



PRACTICE NOTE 14B

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Re-issued pursuant to s 185A of the *Industrial Relations Act 1996* (NSW)
and s 15 of the *Civil Procedure Act 2005* (NSW)

USUAL DIRECTIONS FOR APPLICATIONS FOR RECOVERY OF MONEY AND CIVIL PENALTIES AND APPLICATIONS UNDER SECTION 106 OF THE INDUSTRIAL RELATIONS ACT 1996 (NSW)

COMMENCEMENT

1. This Practice Note replaced Practice Note No. 14A and has effect from 3 June 2025. This amendment is effective from 1 June 2026.

INTRODUCTION

2. The purpose of this Practice Note is to facilitate the resolution of matters commenced pursuant to Part 9 of Chapter 2 or Part 2 of Chapter 7 of the *Industrial Relations Act 1996* (NSW), the *Fair Work Act 2009* (Cth) or other proceedings for recovery of money under other applicable legislation and referred to the Commission for conciliation by making standard directions to ensure that:
 - a. such proceedings are conducted before the Commission in an efficient and expeditious manner; and
 - b. practitioners and others who appear before the Commission do all they can to facilitate the just, quick and cost-effective disposal of such proceedings.
3. This Practice Note does not apply to small claims applications within the meaning of the *Industrial Relations Act 1996*, section 379, as to which see rule 8.3 of the *Industrial Relations Commission Rules 2022*; or to proceedings under s 20 of the *Entertainment Industry Act 2013*.
4. The purpose of conciliation is to resolve the proceedings by agreement and without proceeding to a full hearing. Conciliation provides the parties with an opportunity to reach agreement about some or all of the issues in dispute. It is essential that the parties clearly identify the issues between them prior to the conciliation.

CONDUCT OF CONCILIATION

5. Upon allocation of the matter to a judicial member of the Commission or the Registrar after the commencement of proceedings for the recovery of money and civil penalties or unfair contract proceedings the usual directions on referral for conciliation are set out in Annexure A.

6. Conciliation is to be attempted by means of a conciliation conference conducted after reasonable notice to the parties. Conciliation conferences follow a structured process in which the Commission endeavours to assist the parties to:
 - a. communicate effectively with each other; and
 - b. reach agreement on the issues in dispute.
7. Each party may be represented at a conciliation, but only by a person who is fully aware of and conversant with the matter and has full authority to settle the matter.
8. Each party must attend the conciliation with information on:
 - a. the costs incurred by the party to date; and
 - b. an estimate of the number of hearing days that would be involved, and of the costs that the party would incur, if the matter were to proceed to a hearing.

USUAL DIRECTIONS FOR HEARING

9. Matters that do not resolve at conciliation will be allocated to a judicial member of the Commission or the Registrar for directions about procedure. If the matter was conciliated by such a member of the Commission, it will be allocated to a different judge.
10. Upon allocation of the matter to a judicial member of the Commission or the Registrar after conciliation:
 - a. the usual directions for proceedings for the recovery of money and civil penalties are set out in Annexure B; and
 - b. the usual directions for unfair contract proceedings are set out in Annexure C.

JUSTICE I TAYLOR
PRESIDENT
1 JUNE 2026

AMENDMENT HISTORY:

1 June 2026: This Practice Note replaced former Practice Note 14B Usual Directions for Applications for Recovery of Money and Civil penalties and Applications under section 106 of the *Industrial Relations Act 1996* (NSW) which was re-issued on 3 September 2025. The Practice Note was reformatted and included an amendment at paragraph [3] relating to proceedings under the *Entertainment Industry Act 2013*.

3 September 2025: This Practice Note replaced former Practice Note 14B Usual Directions for Applications for Recovery of Money and Civil penalties and Applications under section 106 of the *Industrial Relations Act 1996* (NSW) which was issued on 3 June 2025.

3 June 2025: This Practice Note was issued.

ANNEXURE A – USUAL DIRECTIONS ON REFERRAL FOR CONCILIATION

1. The Respondent is to file a Response to the Application by 4:00pm on [*a date 2-3 weeks from the date of the directions hearing*].
2. The matter is listed for an In Person Compliance Check Hearing at 9:15am before the Registrar on [*Wednesday following the filing date*] which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 1.
3. The matter is otherwise to be listed for conciliation pursuant to Rule 7A.3 of the *Industrial Relations Commission Rules 2022* before a Commissioner on a date and time to be advised.
4. The conciliation is to be conducted in accordance with Practice Note 14B.
5. Each party must file and serve an outline of their case, not exceeding 3 pages, at least 5 days prior to the conciliation.
6. A party who believes that there is a matter of fact or law:
 - a. that has not already been identified in the pleadings (or outline required by Order 5); and
 - b. that would require determination if the matter were to proceed to a hearing, must document the matter, and file and serve a copy of the relevant documentation, not less than 3 days before the date fixed for the conciliation.
7. [*Applicable only in unfair contract proceedings*] Where the claim is for compensation the applicant must file and serve a statement as to mitigation of damage or loss not less than 3 days before the date fixed for the conciliation.
8. [*Applicable only in unfair contract proceedings*] A party who contends that any term of a written contract or industrial instrument is in issue must file and serve a copy of the document, together with a brief summary as to the nature of the issue, not less than 3 days before the date fixed for the conciliation.
9. During the week prior to the conciliation, the parties must consult with each other for the purpose of clearly identifying all issues and matters in dispute.

ANNEXURE B – USUAL DIRECTIONS FOR PROCEEDINGS FOR THE RECOVERY OF MONEY AND CIVIL PENALTIES

1. The Applicant is to file and service its outline of submissions of no more than 10 pages in length and any evidence that the Applicant seeks to rely on by 4:00pm on _____ (*within 21 days*).
2. The Respondent is to file and serve its outline of submissions of no more than 10 pages in length and any evidence that the Respondent seeks to rely on by 4:00pm on _____ (*within 21 days of service of Order 1 material*).
3. The Applicant is to file and serve its outline of submissions in reply of no more than 5 pages in length and any evidence in reply by 4:00pm on _____ (*within 14 days of service of Order 2 material*).
4. The matter is listed for In Person Compliance Check Hearings at 9:15am before the Registrar on the following dates;
 - a. [*the Wednesday following the date in Order 1*], which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 1;
 - b. [*the Wednesday following the date in Order 2*], which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 2;
 - c. [*the Wednesday following the date in Order 3*], which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 3.
5. Evidence in the proceedings must be given by way of affidavits along with any relevant annexures or exhibits filed and served by a party. The requirements for filing, length, presentation, and formatting of documents and court books as set out in Practice Note 32, apply.
6. By 4:00pm on _____, the parties are to:
 - a. give notice to the opposing party of any witnesses required for cross-examination; and
 - b. file and serve an electronic Court Book in the form required by Practice Note 32.
7. By 4:00pm on _____, the parties are to file and serve a joint list of authorities and legislation along with a joint authorities bundle in accordance with Practice Note 2A.
8. Without prior leave of the Commission, no summons for the production of documents may be made returnable less than 3 weeks prior to the date set for the hearing of the matter.
9. The matter is listed for hearing before _____ on _____. OR The matter is to be referred to the President for allocation of a Judge to hear the matter. The Court notes the estimate is ____ days.
10. Leave to the parties to apply on 3 days' notice is granted.

ANNEXURE C – USUAL DIRECTIONS FOR UNFAIR CONTRACT PROCEEDINGS

1. The Applicant is to file and serve an outline of submissions of no more than 10 pages in length and any evidence that the Applicant seeks to rely on by 4:00pm on _____.
(Optional 1A: The Applicant is to file and serve any amendments to the originating process by 4:00pm on _____).
2. The Respondent is to file and serve its outline of submissions of no more than 10 pages in length and any evidence that the Respondent seeks to rely on by 4:00pm on _____ *(within 28 days of service of Order 1 material).*
(Optional 3A: The Respondent is to file and serve any amended reply by 4:00pm on _____ [within 14 days after service of any Order 1A amendments]).
3. The Applicant is to file and serve its outline of submissions in reply of no more than 5 pages in length and any evidence in reply by 4:00pm on _____ *(within 14 days of service of Order 2 material).*
4. The matter is listed for In Person Compliance Check Hearings at 9:15am before the Registrar on the following dates:
 - a. *[the Wednesday following the date in Order 1]*, which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 1;
 - b. *[the Wednesday following the date in Order 2]*, which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 2;
 - c. *[the Wednesday following the date in Order 3]*, which will be vacated if and when the parties confirm in writing to the Registrar that there has been compliance with the whole of Order 3.
5. Evidence in the proceedings must be given by way of affidavits along with relevant documents filed and served by a party. The requirements for filing, length, presentation, and formatting of documents and court books as set out in Practice Note 32, apply.
6. By 4:00pm on _____, the parties are to:
 - a. give notice to the opposing party of any witnesses required for cross-examination; and
 - b. file and serve an electronic Court Book in the form required by Practice Note 32.
7. By 4:00pm on _____, the parties are to file and serve a joint list of authorities and legislation along with a joint authorities bundle in accordance with Practice Note 2A.
8. Without prior leave of the Commission, no summons for the production of documents may be made returnable less than 3 weeks prior to the date set for the hearing of the matter.

9. The matter is listed for Hearing before _____ on _____ with an estimate of ____ days.
OR The matter is to be referred to the President for allocation of a Judge to hear the matter. The Court notes the estimate is ____ days.
10. Leave to the parties to apply on 3 days' notice is granted.