

# INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

## Guide to Preparation of Prescribed Forms

General instructions on forms and documents for use before the Commission (previously Schedule 1 to the IRC Rules 1996 – a reference to Schedule 1 on a Form is to be taken as a reference to this Guide)

### First page

1. Form A of this Guide sets out the way the first page of a document prepared by a party for use in a tribunal should be prepared, unless the Form on the Commission's website indicates otherwise.
2. Instructions on how to set out the first page and the information it must contain are contained in Form A. You should follow these instructions.

### Matter Number

3. Documents in any proceedings before a tribunal must show the serial number of the proceedings. For initiating process, this number will be allocated by the Registry. You must include this number on all subsequent documents filed.

### Headings

4. Documents in any proceedings must have a heading, showing the proper name of the tribunal. These headings are:

For matters before:	Use
the Commission	"Before the Industrial Relations Commission of New South Wales"
the Industrial Court	"Before the Industrial Court of New South Wales"
an Industrial Committee	"Before the" together with the full name of the Industrial Committee
the Contract of Carriage Tribunal	"Before the Contract of Carriage Tribunal"
the Industrial Registrar	"Before the Industrial Registrar"

## **Title**

5. Documents in any proceedings should have a title which identifies the matter. The form of the titles are:

<b>Type of Proceedings:</b>	<b>Form of Title</b>
proceedings in relation to an award	"Re" together with the name of the award, the name of the applicant and an abridged statement of the nature of the proceedings
proceedings between parties	use the names of the parties, described as applicant or appellant and respondent or as the case may be (or as informant and defendant in prosecutions), together with an abridged statement of the nature of the proceedings
proceedings in which there is no other party and which does not relate to an award	"The application of" together with the name of the applicant and an abridged statement of the nature of the proceedings
proceedings which are initiated by the Commission	as directed by the Commission, or in the absence of such a direction, as directed by the Registrar
in any other case	as directed by the Registrar

6. You may use an abbreviation of the title of the proceedings (provided it is sufficient to identify the proceedings) but you must use the full title on any originating process or on any document to be served on a person who is not a party to the proceedings.

7. The Registrar may add to or alter the title of any document, filed or lodged in any proceedings. You will be advised if this happens and you should use the changed title thereafter.

## **Paper**

8. You must use A4 size paper of durable quality and capable of receiving ink writing, unless the type of document renders this impracticable. If this is the case you should alert the Registrar before attempting to file the document.

## **Setting out**

9. You must use one side of the paper only.

10. You must have a margin of not less than 25 millimetres on the left of the page.

11. You must leave a space of not less than 3 millimetres between the lines of writing.

12. Printing on the paper must be clear, sharp, legible and permanent. Documents which contain any blotting, erasure, or such other alteration may not be accepted if the alterations make it difficult to read.

13. You must not use carbon copies.

#### **Address for service to be included**

14. On any documents you file, you must include an address (including a daytime telephone number) where contact can be made with you and where material can be served on you. Form 1 shows where this information must go.

15. If you have a solicitor or agent acting for you, you must show the name, address, telephone number and facsimile number (if any) of the solicitor or agent, and where the address for service is the office of a solicitor or an agent who has an exchange box in a document exchange of Australian Document Exchange Pty Limited, the number of that box.

16. The address you show on the document as your address for service will continue to be used until notice of change of address is given. The form of that notice is set out in Schedule 2.

#### **Signing documents**

17. You, your solicitor or your agent must sign the documents you file unless otherwise the Form indicates or requires otherwise. Form B shows the style of signature, unless the Form in Schedule 2 indicates otherwise.

#### **Other formal parts**

18. Form C shows the style of Notice to the respondent calling for the filing of an appearance. Form D shows the style of the Appointment for Hearing.

#### **Copies of documents to be filed**

19. You will need copies of all documents you intend to file. Rule 2.6 of the *Industrial Relations Commission Rules 2009* specifies the number of documents required to be filed.

You will also need a copy for yourself, and, if you have to serve the document on the other parties, enough copies to serve every party and an additional one to attach to an affidavit of service.

## Form A

*(First page of a document)*

*(Leave clear a space of about 50 millimetres from the top of the page)*

### **BEFORE THE INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES (or other Heading as required by Schedule 1)**

**No**                      **of 2010**

*(Add Title as required)*

*Describe the document, eg*

**APPLICATION**

*(or, in the case of an  
Affidavit)*

**AFFIDAVIT**

*(and show the name of the  
deponent, date of swearing  
and for whom filed)*

**J Smith**

**31 March 2010**

**Filed for Applicant**

*(and in every document  
continue)*

**Filed by***(Name of person,  
corporation, organisation or  
other body filing the  
document)*

**Contact name***(Name of  
person conducting the  
matter)*

**Address**

**Telephone**

**Facsimile**

**DX**

*(and if solicitors or agents  
are acting, add)  
by their agents*

**Name**

**Address**

**Telephone**

**Facsimile**

**DX**

(Do not describe the document here. The substance of the documents shall be written within this space. A margin of not less than 25 millimetres shall be kept clear on the left hand side of the page. The dividing line to the left hand side shall be about 75 millimetres from the left hand edge of the page.)

*(Note: Documents should be signed in accordance with Form B)*

## Form B

### ***Conclusion of documents for use by a party***

*(signature)*  
*(Capacity in which signed, eg.*  
*applicant, respondent, Industrial*  
*Registrar).*

Filed (dated, if not filed): (date)20

*(On originating process or notice of appearance add the full name of the solicitor or agent.)*

## Form C

### ***Form of Notice to Respondent requiring Notice of Appearance to be filed***

#### **TO THE RESPONDENT(S):**

*(name each party affected by the application, order sought, etc).*

#### **IMPORTANT NOTICE:**

(1) You are required, under the Rules of the Industrial Relations Commission, to file a notice of appearance at the Industrial Registry *(address and telephone number)* within 7 days of service of this notice *(or as the case may be)* on you.

*or*

(1) The respondent is *(and/or, in an award application or where appropriate, or any other person interested in or affected who desires to take part in the proceeding are)* required, under the Rules of the Industrial Relations Commission, to file a notice of appearance at the Industrial Registry *(address and telephone number)* within 7 days of service of this notice *(or as the case may be)* on you.

(2) If you do not enter an appearance, or if there is not attendance by you or your counsel, solicitor or agent at the time and place specified in this notice or as notified to you subsequently, the proceedings may be heard in your absence and an order may be made against you.

(3) The parties will be advised if the date time or place is altered. Any enquiries should be made to the Industrial Relations Commission List Clerk, telephone (number).

*(where the time for service has been abridged, add*

The time before which this notice *(or as the case may be)* is to be served has been abridged by the Commission to 5.00 pm on (date)19 ).

**Form D**

***Appointment for hearing***

TO: (Name and address of persons affected)

The Industrial Relations Commission of New South Wales\* appoints

(date and time) 19 .

at(address) for (mention/hearing)

of this of this application (or as the case may be).

†The parties who have entered an appearance will be advised orally if the date, time or place is altered. Any enquiries requiring the listing should be made from the Industrial Relations Commission's List Clerk in the Registry.

†If there is no attendance by you or your agent, counsel or solicitor at the time and place specified in this Appointment or as notified to you subsequently, the proceedings may be heard and an order may be made in your absence.

(Where the time for service has been abridged, add:

The time before which the summons (or as the case may be) is to be served has been abridged by the Commission to 5.00 pm on 19, or as the case may require).

Dated:

Industrial Registrar

\* If Committee, insert full name of Committee

†—these paragraphs may be deleted if this notice is endorsed and completed on the originating document.