



Pawnbrokers and second-hand dealers application about restoration notice

CONSUMER AND COMMERCIAL DIVISION | GENERAL LIST

Complete this form to apply to NCAT's Consumer and Commercial Division for orders under Part 4A of the *Pawnbrokers and Second-hand Dealers Act 1996* concerning a dispute as to the ownership of goods and restoration of goods.

File Number

Office use only

1. DISPUTE DETAILS

A. SUBURB OR PLACE WHERE GOODS WERE PURCHASED OR SUPPLIED

Provide the location where the goods were provided or purchased.

Business name:

Street address:

Were the goods or services purchased online? NO YES

If yes provide internet address:

B. DESCRIPTION OF GOODS

Briefly describe the goods in possession of the licensee identified by the claimant. Include details of the price paid for the goods and when you received the goods.

C. DATE OF RESTORATION NOTICE

Provide date the Restoration Notice was served by the Police:

A. RELATED FILE NUMBERS

List any previous NCAT file numbers relating to the parties and the current dispute:

2. APPLICANT / LICENSEE

A licensee may apply to NCAT to make orders where a restoration notice has been served in relation to goods in their possession. Provide the licensee's full name and contact details. If you are a corporation or business, include your registered address or principle place of business for the service of notices.

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.

3. RESPONDENT / CLAIMANT

Provide the name and address details of the person claiming the goods as shown on the Restoration Notice. If there are multiple claimants, you may attach additional information on a separate sheet.

Full name

Postal Address

ABN or ACN

Contact details

Daytime telephone

Mobile

Email

4. ORDER DETAILS

A. WHAT ORDERS DO YOU WANT?

Tick the order/s you are seeking. An application must be made to NCAT within 28 days from the date the Restoration Notice was served on the licensee.

- An order for the delivery of goods to the person who appears to be the rightful owner of the goods, but given the licensee the option of retaining the goods and paying that person the value of the goods, as assessed by the Tribunal.
- An order for payment to the person who appears to be the rightful owner of the goods, the value of the goods as assessed
- An order for the delivery of the goods to the licensee
- An order for the delivery of money or compensation to the licensee
- An order for payment to the licensee by the person by or on whose behalf the goods were pawned, of the whole or part of the amount of money determined by the Tribunal to be payable to the licensee had the goods been redeemed at a particular time.

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

You must explain why you are lodging this application and asking for Tribunal orders by providing as much information as possible. Provide full details of the basis of your claim and what you are claiming (e.g. money compensation, retention of goods).

5. HEARING

B. UNAVAILABLE DATES

Indicate dates you are unable to attend hearing in the next 4 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 copy of the Restoration Notice**
You must provide a copy of the Restoration Notice served by the Police with your application.
- I have attached all other documents relevant to this application**
Include all relevant information with your application. Your application and any attachments will be forwarded to the respondent. Do not include any confidential information with your application.
- 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.

GUIDE TO COMPLETING THE APPLICATION FORM

Use the following information to complete this application form. Note: Below section headings and numbers correspond with the questions on the application form.

1. DISPUTE DETAILS

A. SUBURB OR PLACE WHERE GOODS WERE PURCHASED OR SUPPLIED

NCAT can only hear matters where the contract was entered into or goods were supplied in NSW. Provide the location where the goods were provided or purchased. If the place of contract is not clear (such as an interest purchase) you should seek independent legal advice.

B. DESCRIPTION OF GOODS

Provide a brief description of the goods that are in possession of the licensee. Include details of the price paid for the goods, when you received the goods, and the nature of the dispute.

C. DATE OF RESTORATION NOTICE

Provide the date of the restoration notice served by the police. You must also provide a copy of the restoration notice with your application to NCAT.

D. 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.

2. APPLICANT / LICENSEE

A licensee may apply to NCAT to make orders where a restoration notice has been served on the licensee in relation to goods in their possession. Provide your name and contact details.

For multiple applicants, specify the names of all persons on the application. You may attach the additional information on a separate sheet if needed.

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

Provide the name and address details of the claimant as specified on the restoration notice. If there are multiple respondents please specify the names of all respondents on the application form. You may attach additional information if needed.

4. ORDERS DETAILS

A. WHAT ORDERS DO YOU WANT?

Tick the orders you want and provide the dollar amount of your claim.

- NCAT can make orders for the goods to be kept by the licensee, or delivered to the claimant, or be given to a third person if they appear to be the rightful owner.
- Alternatively, NCAT may make an order for goods to be delivered to the person who appears to be the

rightful owner of the goods, but giving the licensee the option of keeping the goods and paying that person the value of the goods as assessed by NCAT.

- NCAT may make an order for payment of the value of the goods, as assessed by NCAT, to the person who appears to be the rightful owner.
- NCAT may also make an order for payment by, or to, the licensee for an amount of money. This includes an order for the person by or on whose behalf the goods were pawned to pay the licensee money.

Are you lodging an application outside the time limits?

A licensee has 28 days to either return the goods to the claimant or lodge an application to NCAT. You may apply for an extension of time to lodge the application. You must attach details reasons why the application was not lodged within the time limits. Note: If an extension of time is not granted the application may be dismissed because it is out of time.

B. REASONS FOR REQUESTING THE ORDERS?

You must explain why you are lodging the application and seeking orders from NCAT. 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.

5. HEARING

A. UNAVAILABLE DATES

List any dates you are unable to attend a hearing in the next 4 weeks. Work, training and study commitments are generally not accepted. Note: Your unavailability may affect the timely listing of the matter.

B. SPECIAL NEEDS

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

C. 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.

6. APPLICATION CHECKLIST

I have attached a copy of the Restoration Notice
You must provide a copy of the Restoration Notice served by the Police with your application.

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](#).

7. 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').