

# Hearing Preparation Checklist

Note: The checklist is a guide only of things to consider in advance of a hearing.  
You can either print this document or use the square checkboxes and save it to your computer.

## STEP 1: DO I WANT REPRESENTATION?

- ☐ A registered industrial organisation relevant to my industry has agreed to represent me at the Industrial Relations Commission of New South Wales (Commission).
- ☐ A lawyer, has agreed to represent me after I have considered:
  - the cost and whether I can afford a lawyer; and
  - whether the lawyer specialises in employment and industrial law.
- ☐ I have decided to represent myself at the Commission after I have considered:
  - whether I can emotionally and mentally cope in the hearing room and navigating the legal system;
  - whether I have time, resources and ability to prepare for my matter;
  - whether I can communicate clearly and confidently to ensure everyone can understand my arguments;
  - whether I can withstand the stress and pressure of legal proceedings;
  - how the law applies to my circumstances and the processes that must be followed to ensure a fair and efficient resolution; and
  - what a lawyer or registered industrial organisation told me about what is involved in my representing myself and the legal processes.

NOTE: A registered industrial organisation or a lawyer may need permission from the Commission Member to appear and must submit a UCPR 6A Notice of Appearance with your application.

## STEP 2: GATHER DOCUMENTATION

- ☐ Find relevant documents and supporting evidence that can help your case, such as:
  - written evidence of contracts or agreements;
  - correspondence such as emails, text messages, voice messages, notes;
  - rosters, payslips, performance reviews or reprimands;
  - reports, such as medical, police, investigative, WHS or expert reports;
  - contemporaneous diary entries; or
  - photos, videos or other documentary evidence.
- ☐ Create a chronology or timeline of relevant events;
- ☐ Identify relevant provisions in contracts, enterprise agreements and awards;
- ☐ Identify relevant provisions in legislation, regulations and rules;
- ☐ Are there any cases that raised similar issues to your case on NSW CaseLaw or Austlii.

### **STEP 3: WITNESSES**

- ☐ Are there people with personal knowledge about an issue or fact in dispute?
- ☐ Is that person's knowledge relevant to an issue or fact in dispute?
- ☐ Is that person's knowledge first-hand (something they personally saw, heard, etc)?
- ☐ The witness statement is not gossip, speculation or disparaging remarks about someone's personality or character;
- ☐ The person is willing to write a statement and/or attend a hearing to testify about:
  - first-hand knowledge of an incident, event or fact that is in dispute;
  - relevant dates, times, locations, people and events in the order they occurred;
  - clearly refer to, explain and provide any relevant documentation that supports an assertion.
- ☐ Consider whether you require a suitably qualified expert, for instance a medical doctor, to provide an expert report to support your claim.

NOTE: Evidence must be relevant to the issues in dispute, must not be 'hearsay' and only about what they heard, saw, experienced, and must not be an opinion, unless they are a qualified expert in the subject matter about which they are giving an opinion.

### **STEP 4: PREPARE WITNESS STATEMENT**

- ☐ Witness statements are a formal, written record of an incident, event or fact from a person who saw or experienced an incident or event. The witness statement should:
  - clearly set out the facts;
  - reference documents that support the facts;
  - be easy to read and in chronological order;
  - contain numbered paragraphs to make it easier to navigate or reference;
  - contain headings and sub-headings if the statement covers multiple issues;
  - be concise and accurate; and
  - be signed and dated.
- ☐ Read and comply with Parties must comply with Practice Note No. 33 – Use of Generative Artificial Intelligence (Gen AI).

NOTE: Gen AI should not be used to prepare witness statements and must include a disclosure that Gen AI was not used.

## **STEP 5: PREPARE YOUR SUBMISSIONS**

☐ I have prepared an outline of written submissions for the Commission that:

- state what remedy or outcome I am seeking from the Commission and identify what statutory provision give the Commission power to grant that remedy or outcome;
- summarise the facts, events or incidents in my matter;
- summarise relevant evidence that correlates with witness statements presented to the Commission;
- refer to relevant legislation, regulations, rules, industrial instruments or legal principles that apply to the facts in dispute; and
- explain why or the grounds on which the Commission grant the outcome I am seeking.

☐ The submissions:

- are clear, concise and accurate;
- easy to read;
- contain numbered paragraphs to make it easier to navigate or reference;
- contain headings and sub-headings;
- contain page numbers;
- are signed and dated; and
- comply with Practice Note No. 33 –Use of Generative Artificial Intelligence.

## **STEP 6: ORGANISE AND SEND ALL DOCUMENTS TO THE COMMISSION**

☐ The documents are organised into a numbered list with an index page;

☐ The documentation is clearly labelled with the first page bearing the file name including the case number;

☐ If emailing, all documents are pdf documents;

☐ The documents are submitted on time;

☐ The documents are served on (that is, sent to) the other parties at the same time as they are provided to the Commission; and

☐ Print a physical copy of all documents just in case there are technical difficulties.

## **STEP 7: DO I NEED SUPPORT SERVICES IN THE HEARING ROOM?**

☐ Do I need an interpreter? If so, speak to the Registry before the hearing date.

☐ Do I need disability support or assistance? If so, speak to the Registry before the hearing date.