



# Consumer claim application about goods and services

CONSUMER AND COMMERCIAL DIVISION | GENERAL LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for orders under Part 6A of the *Fair Trading Act 1987* concerning the supply of goods and services to consumers. Consumer claim applications can also be lodged online with [NCAT Online](#).

## File Number

Office use only

## 1. DISPUTE DETAILS

### A. WHAT IS THE DISPUTE ABOUT?

Tick the box that best describes the goods or services that are the subject of the application.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Household goods              | <input type="checkbox"/> IT / Telecommunication | <input type="checkbox"/> Travel / Tourism         |
| <input type="checkbox"/> Furniture / Furnishings      | <input type="checkbox"/> Health / Medical       | <input type="checkbox"/> Entertainment            |
| <input type="checkbox"/> Clothing / Footwear          | <input type="checkbox"/> Leisure / Fitness      | <input type="checkbox"/> Hire agreements          |
| <input type="checkbox"/> Personal / Domestic services | <input type="checkbox"/> Trade / Utilities      | <input type="checkbox"/> Advertising / Publishing |

#### Describe the goods or services

- Are you making an application that concerns goods or services that you were provided that were funded by the National Disability Insurance Scheme?

### B. WHERE WERE THE GOODS OR SERVICES PURCHASED OR SUPPLIED?

NCAT can only hear matters where the contract was entered into, goods supplied or services given in NSW. If the place of contract is not clear you should seek independent legal advice.

Place where goods were paid for or services provided *Include suburb*

Were the goods or services purchased online?  NO  YES

If yes provide internet address:

## 2. APPLICANT

Provide your full name as shown on the invoice, purchase or service agreement. For multiple applicants, attach details on a separate sheet. If a company, include Australian Company Number (ACN).

Full name

Postal Address

Contact details Daytime telephone Mobile

Email

- Do you want NCAT notices and correspondence emailed to you?

By ticking this box you agree to receive the notice of hearing and other future correspondence by email. Please ensure the email address provided above is accurate and the email account is checked regularly.



## 5. HEARING

---

### A. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties:

### B. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 6 weeks:

### C. SPECIAL NEEDS

Indicate whether you have any special needs such as a hearing loop or wheelchair access:

### D. INTERPRETER

**Do you need an interpreter for the hearing?**       Yes     No

If yes, specify language and dialect:

## 6. APPLICATION CHECKLIST

---

- 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 attached all other documents relevant to this application**  
Include all relevant information with your application. Relevant documents may include receipts, invoice, contract, warranties, photographs etc.
- 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 an [authority form](#) with your application. 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 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](#).

## 7. SIGNATURE

---

Applicant's signature or signature of representative.

Name

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).

# GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to help you complete the NCAT Consumer and Commercial Division application form 'Consumer claim about goods or services'. Section headings and numbers match the questions on the form.

## 1. DISPUTE DETAILS

### A. WHAT IS THE DISPUTE ABOUT?

Tick the box that best describes the goods or services. Use the following examples as a guide.

- **Household goods** includes whitegoods such as dishwashers, fridges, vacuum cleaners, air conditioning and small appliances.
- **Furniture / furnishings** includes lounges, blinds and curtains, manchester, light fittings, carpet and floating floors.
- **Clothing / footwear** includes disputes with clothing or shoes, accessories, handbags, jewellery and wedding dresses.
- **Personal / domestic services** covers a wide range of services such as hairdressing and beauty salons, video and photography, introduction agencies, tutoring, pool cleaning, dry cleaning, removalists, lawn mowing, gardening services and florists.
- **IT / Telecommunications** includes computer hardware and software, mobiles and smartphones, contract disputes, online programs (e.g. educational tutoring program)
- **Health / medical** includes dental and optical services, hair replacement, cosmetic surgery procedures.
- **Leisure / fitness** includes gym memberships and other fitness industry services, weight loss programs and life coaching.
- **Trade / utilities** includes the supply of goods relating to gas and electricity, water tanks, solar panels and building materials.
- **Travel / tourism** includes disputes about hotel accommodation and travel agency disputes. May not include disputes relating to air and sea carriage – visit the NCAT website for more information.
- **Entertainment** includes buying tickets to sporting and entertainment events, disputes with event organisers, restaurant services.
- **Hire agreements** includes any goods hired under lease such as car rental, machinery hire, furniture hire, PA and musical equipment hire, venue hire, storage hire.
- **Advertising / publishing** includes all advertising services, printing services, digital photo printing and photobooks, website publishing and directory listings.

### National Disability Insurance Scheme

If the dispute concerns goods or services that you were provided that were funded by the National Disability Insurance Scheme (NDIS), please indicate by ticking the box. For more information visit the [NDIS website](#).

### B. WHERE WERE THE GOODS OR SERVICES PURCHASED OR SUPPLIED?

NCAT can only hear matters where the contract was entered into, goods supplied or services given in NSW. Provide the location where you bought the goods or where the services were provided. If the place of contract is not

clear (such as an internet purchase) you should seek independent legal advice.

## 2. APPLICANT

You can lodge an application as a **consumer** if a supplier has supplied or agreed to supply goods or services to you, whether under contract or not. Refer to s79O of Part 6A *Fair Trading Act 1987* for the full definition of 'consumer'. Provide your full name as shown on the purchase or service agreement.

### Do you want NCAT notices and correspondence emailed to you?

By ticking this box you agree to receive all future case-related correspondence by email, including the notice of hearing. To change your email address after the application is lodged, log into [eServices](#) via the NCAT website.

## 3. RESPONDENT

Under the *Fair Trading Act 1987* the respondent must be a **supplier**. You cannot lodge an application about a private sale. A 'supplier' is defined as a person who, in the course of carrying on a business, supplied goods or services. The supplier may be the direct supplier such as the retailer or service provider

### Make sure you correctly name the respondent

You must correctly name the parties to an application and provide the registered address for service. This is commonly referred to as a 'legal entity'. Legal entity examples include:

- Corporation (Smith and Jones Pty Ltd)
- Sole trader (Mary Jones trading as Mary's Cupcakes),
- Natural person (John Smith)
- Natural persons in partnership (John Smith and Mary Jones trading as John & Mary Smith Repairs)
- Incorporated association (Smith and Jones Inc).

NCAT cannot investigate and find the respondent's details for you

### Check if the respondent is bankrupt or in liquidation

NCAT cannot make orders against a business or company that is in liquidation or if bankrupt. Seek independent legal advice before proceeding.

### Attach a company or business name extract

If the respondent a company or business, please attach a current business name extract or company extract from the Australian Securities and Investment Commission (ASIC) which shows their registered name and address. Extracts can be purchased online on the [ASIC website](#).

Note: The free summary information on the ASIC website is not sufficient as it does not contain address details.

## 4. ORDER DETAILS

### A. WHAT ORDERS DO YOU WANT?

Tick the orders you want and provide the dollar amount of your claim. If you are seeking a work order you must specify what you want fixed or provided.

#### **Have you indicated the total amount that you are claiming?**

You must provide a dollar amount for the orders you want. NCAT can make orders up to the value of \$40,000. You cannot make a claim for more than this amount. If a claim is made against more than one respondent (for example, the repairs are carried out but the manufacturer's parts are defective) NCAT may make orders that one respondent pay money to another or supply/return goods to another respondent.

#### **Time limitations**

Time limits apply to consumer claim applications to NCAT. Under the *Fair Trading Act 1987*, NCAT cannot hear and determine a consumer claim if:

- The cause of action giving rise to the claim first accrued more than 3 years ago.
- The goods or services were supplied more than 10 years ago.

Seek independent legal advice if you are unsure whether your application is within the time limits.

### B. WHAT ARE YOUR REASONS FOR ASKING FOR THE ORDERS?

You must explain why you are lodging the application and seeking orders from the Tribunal. Your reasons must be detailed enough so that the respondent can understand what the dispute is about. Attach additional information on a separate sheet if there is insufficient space. You should also include copies of the document you will rely on such as reports, receipts, contracts and quotes. Provide as much information about the agreement/contract you have with the respondent.

#### **Describe the goods or services**

In a few words describe what the goods or services are, for example 'Dry cleaning of wedding dress'.

#### **Date of purchase or supply**

When did you pay for the goods or services or when were the goods delivered or the services provided to you?

#### **Price of goods or services**

Insert full amount you were charged for the goods or services.

#### **How much did you pay?**

Have you only paid a deposit or a partial payment? Insert amount you have paid to date.

#### **Describe the problem or defect with the goods or services**

Explain what is the problem or defect with the goods or services and what actions you have taken to date (e.g. repair attempts, correspondent with the supplier/manufacturer).

## A. HEARING

### A. RELATED FILE NUMBERS

If you are involved in an NCAT matter or have been involved in a matter previously relating to these parties, list all previous file numbers.

### B. UNAVAILABLE DATES

List any dates you are unable to attend a hearing in the next 6 weeks. Work, training and study commitments are generally not accepted. Note: Your unavailability may affect the timely listing of the matter.

### C. SPECIAL NEEDS

If you have a special need please specify on the application form. Otherwise contact NCAT and ask to speak to a Deputy Divisional Registrar to discuss your individual requirements.

### D. INTERPRETER REQUIRED

NCAT provides interpreters at hearings upon request. If you need an interpreter for the hearing, tick the box and specify the language and dialect required.

## 5. APPLICATION CHECKLIST

### **I have attached a recent ASIC company or business name extract**

If the respondent is a company or business, please attach a company extract or business name extract from ASIC which shows their registered name and address. Extracts can be purchased online on the [ASIC website](#).

### **I have attached all other documents relevant to this application**

Include all relevant information with your application. Refer to the information below on evidence and supporting materials. Do not include any confidential information with your application as copies of your attachments will be provided to the respondent.

### **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**

You must pay the application fee when lodging your application. The fee schedule is available on the [NCAT website](#).

Credit card payment can be made by submitting an authority form with your application. Cheque or money order payments are to be made out to 'NSW Civil and Administrative Tribunal' or 'NCAT'. Payments can be made in person at any NCAT Registry or Service NSW Centre.

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

You must print your name and sign and date the application form. If you are a company, include your position title (for example, 'company secretary').

## **EVIDENCE AND SUPPORTING MATERIALS**

---

At the hearing depending on the orders you want, you will need to provide evidence to support your claim. These documents will be provided to the other party. You should not provide information that you do not want disclosed to the other party.

Your evidence and materials may include:

- Original purchase agreement, invoice or sales advice
- Copy of the contract
- Photographs
- Warranties, receipts and quotes
- Correspondence between the parties
- Any written authority if you are seeking to be represented.