

5 Essential Steps for Successful Summons in a NCAT Building Dispute

If you are involved in a building dispute in the NSW Civil and Administrative Tribunal (NCAT), you may need to obtain documents from the other party to help prove your case. One way to do this is by issuing a summons to the other party, which requires them to produce the documents you need. This fact sheet will explain how to use a summons to obtain documents in a NCAT building dispute.

Step 1: Determine which documents you need

Before you can issue a summons, you need to know which documents you need. This may include plans, specifications, approvals, contracts, invoices, and other relevant documents. Make a list of all the documents you need and ensure they are relevant to the issues in dispute.

Step 2: Check if the documents are already in your possession

Before you issue a summons, check if you already have access to the documents you need. This may include documents you received from the other party during the dispute resolution process or documents you already have in your possession.

Step 3: Prepare and issue a summons

If the documents you need are not already in your possession, you can issue a summons to the other party. You can do this by completing a Summons to Produce Documents form, which can be obtained from the NCAT website or registry. You will need to provide details about the documents you are requesting and why they are relevant to the dispute.

Step 4: Serve the summons on the other party

Once you have issued the summons, you must serve it on the other party. You can do this by delivering it to them in person, sending it by registered post or email, or serving it through a process server. You must ensure that the other party receives the summons at least 7 days before the date for compliance.

You can be confident that you are getting
the right legal advice.

Step 5: Attend the hearing

If the other party complies with the summons and produces the documents you requested, you can inspect and copy them at the hearing. If the other party objects to the summons, the Registrar may give directions about access to the documents. If necessary, you can apply to the Tribunal for a first access order, which allows you to inspect the documents before deciding whether to object to their production.

Issuing a summons is a useful tool for obtaining documents in a NCAT building dispute. By following the steps outlined in this fact sheet, you can ensure that you obtain the documents you need to prove your case. If you have any questions or require further assistance, you can seek legal advice from our office and speak with a specialist construction lawyer or speak to a NCAT Registry staff member.

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