

Tell the Tribunal what support you need to participate in the proceedings. This information will not be placed on the file or given to any other party but it may be provided to the NSW Sheriff. If you have a current Apprehended Domestic Violence Order (ADVO) please attach to this request.

Getting further assistance:

Law Access NSW – 1300 888529

Domestic Violence Legal Advice Line – 1800 810 784

Office use only

Action taken by NCAT and date: