



NCAT
NSW Civil &
Administrative Tribunal
Administrative & Equal Opportunity Division

Quote the number below for all enquiries
Case number 2018/00189716

John Bellamy
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26 September 2018

NOTICE OF LISTING - HEARING

Case title	John Bellamy v Transport for NSW Application under Government Information (Public Access) Act 2009
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The case is listed for Hearing on 21 November 2018 at 10:00 AM, John Maddison Tower Level 10, 86 - 90 Goulburn Street, SYDNEY NSW 2000.

Please arrive at least 15 minutes before the start of the listing. It is important that you are on time as the Tribunal may decide the case in your absence.

Listing Enquiries

Listing details for cases are:

- published on the internet at http://www.ncat.nsw.gov.au/Pages/going_to_the_tribunal/hearing_lists.aspx on the afternoon before the case is listed;
- available on notice boards in the foyer of the Tribunal each morning.

Registrar

INFORMATION SHEET - HEARING

Preparing for hearing

Prepare your evidence and arguments by writing down:

- what legal tests or principles apply to your case
- what facts you need to prove to establish that your case comes within those legal tests or principles.

Collect the evidence

- organise for witnesses including yourself if you are giving evidence, to write a statement or an affidavit to prove the facts you are relying on
- collect any other documents that you want the Tribunal to consider
- make a list of all your statements, affidavits and documents and a summary of what those documents are about and how they relate to the issues

Summoning document and witnesses

You need to decide whether to apply for a summons to be issued for documents to be provided or for witnesses to attend the hearing. For more information read NCAT Procedural Direction 2: 'Summonses' on the NCAT website.

Give your evidence to the Tribunal and send a copy to the other party

You must comply with the Tribunal's directions about giving your evidence and sending a copy to the other party.

All the evidence you want the Tribunal to consider should be given in line with the timetable. You should not surprise the other party with new evidence at the hearing. The Tribunal can reject that evidence.

After you receive a statement or affidavit from a witness for the other party, you need to tell them whether you want that witness to come to the hearing so you can question (cross-examine) them.

What if I cannot participate?

If you do not participate the Tribunal Member may dismiss the case. If you are the respondent the application may be heard in your absence.

Applications for adjournment of a hearing are not encouraged and you should not expect that an adjournment will be granted even if all parties consent.

NCAT may refuse an adjournment if it considers that the adjournment is:

- not in the public interest
- prejudicial to the interests of one or more parties or the expeditious determination of the proceeding
- contrary to efficient case management, or
- otherwise unjust

Apply for an adjournment in writing attaching any supporting documents such as a medical certificate or travel bookings

and the written consent of the other party, if it has been obtained.

Withdrawal, dismissal and settlement

You can withdraw your application at any time by writing to the Tribunal and the other party. If you and the other party have resolved the dispute you may wish to withdraw the case or ask the Tribunal to consider making orders with the consent of both parties.

The hearing

Take the following documents to the hearing:

- what you wrote down to prepare for the hearing
- all the statements, affidavits, documents and submissions that you and the other party have given to each other and the Tribunal

What will happen at the hearing?

Usually the applicant presents their evidence first and their witnesses are questioned by the other party (cross-examined). In administrative review cases the agency may present their evidence first. Presenting evidence means identifying the statements, affidavits and other documents that are relied on. The Tribunal will decide, for each document, whether it will consider the evidence. Evidence that is relevant and reliable is likely to be taken into account. Opinion evidence will not be taken into account unless it is from an expert in the area.

Next, the other party presents their evidence and their witnesses are cross-examined by the party who has already presented their case. Finally each party makes submissions or arguments about what facts have been proved and what legal principles apply to those facts.

Outcome of the hearing

Sometimes the Tribunal will tell you the decision and the reasons for the decision at the end of the hearing. In most cases the Tribunal will make a decision and give you written reasons later.

Hearings are open to the public

Hearings are open to the public and are recorded. Written decisions are published on the NSW Caselaw website www.caselaw.nsw.gov.au.

The Tribunal can make orders closing the hearing, suppressing a person's name or preventing disclosure of other information. See Administrative and Equal Opportunity Division's Procedural Direction 9: 'Publication, Anonymisation and Suppression' on the NCAT website.

Need more information?

Visit the NCAT website www.ncat.nsw.gov.au or contact NCAT on **1300 006 228**. For free legal information and assistance contact LawAccess on 1300 888 529.