

FAQ on Summons for Building Disputes in NCAT

This FAQ aims to provide guidance to parties involved in building disputes in the NCAT regarding the process of requesting a summons for the production of documents or other things.

Q: What are Summons?

A: A Summons is a legal order that requires a person to produce [documents](#) or other things to the Tribunal for use in legal proceedings.

Q: How can a party request a Summons?

A: A party may request a Summons by making an application to the Tribunal, or by requesting the Registrar to issue a Summons.

Q: What is the Registrar's role in issuing Summons?

A: The Registrar has the discretion to issue Summons to produce documents or other things. The Tribunal may also direct the Registrar to issue a Summons.

Q: What documents or other things can be produced under a Summons?

A: A Summons can be issued to produce any relevant documents or other things that may assist in the legal proceedings, including plans, specifications, and approvals.

Q: Can a party object to a Summons being issued?

A: Yes, a party can object to a Summons being issued. The Tribunal has the power to determine whether a Summons should be issued or not.

Q: What should a party do if they believe there may be grounds for objecting to the production of certain documents or other things?

A: If a party believes there may be grounds for objection, they should object to the parties being given access or can ask for 'first access' to the documents in order to check what the documents contain.

Q: What information should a party be prepared to provide to the Tribunal to improve the prospect of their Summons being made by the Registrar?

A: A party should be prepared to provide the following information to the Tribunal:

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1. A detailed description of the documents or other things they are seeking to produce
2. An explanation of how the documents or other things are relevant to the legal proceedings
3. Any evidence they have to support their request for a Summons, such as affidavits of [witness statements](#).

Q: What happens after a Summons is issued?

A: The documents or other things produced in response to a Summons will be held in the Registry and placed with the Tribunal file for the proceedings to which they relate. In most cases, the Tribunal will not take into account documents or other things produced in response to a Summons unless they are given to the Tribunal at the [hearing](#) as part of the evidence.

Q: What happens if a party fails to comply with a Summons?

A: If a party fails to comply with a Summons, the Tribunal may take action to enforce compliance, including making an order for costs or issuing a warrant for the person's arrest.

Q: What should I do if I receive a Summons?

A: If you receive a Summons, you should [seek legal advice](#) as soon as possible. You may also wish to object to the Summons if you believe there may be grounds to do so.

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