



Application for stay of original decision pending appeal

NCAT INTERNAL APPEAL PANEL

Complete and attach this form to request a stay when lodging a Notice of Appeal to the NCAT Internal Appeal Panel.

IMPORTANT INFORMATION

1. Even if you lodge an appeal against a decision, that original decision still operates and can be enforced against you unless the Tribunal makes an order stopping it being enforced. This type of order is called a 'stay'.
2. To obtain a stay to stop the enforcement of an order while an appeal is being decided, you should fill out and lodge with the Tribunal this form, 'Application for stay of original decision pending appeal'.
3. The Tribunal will not stop enforcement just because you have lodged an appeal.

Appeal Panel File Number

Office use only

PARTIES

Appellant(s)

Respondent(s)

DIVISION

Select Division in which decision being appealed was made

Administrative and Equal Opportunity Consumer and Commercial Guardianship Occupational

DETAILS OF ORIGINAL DECISION

Provide details of original proceedings in which decision was made

NCAT File Number

Date of Decision

DECISION YOU WANT STAYED

What orders do you want stayed?

WARRANTS

Has a warrant been issued or is a warrant scheduled to be executed? Yes No

If yes, provide details of the date the warrant was issued or the date and time the warrant is scheduled to be executed.

GROUND FOR STAYING DECISION

NOTE: In deciding whether or not to stop the decision being enforced, the Tribunal will usually act on the following bases:

- (a) The party who obtained the original order will generally be allowed to enforce it unless you can show that there is a **good reason** why this would be wrong.
- (b) A factor which supports stopping enforcement of an order is if the appeal will be useless if the order is enforced before the appeal is finished.
- (c) If the order appealed against is for you to pay money, a factor which supports stopping enforcement is if you can show by evidence, such as detailed financial records, that:
 - (i) if you paid the money to the other party, the other party probably could not repay the money if you win the appeal; OR
 - (ii) you do not have enough money or assets to pay the money and, if you do not pay, the other party is going to try to have you made bankrupt or your company wound up in insolvency or you will have your contractor licence suspended under s 42A of the *Home Building Act 1989* (NSW).
- (d) The Tribunal will look at the circumstances of both sides, not just your situation, and may stop enforcement if justice for both parties requires it.
- (e) In doing justice for both parties, the Tribunal can require you to pay money or do other things as a condition for ordering that enforcement be stopped.

Why do you say the decision should be stayed?

Provide details of why the decision appealed against should be stayed and attach any documents you want to rely on to support your application.

Is all supporting documentation attached? Yes

SIGNATURE

Applicant's / Appellant's signature or signature of legal representative

Name

Signature

Date