

# NCAT Procedural Direction on Expert Evidence

This article will provide an overview of the NCAT Procedural Direction on Expert Evidence, which is a crucial part of the [NCAT home building disputes process](#). It will discuss the importance of the procedural direction and provide details on its key components.

## Introduction to NCAT Procedural Direction on Expert Evidence

The NCAT Procedural Direction on Expert Evidence is a set of guidelines and procedures that provide a framework for the use of expert evidence in NCAT home building disputes. The direction sets out the duties and responsibilities of expert witnesses, as well as the procedures for the preparation and presentation of expert evidence. It also provides guidance on how to work cooperatively with other expert witnesses, and the conduct of expert conclaves, conferences, and evidence.

The NCAT Procedural Direction on Expert Evidence is important in NCAT home building disputes as it promotes fairness, transparency, and efficiency in the use of expert evidence. By providing clear and consistent guidelines for the use of expert evidence, the direction helps to ensure that the evidence presented is reliable and relevant to the issues in dispute. This, in turn, helps to promote a fair and efficient resolution of home building disputes through the NCAT process.

## Overview of the Expert Evidence Procedural Direction

The Expert Evidence Procedural Direction is a set of guidelines issued by the [New South Wales Civil and Administrative Tribunal \(NCAT\)](#) to regulate the use of expert evidence in NCAT proceedings. The Procedural Direction was introduced in 2017 and updated in 2021. The Procedural Direction aims to provide clear and consistent guidance to parties and experts regarding the preparation, presentation, and use of expert evidence in NCAT proceedings. It applies to all NCAT proceedings where expert evidence is used. The Procedural Direction sets out the steps that parties and experts must take when providing expert evidence, including the preparation of expert reports, attendance at experts' conclaves and conferences, and the presentation of evidence at hearings. The Procedural Direction aims to ensure that expert evidence is presented in a way that is fair, efficient, and cost-effective, and that it assists the Tribunal in making accurate and informed decisions.

## The Experts' Code of Conduct

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The NCAT Procedural Direction on Expert Evidence provides guidelines for expert witnesses in home building disputes. These guidelines are designed to ensure that expert evidence presented in NCAT is reliable, relevant, and helpful to the Tribunal. The Experts' Code of Conduct is a crucial aspect of the Procedural Direction. It outlines the duties of the expert witness to the Tribunal, the parties involved in the proceedings, and the paramount duty of the expert witness to the Tribunal. The expert witness is prohibited from acting as an advocate for a party and must provide an independent and unbiased opinion. The expert must also disclose any potential conflicts of interest and be transparent about their qualifications, experience, and methodology. By adhering to the Experts' Code of Conduct, expert witnesses can help to ensure that the Tribunal makes informed decisions based on reliable evidence.

## **The Duty to Work Cooperatively with Other Expert Witnesses**

The NCAT Procedural Direction on Expert Evidence outlines the duty of expert witnesses to work cooperatively with other experts involved in the proceedings. This duty requires experts to work together to provide their opinion on any issue in the dispute. It is essential that experts exercise independent, professional judgement when providing their opinions, but they should also endeavour to reach an agreement with any other expert witness on that issue.

The importance of this duty lies in ensuring that the expert evidence presented to the tribunal is accurate, reliable and consistent. By working together, experts can help to identify any areas of disagreement and work towards a resolution that provides clarity and certainty for all parties involved in the dispute.

In addition to working cooperatively with other experts, expert witnesses must also ensure that their opinions are based on their own knowledge and expertise, and not influenced by any external factors or interests. This duty helps to ensure that the expert evidence presented to the tribunal is unbiased, reliable and credible.

Expert witnesses should also be prepared to provide reasons for any disagreements with other experts. By doing so, they can help the tribunal to understand the basis for their opinions and provide a clear picture of the areas of agreement and disagreement between the experts.

Overall, the duty to work cooperatively with other expert witnesses is a critical aspect of the NCAT Procedural Direction on Expert Evidence. It helps to ensure that the expert evidence presented to the tribunal is accurate, reliable and consistent, and provides a clear picture of the issues in dispute.

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## Experts' Conclaves, Conferences, and Evidence

Experts' conclaves, conferences, and evidence are important aspects of the NCAT procedural direction on expert evidence. The tribunal may direct expert witnesses to attend a conclave or conference with any other expert witness. During the conference, expert witnesses are required to discuss the issues in dispute, with a view to agreeing on the key matters in dispute.

If expert witnesses are unable to agree on key issues, they are required to prepare a joint report specifying the matters they agree and disagree on. The report must include reasons for any disagreements. This joint report is then submitted to the tribunal, which may use it to determine the dispute.

The purpose of experts' conclaves and conferences is to encourage cooperation between expert witnesses, and to reduce the time and costs involved in resolving a dispute. By allowing expert witnesses to work together and reach agreement on key issues, the tribunal can make a more informed and efficient decision. It is important for expert witnesses to approach these conferences with an open mind and a willingness to work cooperatively with other experts.

## Conclusion

In conclusion, the NCAT Procedural Direction on Expert Evidence plays a crucial role in resolving home building disputes. The direction sets out the requirements and expectations for expert witnesses in terms of their duty to the Tribunal, the parties involved in the proceedings, and the need to work cooperatively with other expert witnesses. The direction also outlines the process for experts' conclaves, conferences, and evidence. It is important for parties to understand the implications of the Expert Evidence Procedural Direction and seek professional advice if facing a home building dispute. By doing so, they can ensure that they are adequately represented and have the best chance of reaching a favourable outcome.

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