



WRC FACT SHEET ON EVIDENCE FOR LITIGANTS IN PERSON

What is evidence?

Evidence may include any **testimony, documents or material object** which is **relevant** to the issue before the Adjudication Officer. Evidence is **relevant** if it proves or disproves a fact that is in dispute between the parties.

Any evidence before the Adjudication Officer will also be available to the parties.

As a general rule, witnesses' evidence is examined orally at the hearing.

A Written Case Statement or Legal Submission is not evidence.

The **case statement or submission** allows the parties and Adjudication Officer to prepare for the hearing and ensures that the adjudication hearing focuses on the issues which are relevant to the complaint or dispute at hand.

The purpose of a **written submission** is to aid the Adjudication Officer's understanding of the party's position/arguments on the issues(s) at the heart of the dispute. It is an opportunity for each party to briefly set out their case and explain why they believe that their case should succeed.

Examination of the evidence at the hearing and terms used

Oral evidence, usually under oath or affirmation is given at the hearing. A witness tells their story about what they saw and/or heard. The Complainant/ Respondent may give evidence as a witness.

A witness is a person who has some knowledge of an event and may have seen or heard what has happened. When the Complainant/Respondent gives oral evidence, they do so as a witness. With very rare exceptions, a witness in court can only testify about what they have personally seen and/or heard. They cannot give evidence about what someone else has seen or heard. This is called '**hearsay evidence**' which is generally not accepted or given much weight subject to some exceptions.

'**Expert witnesses**' can be allowed to give hearsay evidence. **An expert witness** is a person who, because of their expertise in a particular field, can testify about more than what they have seen or heard. They can tell the Adjudication Officer what conclusions they have reached as a result of certain facts, and they can give their opinion on the facts. Only expert witnesses can give evidence about their opinions.

Examination-in-chief is the examination of a witness by the party calling that witness. During examination in chief, a witness is asked questions by the person/ representative who called them as a witness. If the complainant/ respondent is not

represented, they present their evidence directly. In the examination-in-chief the witness gives their version of events. The witness cannot be asked leading questions in the examination-in-chief (these are questions that suggest the answer).

Cross-examination is the questioning of a witness by the other side in the dispute. It is done by the party who did not call them as a witness or by the other side's their representative at the hearing. This happens after the 'examination-in-chief'. The main purpose of cross-examination is to test the credibility of the witness, their version of events and to help the party that is cross-examining. It is necessary to put all questions to the relevant witness that are in dispute between the parties - otherwise the witnesses' evidence-in-chief may be accepted by the Adjudication Officer.

Re-examination is the questioning of a witness by the party who called them after they have been cross-examined. It is important to note that re-examination is confined to matters that have been raised in cross-examination.

Please see WRC Witness Guidelines for more information: [WRC Witness Guidelines](#)

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