

Guidelines for Self-Represented Respondents on Documents Required for Hearing

1 Response

All respondents are required to file a written response to the claim. The response is not just a statement of defence. It should contain sufficient information to clearly inform the claimant and the other parties of the legal and factual basis of any disputes the respondent has with any part of the claims being made. It should also detail any defences and any claims being made against other parties. In particular, a response needs to set out:

- The details of that respondent's role in the design, construction, sale and purchase or inspection of the dwelling house.
- Which matters in the claim are accepted or agreed.
- Where there is any disagreement with the causes of leaks and damage as set out in the claim documents, the nature of the dispute which should include that respondent's opinion as to the causes of leaks and damage.
- Details of any disagreement or dispute on the amount sought by the claimant and the basis to any such dispute.
- Details of any substantive defences or mitigation arguments that the respondent intends to raise.
- Details of any cross-claims or claims for contribution that the respondent is intending to make against any other respondent.

Respondents are also required to include with their responses:

- Any expert's report, evidence or information they will be relying on going into mediation and/or adjudication.
- A list of all documents the respondent will be relying on at mediation or adjudication, attaching copies of any documents that have not already been disclosed.

2 Witness Statements / Briefs of Evidence Required

All evidence a respondent is relying on at the hearing must be provided in accordance with the timetable set by the Tribunal by way of witness statements or reports. If you are providing a witness statement or report from any other person, you need to ensure they will be available to attend the hearing to be questioned on the information contained in

their statement or reports. They may also be questioned on any other issues within their knowledge or area of expertise that is relevant to the adjudication of the claim.

In general, respondents should file the following evidence/witness statements:

- 2.1** The respondents' own witness statements including the factual matters within your direct knowledge that underpin their defence or response. This should address the factual allegations being made against you as outlined in the claimants' documents and other respondents' documents. It may also include the factual information within your direct knowledge in relation to the claimants and other respondents involvement in the claim.
- 2.2** If you are relying on your own expert, then a witness statement or report from that expert. An expert is defined as a person who possesses specialised knowledge by reason of their skill, training or experience, in the key technical issues that form the basis of, or are in dispute in, a claim.
- 2.3** Statements from any other person whose evidence you will be relying on to support their defence or cross-claim against other parties.

3 Presentation of Information

- 3.1** Witness statements or briefs should be in writing and headings and subheadings should be used where possible. The documents should be typed with numbered paragraphs and pages and 1.5 line spacing. They must also be clear, concise and easy to follow.
- 3.2** Any documents referred to in the statements or that may be relied upon or referred to during the hearing should be provided in an indexed and paginated (each page numbered) bundle of documents filed in accordance with the timetable set. If a party is presenting a large number of documents, they should be placed in folders and indexed for easy reference. If there are only a few documents being referred to, they could be attached to the witness statements and referred to by an appendix number. The pages of appendices should be numbered and the appendices indexed.
- 3.3** Documents that have previously been provided as either discovery documents or in procedural applications that may be relied upon at hearing, should be re-filed as part of the hearing documents. Affidavits or witness statements filed in relation to procedural applications will generally be transferred to the hearing file and accordingly do not need to be filed again with the hearing documents.
- 3.4** All hearing documents (i.e. witness statements, appendices, reports and bundle of documents) outlined above must be provided to the Tribunal in a hard or paper copy. In addition all parties must either serve all other parties with a hard copy of their witness statements and hearing documents or provide the Tribunal case manager with sufficient paper copies for service on all other parties.