

NCAT Procedures and Rules: What Homeowners Need to Know About Evidence

If you are a homeowner who needs to lodge an application with the [NSW Civil and Administrative Tribunal \(NCAT\)](#) for a home building dispute, it is important to understand the rules and procedures that apply to the presentation of evidence. Evidence is critical to the success of your case, and it is essential that you gather and present it in a clear and concise manner. In this article, we will explain what you need to know about evidence in NCAT proceedings, and provide some tips for presenting your evidence effectively.

Evidence Gathering in NCAT Proceedings

When you lodge an application with NCAT, you will need to provide evidence to support your case. This evidence should be relevant to the issues in dispute, and it should be presented in a way that is easy to understand. Some types of evidence that you may need to gather include:

1. **Building expert reports:** If you are disputing the quality of building work that has been done, you may need to obtain a report from an independent building expert to support your case.
2. **Quantity surveyor calculations:** If you are disputing the cost of building work, you may need to obtain a report from a quantity surveyor to provide a detailed breakdown of costs.
3. **Contracts:** Any contracts or agreements that relate to the building work should be included in your evidence.
4. **Letters and emails:** Any correspondence that you have had with the responsible contractor should be included in your evidence.
5. **Invoices:** Any invoices that you have received for the building work should be included in your evidence.
6. **Phone records:** If you have had any telephone conversations with the responsible contractor or other parties, you may need to provide phone records to support your case.
7. **Minutes of meetings:** If you have attended any meetings to discuss the building work, you should include minutes of these meetings in your evidence.

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8. Diary entries: If you have made any diary entries that relate to the building work, you should include these in your evidence.

Admissibility of Evidence

It is important to note that all evidence that you present to NCAT should be relevant and admissible.

If you are unsure about whether a particular piece of evidence is relevant or admissible, you may wish to seek legal advice from a solicitor or the assistance of a specialist [home building disputes](#) resolution service.

Section 38 of the Civil and Administrative Tribunal Act 2013 (NSW) provides rules for the Tribunal generally. Particularly, subsection 38(2) reads as follows:

"The Tribunal is not bound by the rules of evidence and may inquire into and inform itself on any matter in such manner as it thinks fit, subject to the rules of natural justice."

Despite this, failing to present your case properly may encourage the presiding member to give less weight to your evidence and documents.

Tips for Presenting Evidence in NCAT Proceedings

Once you have gathered your evidence, it is important to present it in a clear and concise manner. Here are some tips for presenting your evidence effectively:

1. Organize your evidence: You should organize your evidence in a logical manner, so that it is easy to follow. You may wish to use dividers or tabs to separate different types of evidence.
2. Be prepared to explain your evidence: You should be prepared to explain each piece of evidence that you present to NCAT, and how it supports your case.
3. Be concise: Your evidence should be presented in a concise manner, with unnecessary detail omitted. This will make it easier for the Tribunal to understand your case.
4. Be clear: Your evidence should be presented in a clear and easy-to-understand manner. If you are using technical terms or jargon, you should explain these terms so that the Tribunal can understand them.

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5. Use visual aids: Where appropriate, you may wish to use visual aids such as diagrams or photographs to support your case. These can be very effective in helping the Tribunal to understand complex issues.
6. Be respectful: You should always be respectful when presenting your evidence to the Tribunal. Avoid making personal attacks or using aggressive language.

Engaging Contracts Specialist Solicitors and Attorneys

If your building dispute exceeds \$30,000, you may wish to engage [Contracts Specialist](#) Solicitors and Attorneys to represent you in your case. Contracts Specialist Solicitors and Attorneys are building and construction lawyers who are [specialists](#) in [home building disputes](#). We can provide you with expert [legal advice and representation](#) throughout the NCAT process. We can help you gather and present your evidence effectively, and can represent you at [NCAT hearings](#).

[Contracts Specialist](#) Solicitors and Attorneys can assist you with a range of services, including:

1. Providing legal advice on your rights and obligations under the Home Building Act 1989 and other relevant legislation.
2. Reviewing and advising on building contracts and agreements.
3. Preparing and [lodging applications with NCAT](#).
4. Representing you at [NCAT hearings](#).
5. Negotiating with the responsible contractor to try to resolve the dispute without the need for a hearing.
6. Providing advice on enforcement of [NCAT orders](#).

If you engage [Contracts Specialist](#) Solicitors and Attorneys to represent you in your NCAT proceedings, we can help you navigate the complex legal rules and procedures that apply. We can also provide you with confidence, knowing that you have a team of experienced professionals working on your behalf.

Conclusion

In conclusion, evidence is critical to the success of your case in NCAT proceedings. As a homeowner, it is important to understand the rules and procedures that apply to evidence presentation, and to gather and present your evidence in a clear and concise manner. If your

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building dispute exceeds \$30,000, you may wish to engage [Contracts Specialist](#) Solicitors and Attorneys to provide you with [expert legal advice and representation](#) throughout the NCAT process. With the right support and guidance, you can improve your chances of a successful outcome in your NCAT proceedings.

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Contracts Specialist is a Sydney-based construction law firm that deals with Building Disputes, Construction Contracts, Debt Recovery, and Security of Payment. With Contracts Specialist, you are ensured that you are in good hands.