

## Factsheet 7

# Evidence at a Tribunal hearing

The Land and Resources Tribunal is an independent statutory body established under the *Land and Resources Tribunal Act 1999*. The Tribunal is required to observe natural justice and to act as quickly and with as little formality and technicality as is consistent with a fair and proper consideration of the issues before it. It is not bound by the formal rules of evidence in the same way as a court and may inform itself of anything in the way it considers appropriate.

### Evidence that should be presented

It is important that parties before the Tribunal present their evidence in a clear, concise and logical manner. Only evidence directly related to matters in contention should be presented. Evidence that does not relate directly to the issues before the Tribunal will not be accepted. Parties should however bring all documentary evidence relating to the matter even if they do not feel it is necessary or intend to produce it to the Tribunal. Throughout the course of the hearing an item that may at first seem unnecessary may in fact be required.

### Oral evidence

Oral evidence is when you or a witness states what you know about the issues before the Tribunal. Oral evidence is given from the witness box and the witness must take an oath or make an affirmation to tell the truth. All parties can ask questions of a witness, as can members of the Tribunal. Responses to questions asked of a witness you have called are referred to as evidence in chief. Questions asked of your witness by another party are referred to as cross-examination. After all other parties have asked questions of your witness you will have another chance to ask further questions of your witness. This is referred to as re-examination and provides you with the opportunity to clarify any issues raised during cross-examination.

### Documentary evidence

Documentary evidence can be presented instead of, or in addition to, the giving of oral evidence. Affidavits

and statements are documents that set out the evidence a person would have given were they called as a witness in a hearing. Other documentary evidence includes maps, plans, photographs, letters, memos and any other document dealing with the issue before the Tribunal. It is important when appearing before the Tribunal to have copies of all documentary evidence relevant to the matter, even if you do not consider it necessary.

### Objecting to evidence

If another party is trying to introduce evidence that you do not think is relevant, you can object to the evidence being admitted. For documentary evidence, the Member/s will usually check that you do not object to the document before it is admitted. If another party is asking a witness a question you do not think is relevant, you may object by standing and saying that you object. The Member/s will ask you to explain why you object and will also ask the other party why the evidence is relevant. The Member/s will then make a ruling on the objection.

### Practice Directions

Directions are made by the President of the Tribunal as to how things can or should be done before the Tribunal. It is advisable to read each of the Practice Directions before a hearing as many relate to the presentation of evidence. Practice Directions are available on the LRT website.

### For further information

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*Please note that the content of this factsheet is general information only.*