

INDEPENDENT GAMBLING AUTHORITY

Information for Participants in Hearings

(General release: February 2001)

Natural Justice

1. The Authority, in conducting hearings, applies the basic principle of “natural justice” or procedural fairness to ensure that people coming before the Authority understand what the hearing is about, and have a reasonable opportunity to present their own cases.

Hearing

2. The hearing will be presided over by a panel of between three and five members. Each member will have a copy of the documents exchanged between the parties prior to the hearing.
3. The Authority will determine, in its discretion, who, apart from the person whose interests are affected. It may seek submissions from the Liquor and Gaming Commissioner or his staff. It may also summon witnesses (including staff of the Authority or the Commissioner) to give evidence about what they have seen or heard.
4. The person whose interests are affected is entitled to have legal representation, but must pay for or otherwise arrange this representation. If requested or allowed to make submissions, the Liquor and Gaming Commissioner is also entitled to legal representation at the expense of his Office. The Authority is not responsible for people’s own legal costs and has no power to award costs between them.
5. The Authority may have its own legal counsel assisting it with the conduct of the proceedings, particularly a person whose interests are affected is not legally represented and where matters of a legally complex nature are likely to arise during the course of the hearing. While the Authority’s counsel may be able to assist in the presentation of evidence, the Authority’s counsel cannot be a legal adviser to anyone apart from the Authority.
6. The Authority will provide interpreters as required.
7. The proceedings will be audiotaped.
8. If evidence is to be given, it will usually be taken on oath or affirmation from witnesses present at the hearing. The person whose interests are affected should be ready to give sworn or affirmed evidence. However, as the Authority is not bound by the rules of evidence and can inform itself on any matter and in such manner as it thinks fit, evidence may be taken in other ways.

9. People appearing before the Authority may examine or cross-examine a witness and tender documents.
10. During a hearing the Authority may ask any questions of a person whose interests are affected, the Liquor and Gaming Commissioner or a witness.
11. Proceedings will be conducted as informally as possible.

Costs

12. The Authority cannot make costs orders. Each person appearing must bear his or her own costs. (This does not apply to people who appear only as witnesses.)

Reasons for decision

13. The Authority will generally make findings within 30 days after a hearing. The Authority will seek to give written reasons for its decisions that are clear and easy to understand.