



## Consumer and Commercial Division Guideline

August 2017

# Use of electronic evidence in Tribunal proceedings

## What does this Guideline explain?

1. This Guideline provides guidance to parties in Consumer and Commercial Division proceedings about the Tribunal's ability to accept material in an electronic format or in any other format that is not in printed form.

## Definitions

2. Definitions that explain words or concepts used in this guideline are at the back of the guideline.

## Can documents be sent to the Tribunal by email, or on USB flash drives or CDs?

3. The Tribunal will not accept service to the Tribunal of documents via email or other electronic means.
4. The Tribunal will not accept USB flash drives or CDs that contain printed material or photographs.
5. Where a party is, as a result of procedural directions, required to give documents to the Tribunal, these must be provided in hard copy only.
6. Documents may be provided to the other party in electronic format, but only if the Tribunal and the other party agree.

## Can evidence presented on laptops, tablets, smartphones and other electronic devices?

7. If 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. Parties should note that there is no Wifi access in Tribunal hearing rooms.
10. It is the party's responsibility to contact the Registry to determine whether the hearing venue has the capacity to accommodate their laptop or tablet.

## Can evidence be presented on a CD or a DVD?

11. In certain circumstances the Tribunal may permit a party to present evidence using a CD or DVD player. This service is only available in NCAT Consumer and Commercial Division Registry hearing venues.
12. DVDs must be labelled and accompanied by the following information:
  - 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. CDs and DVDs must not contain any files or material that is not being used in connection with Tribunal proceedings.
14. The Tribunal may make directions that a party provide copies of the electronic evidence presented in the same or another format.
15. Unless the proceedings are continuing in the absence of the other party, the Tribunal may not accept the evidence if the other party has not viewed or is unable to view the material.

## What do some of the words in this Guideline mean?

- **Party or parties:** There are usually at least two parties in any case:
  - The person, people or organisation who took the case to the Tribunal, and
  - The person, people or organisation the case is against.

## This Guideline applies to:

Proceedings in the Consumer and Commercial Division of the Tribunal.

## Effective Date

1 August 2017

## Notes:

You must use the latest version of this Guideline. The latest version of this Guideline is on the [NCAT website](#).

The law about the information in this Guideline is mainly in:

- Sections 36 and 38 of the *Civil and Administrative Tribunal Act 2013*
- Clauses 10, 11 and 12 of the *Civil and Administrative Tribunal Act 2013*.

There is a copy of this Act on the [NSW Legislation website](#).

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