



# Community schemes application for interim orders

## CONSUMER AND COMMERCIAL DIVISION | COMMUNITY SCHEMES LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for interim orders under the *Community Land Management Act 1989*.

### IMPORTANT INFORMATION:

- A request for interim orders **must accompany or relate to a substantive application** for an order by an Adjudicator.
- Mediation is not a necessary requirement before lodging an interim order application, but it is necessary for your substantive application.
- You must pay a fee for the request for an interim order in addition to the fee for the substantive application.

### File Number

Office use only

## 1. DISPUTE DETAILS

---

### A. ADDRESS OF COMMUNITY SCHEME

Address:

### B. COMMUNITY PLAN DP NUMBER

Is your lot in a: ☐ Community plan ☐ Neighbourhood plan ☐ Precinct plan ☐ Strata corporation

How many lots are shown on the plan:

### C. ADDRESS OF MANAGING AGENT

Provide the address of the managing agent or secretary of owners corporation / association.

Address:

### D. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties:

## 2. APPLICANT

---

### A. APPLICANT TYPE

Tick the box that best describes the person or corporation making the application.

- ☐ Owner / proprietor of Lot ☐ Occupier ☐ Association  
☐ Strata corporation ☐ Manager ☐ Other

### B. APPLICANT'S DETAILS

Provide details of person or company making the application. For multiple applicants attach details on a separate sheet.

Full name:

Postal address:

Contact details: Daytime telephone

Mobile

Email

### 3. RESPONDENT

---

#### A. RESPONDENT TYPE

Tick the box that best describes the person or corporation you are making the applicant against.

- ☐ Owner / proprietor of Lot      ☐ Occupier      ☐ Community Association  
☐ Precinct Association      ☐ Neighbourhood Association      ☐ Other

#### B. RESPONDENT'S DETAILS

Provide the respondent's name and their postal address. For multiple respondents attach details on separate sheet. If the respondent is a company or business, please attach a current business name extract or company extract from ASIC.

**Full name:**

**Postal address:**

**Contact details:** Daytime telephone

Mobile

Email

### 4. ORDER DETAILS

---

#### A. SPECIFY THE TERMS OF INTERIM ORDER REQUESTED?

#### B. REASONS FOR ASKING FOR INTERIM ORDERS?

Describe the urgent circumstances of the situation. Give details of when and what is happening or going to happen if interim orders are not made. Attach supporting information such as minutes of meetings, expert reports, correspondence, etc.

## 5. APPLICATION CHECKLIST

---

- ☐ **I have attached all other documents relevant to this application**  
Include all relevant information with your application. Attach details of multiple applicants or respondents, or further information about the orders you are seeking. Note: A copy of this application and any attachments will be sent to the respondent.
- ☐ **I have attached a recent ASIC company or business name extract**  
If the respondent a company or business, attach a current business name extract or company extract from ASIC which shows the organisation's registered name and address. Extracts can be purchased online on the [ASIC website](#).
- ☐ **I have made a copy of this application for my own records**  
Before lodging your application with NCAT you must make a copy of your application for your own records.
- ☐ **I have attached the application fee**  
Refer to the fee schedule on the [NCAT website](#). Credit card payments can be made by submitting a [credit card authority form](#) with your application. Credit card surcharges apply. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payment can be made in person at any NCAT Registry or Service NSW Service Centre. Concession fee applicants must provide a photocopy of their concession card.
- If you are unable to pay the concession fee or are not eligible, NCAT may consider waiving the fee fully or partially. To request a fee waiver please complete the [fee waiver request form](#).

## 6. SIGNATURE

---

Applicant's signature or signature of representative.

**Name**

**Position title** *(if company)*

**Signature**

**Date**

### Lodge your Application with the fee at your nearest NCAT Registry

For NCAT Consumer and Commercial Division Registry locations visit the [NCAT website](#). For all NCAT enquires telephone 1300 006 228 or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

## INTERIM ORDERS under the *Community Land Management Act 1989*

### INTERIM ORDERS

Section	Orders	Who can apply?	Information required
72	To request the making of an interim order	Any applicant who is eligible to apply for an order by an Adjudicator	<ul style="list-style-type: none"><li>There must be a current substantive file to which this application refers otherwise the substantive application must be lodged at the same time.</li><li>Provide a copy of the Community Plan</li></ul>

## GENERAL INFORMATION ABOUT INTERIM ORDERS

### ABOUT NCAT

The NSW Civil and Administrative Tribunal (NCAT) is an independent, specialised and accessible service for the fair and timely resolution of disputes according to law.

NCAT Adjudicators can make orders under the *Community Land Management Act 1989* about disputes or complaints which have not been resolved by mediation.

### REQUESTING AN INTERIM ORDER

An interim order can be requested by any applicant who is eligible to apply for an order by an Adjudicator.

The interim order request must accompany or relate to a substantive application for an order by an Adjudicator.

Mediation is not a necessary requirement before lodging a request for an interim order, but it is necessary for the substantive application.

You can request the following interim orders:

- An order that could otherwise be made by the Adjudicator or a Tribunal Member.
- Renewal of an interim order previously issued by an Adjudicator (time limits apply).

A fee for the interim order request must be paid **in addition** to the substantive application fee.

### ADJUDICATOR'S DECISION

A request for an interim order is generally determined by NCAT within 48 hours.

To make an interim order, the Adjudicator must be satisfied on reasonable grounds that urgent considerations justify the making of the order.

When the Adjudicator has made their decision, a copy of the interim orders are sent by post or fax to all parties.

An interim order continues in force for 3 months from the date of the orders. The Adjudicator or Tribunal Member may extend the time period in certain circumstances. The interim order may be revoked by the Adjudicator or by a Tribunal Member on appeal.

### WHAT HAPPENS TO THE SUBSTANTIVE APPLICATION?

Once the request for an interim order is determined, the substantive application will be processed in the usual way after the mediation process has been finalised.

### PRIVACY OF PERSONAL INFORMATION

All information contained in an application is provided to all parties, including home/business addresses, phone and email details. The privacy of personal information is important to NCAT. NCAT collects personal information to register applications and to make decisions about disputes. NCAT may give personal information to another person or agency (NSW Fair Trading) as required or authorised by law. A person has a right to access their personal information and may request that NCAT correct any inaccuracies.

### INFORMATION AND ASSISTANCE

#### NSW FAIR TRADING

**Phone:** 13 32 20

**Website:** [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

Contact NSW Fair Trading for information and assistance about **before** lodging the application.

#### NCAT

**Phone:** 1300 006 228

**Website:** [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

Contact NCAT's Consumer and Commercial Division for information and assistance **after** lodging the application.