

## Directions and Final Hearing

If you want to file a construction case, whether in or out of court, or if you already are a party to a construction case, it would help to know the process.

Before a case goes to trial, the following may be had:



**The Directions Hearing**



**The Final Hearing**

### Directions Hearing

A directions hearing is conducted before a case goes to trial. Think of it as a way to speed up the entire proceedings, making it time-efficient and cost-effective. Some important features are:

- it is a short hearing conducted in the tribunal (NCAT) or in court, and presided by a registrar or a judge
- each session can last anywhere between 5-30 minutes
- the purpose is to streamline the process, and to do so, the registrar or judge issues the following orders, among others:
  - a timetable for submitting pleadings (court papers) and evidence
  - an order for the parties to submit joint statements, joint expert reports, a jointly signed Short Minutes of Order
  - an order for the parties to undergo mediation or settlement (which, if successful, will end the case – no more need for a trial)
  - an order for the next steps

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## Am I required to be present during the Directions hearing?

It depends. If you don't have a lawyer, then yes. But if you are represented by a lawyer, then you may sit these hearings out. Your lawyer will attend all hearings on your behalf.

## How can I shorten the process further?

You and your opponent can, by yourselves, agree on a timetable of evidence. Then, you can jointly sign a "Consent Order," and submit it to the tribunal or court BEFORE the Directions hearing. You and your opponent will not be required to attend the Directions hearing, and the registrar or judge will just issue orders from their chambers.

## Final Hearing

This is the next step following the Directions hearing. Some key points:

- a Final hearing usually lasts one or two days
- evidence is offered, witnesses are presented, direct and cross-examination are conducted
- at the end of the Final hearing, don't expect the registrar or judge to make a decision on the spot; the decision may be either:
  - published at a later date, and the parties notified thereof; or
  - the parties will be required to return at a later date to hear the decision

## Am I required to be present during the Final hearing?

Yes. Even if you are represented by a lawyer, your presence during a Final hearing is required.

## How can we help you?

Contracts Specialist has been in the practice of construction law for more than 10 years now. Should you be involved in a building dispute, we will thoroughly review your case and help you make an informed decision on the course of action that suits you best.

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Should you decide to file a case with the NCAT or the court, we will prepare all the documents you need with a keen eye for detail, and represent you with a commitment to upholding your contractual and statutory rights.

Should you have any questions, feel free to contact us. First consult is free.

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