

Fact sheet

Review and appeal – NCAT



Council of New South Wales

This fact sheet provides an overview for practitioners' review and appeals rights for decisions made by the NSW Civil and Administrative Tribunal (NCAT) or a former Tribunal.

You should seek advice about your individual circumstances. Your insurer, trade union or an independent lawyer may be able to assist. Council staff can provide information about the process of seeking a review or appeal.

Review

What

You can seek a review:

- if you believe a suspension or cancellation of your registration is no longer required
- if you believe the conditions imposed on your registration are no longer appropriate.

You will need to provide reasons for your request.

When

You can seek a review at any time, unless:

- the Tribunal decision prevents you from seeking a review for a specified time period, or
- there is an existing appeal against the decision the Supreme Court.

How

You will need to write to our Executive Officer to request a review. The Executive Officer will refer your request to the appropriate review body and notify you.

If a Tribunal cancelled your registration, only NCAT can review that decision.

We recommend that you seek legal advice before lodging your review. If your application is dealt with by NCAT and is unsuccessful, NCAT may order you to pay the other side's costs.

What next

If your review has been referred to NCAT you should direct any questions to it.

You can obtain further information at: www.ncat.nsw.gov.au or on 1300 006 228.

NCAT publishes review decisions online.

If your review is being managed by the Council we will tell you if we are able to consider the application for review, and if so,

- when and how we will consider it,
- how you may participate, and
- when you can expect to receive the outcome.

Appeal

What

An appeal is a formal request to change or overrule a previous decision, or part of that decision and make a new decision.

When

You have a right to make an appeal against a Tribunal decision on any question of law or with the court's permission on any other basis.

Who

The Supreme Court of New South Wales will manage your appeal.

How

To submit an appeal, send your appeal to the Supreme Court registry at:

Supreme Court of NSW
GPO Box 3
Sydney NSW 2001

We recommend that you seek legal advice before making an appeal. If your appeal is unsuccessful, you may have to pay the other sides' costs of defending the appeal.