



Guide to Parties

What to Expect at Hearing

What is a hearing?

A hearing is where the parties have a chance to present their case before the ACT Civil and Administrative Tribunal (ACAT). As a party, you will be able to present your side of the case based on any relevant information and arguments you have prepared.

A hearing at the ACAT usually happens as follows:

1. The ACAT Member/s will usually ask the person making the claim (the applicant) to give their side of the story first.
2. During this time, the applicant may seek to present to the ACAT any documents or witnesses they see as being relevant.
3. The ACAT Member may have questions for the applicant or any of the applicant's witnesses.
4. The other party (the respondent) will also be able to ask questions of the witness or make objections.
5. The person responding to the claim (the respondent) will be asked to give their side of the story and the process of steps 2, 3 and 4 are repeated again.

After hearing from both parties, the ACAT will then make a decision which is binding.

When will the hearing be held?

A dispute will proceed to a hearing if it cannot be resolved at an earlier time, such as at a conference or mediation. The ACAT will then notify the parties involved about when your hearing will be. You will receive a notice indicating the date, the time and location of the hearing.

Who will be present at the hearing?

Hearings are usually open to the public unless the ACAT has ordered that a hearing be held in private. You can expect the following individuals to be present in the hearing room:

1. The parties (which includes yourself) and their representative.
2. The ACAT Member(s).
3. An ACAT staff member, to help with the administration of the hearing.

The following individuals may also be present in the hearing room:

1. Any witnesses (relied by the parties).
2. A support person (e.g. family member, interpreter).
3. An ACAT technician, to help with the IT equipment.

Must I be represented by a lawyer?

You do not have to be represented by a lawyer at a hearing, and you can present your own case at a hearing. However, depending on your circumstances, you may wish to arrange for someone to help present your case, such as a lawyer or another professional person.

If you wish for another person to present your case, it is advisable that you get in contact with that person as early as possible before the hearing to give that person time to prepare your case.

How can I prepare for a hearing?

Below is a list of things which you can do before the day of your hearing:

1. Prepare and make sure you have all the documents which you will be relying on during the hearing.
2. Make sure you comply with any directions that have been made by the ACAT. For example, directions are often made to provide your documents to the ACAT and the other party by a certain date.
3. Prepare a simple outline of your arguments.
4. Make arrangements with your family and workplace to make sure you can attend the hearing.
5. If you have any witnesses, it is your responsibility to check with them to make sure they can attend the hearing.

How am I informed of the Tribunal's decision?

After the end of the hearing, the ACAT can either give its decision on the same day or it may choose to provide its decision at a later date. If the ACAT chooses to provide its decision at a later date, you will be notified when the decision is ready for collection. Sometimes, a Member will call the parties back to the ACAT on another day to say what the decision is and give reasons for the decision.

What can I do if the hearing date is unsuitable?

It is very important that you attend the hearing. If you cannot do so, you must request an adjournment. You will be notified if your adjournment request is granted. Unless you hear otherwise from ACAT, you are still required to attend the hearing.

What happens if I do not attend?

If you do not attend a hearing, this may mean:

- If you are the applicant, your application may be dismissed; and
- If you are the respondent, orders may be made in favour of the applicant.

How do I get Legal Advice Assistance?

The ACAT cannot provide legal advice to parties. You may like to refer to the Legal Advice Assistance link on the ACAT website which provides information on free legal advice providers:

www.acat.gov.au/about_acat/legal_advice_assistance

How do I contact the ACAT?

Further information can be obtained by contacting:

ACT Civil and Administrative Tribunal
ACT Health Building, Level 4, 1 Moore Street
GPO Box 370
Canberra City ACT 2601

Business Hours:
9.00am to 4.30pm Monday to Friday
Telephone: (02) 6207-1740
Facsimile: (02) 6205-4855
Website: www.acat.act.gov.au
Email: tribunal@act.gov.au