



NCAT Consumer and Commercial Division Procedural Direction 7

USE OF ELECTRONIC EVIDENCE IN TRIBUNAL PROCEEDINGS

This Procedural Direction applies to:	Consumer and Commercial Division
Effective Date:	1 January 2014
Replaces Procedural Direction:	Not Applicable
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at www.ncat.nsw.gov.au

Introduction

1. This direction is issued pursuant to section 26 of the *Civil and Administrative Tribunal Act 2013* (NCAT Act) and provides guidance to parties in Consumer and Commercial Division proceedings who may be required, or wish to present material to the Tribunal at hearing in an electronic format or any other format that is not in printed form.
2. The Tribunal's duty is to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible.
3. This direction sets out the Tribunal's capabilities for parties who wish to use technology for the presentation of evidence at the first hearing and any restrictions on parties who wish to submit evidence using an electronic format.

USB flash drives and CDs

4. The Tribunal will not accept USB flash drives or CDs which contain printed material or photographs.
5. Where parties are, as a result of procedural directions, required to provide the Tribunal and other party/s with documents, these are to be provided to the Tribunal in hard copy only.
6. The Tribunal and Divisional Registrar will not accept service to the Tribunal of such documents via email or other electronic means.

Use of laptops, tablets, smartphones and other electronic devices

7. Where a party wishes to present a sound recording, video, photographs or other material by laptop, tablet, smartphone or other device at the first hearing they must bring their own equipment.
8. Parties should check that their equipment is functioning prior to the hearing.
9. Most Tribunal hearing rooms and venues are equipped with power points for laptops.
10. It is the party's responsibility to contact the Registry to determine whether the hearing venue has the capacity to accommodate their laptop/tablet.

VCR or DVD players

11. A Tribunal Member may permit a party to present evidence at the first hearing using a VCR or DVD player in certain circumstances. This service is only available in NCAT Consumer and Commercial Division Registry venues.
12. Video cassettes, CDs and DVDs should be labelled and accompanied by the information listed below:
 - (a) Name of proceedings;
 - (b) Name and contact details of lodging party;
 - (c) NCAT file number;
 - (d) List of all file names on storage device and description of each file;
 - (e) Length of time audio/video recording.
13. Video cassettes, CDs and DVDs must not contain any files/material that is not being used in connection with Tribunal proceedings.

Requirement to serve other parties and Tribunal

14. The Tribunal may make directions, in accordance with the rules of procedural fairness that a party provide copies of the electronic evidence presented in the same or another format.
15. Unless the proceedings are proceeding on an ex parte basis, the Tribunal may not accept the evidence if the other party/s has not viewed or is unable to view the material.

(Sgd)

24 December 2013

STUART WESTGARTH

Deputy President