



# Application to set aside or vary Tribunal decision

## CLAUSE 9 OF CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATION 2022

Only fill in this form to make an application for an order to set aside or vary a Tribunal decision that determines proceedings if:

1. All parties agree that the decision should be set aside or varied OR
2. You were not present when the decision was made and as a result your case was not adequately put to the Tribunal

### IMPORTANT INFORMATION:

- This application must be made within 7 days of the decision being made, unless the Tribunal extends that time.
- This application may be determined on the papers, without an oral hearing. Provide as much information and documentation supporting your application as possible. Attach additional pages to this application if needed.

### File Number

*Office use only*

## DIVISION

In which Division was the decision you want set aside or varied made?

- Administrative and Equal Opportunity     Consumer and Commercial     Guardianship     Occupational

## DETAILS OF DECISION

Provide details of the decision you want set aside or varied. Attach a copy of the orders made and any written reasons.

### NCAT File Number

### Date of Decision

- Copy of NCAT orders and any written reasons are attached

## APPLICANT

Provide details of party applying for the Tribunal decision to be set aside or varied. 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

- Tick if you have a representative and want them to receive correspondence on your behalf.

Note: You may have to ask for the Tribunal's permission to have a representative.

### REPRESENTATIVE DETAILS (IF APPLICABLE)

### Full name

### Name of firm or organisation

### Postal Address

### Contact details

Daytime telephone

Mobile

Email



**E. IF YOU ARE ASKING TO HAVE THE DECISION SET ASIDE OR VARIED BECAUSE THE DECISION WAS MADE IN YOUR ABSENCE WHICH RESULTED IN YOUR CASE NOT BEING ADEQUATELY PUT TO THE TRIBUNAL.**

Provide the following information:

(i) **Why were you absent when the Tribunal made the decision?** Use a separate sheet if needed.

(ii) **Describe in summary the case (evidence and arguments) you would have put to the Tribunal if you had not been absent.** Use a separate sheet if needed.

**Attach any supporting documents**

To assist the Tribunal in assessing your application, you should complete the Statutory Declaration attached to this form and sign it before a Solicitor, Justice of the Peace or other person authorised to take affidavits under the *Oaths Act 1900*.

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**EXTENSION OF TIME**

This application must be lodged within 7 days after the decision concerned was made. The Tribunal has the power to extend this time if warranted in the circumstances. If an extension of time is required but no extension is obtained from the Tribunal the application will be dismissed because it is out of time.

**DO YOU REQUIRE AN EXTENSION OF TIME?**       Yes  No

If “yes” explain why the application was not lodged within the time limit, what effect extending the time would have on you and any other relevant considerations you wish the Tribunal to take into account in deciding whether or not to extend time. Use a separate sheet if needed.

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**STAY OF ORIGINAL DECISION**

Any final decision made by the Tribunal will remain in force until this application is determined unless the Tribunal suspends, or “stays”, the operation of the orders. A stay stops any enforcement action, such as eviction or recovery of money from occurring and the original decision does not have effect while the stay is in force.

**ARE YOU ASKING FOR A STAY ON ANY OF THE ORDERS?**       Yes       No

If “yes” explain which orders you want stayed and why a stay is necessary. Use a separate sheet if needed.

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**SIGNATURE**

Applicant’s signature or signature of legal representative.

**Name**

**Signature**

**Date**

**Statutory Declaration**  
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

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I, ..... , do solemnly and sincerely declare that  
*[name of declarant]*

1. The information I have provided in this form, including what is in section E (i) and (ii), is true and correct. *[Delete if this is not so].*

2. *[Insert here any information or other evidence you rely on]*

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and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: ..... on .....  
*[place] [date]*

.....  
*[signature of declarant]*

in the presence of an authorised witness, who states:

I, ..... , a ..... ,  
*[name of authorised witness] [qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it: *[\* please cross out any text that does not apply]*

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was .....

*[describe identification document relied on]*

.....  
*[signature of authorised witness]*

.....  
*[date]*