



INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

USUAL DIRECTIONS

1. The matter will be set down for hearing on, [*ordinarily 8-10 weeks from the date orders are made*] on the basis of an estimate of day(s) for the hearing.
2. The **applicant**¹ shall, by 4:00pm on [*ordinarily 3 weeks later and about 6 weeks before the hearing date*] file and serve:
 - a. Evidence; and
 - b. An outline of submissions, not exceeding 10 pages, spaced line and a half.
3. The **respondent** shall, by 4:00pm on [*ordinarily 3 weeks after previous date and about 3 weeks before the hearing date*], file and serve:
 - a. Evidence; and
 - b. An outline of submissions, not exceeding 10 pages, spaced line and a half.
4. The **applicant** shall, by 4:00pm on [*1 week after previous date and about 2 weeks before the hearing date*], file and serve:
 - a. Any evidence in reply; and
 - b. An outline of submissions in reply, not exceeding 5 pages, spaced line and a half.
5. The matter is listed for Compliance Check Hearings before the Registrar on the following dates:
 - a. [*the Wednesday following the date in order 2*], which will be vacated if order 2 is complied with;
 - b. [*the Wednesday following the date in order 3*], which will be vacated if order 3 is complied with;
 - c. [*the Wednesday following the date in order 4*], which will be vacated if order 4 is complied with.
6. [*Option 1 – Court Book*] Not later than 4pm 3 working days before the hearing the applicant [*or the respondent*] is to file in the [Smith Street Parramatta/Bridge Street

¹ In respect of a public sector disciplinary appeal the public sector employer's case is to be presented first, and accordingly the orders will reflect that by having the respondent employer file evidence and submissions first.

Sydney] registry 2 hard copies and 1 electronic copy of a Court Book in accordance with Practice Note 32 and serve an electronic copy of that Court Book on the other party.

[*Option 2 – no Court Book*] Not later than 4pm 3 working days before the hearing each party is to file 1 hard copy of their submissions and evidence documents in the [Smith St Parramatta/Bridge St Sydney] registry.

7. **Evidence** in the proceedings will be given by way of signed statements or affidavits along with relevant documents filed and served by a party.
8. The applicant's/notifier's **outline of submissions** should summarise, plainly, concisely and directly:
 - a. the primary legal grounds for the relief sought;
 - b. the important facts giving rise to the claim/dispute; and
 - c. the nature of and the party against whom relief is sought from the Commission.
9. The respondent's **outline of submissions** should summarise, plainly, concisely and directly:
 - a. any legal or factual issue in dispute; and
 - b. why the relief sought from the Commission should not be granted.
10. The parties must comply with Practice Note No. 32, including the page limits and other requirements of Annexure A - *Requirements for length, presentation and formatting of documents*. Any request for leave to depart from the requirements of Practice Note No. 32 should be made in writing no less than 48 hours before the relevant document is due to be filed.
11. Filing of submissions and evidence by the dates required can be done by emailing them to IRC.emailfiling@courts.nsw.gov.au, in accordance with Practice Note No. 32.
12. Without the leave of the Commission, cross examination of a witness will not be allowed unless, at least one week prior to the hearing, notice has been given to the opposing party that a witness is required for cross-examination.
13. 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.
14. Any application to vary these orders must be made in writing, after consulting with the other party or parties, in accordance with Practice Note No. 32.
15. [*Optional*] The parties are directed to confer and to file a Statement of Agreed and Disputed Facts and Issues by 4pm on
16. [*Where applicable*] The Registrar is to arrange for an interpreter to attend the hearing.

NOTES

The Registrar conducts a list each Wednesday to deal with summonses for production.

Self-represented parties must obtain leave to issue summonses (Rule 7.3 of the *Uniform Civil Procedure Rules 2005*).

A party may not be able to rely on evidence filed later than the time directed in the timetable.

FORMS OF ADDRESS

In the interests of ensuring that all participants in the proceedings are treated with equal dignity and respect, the parties are invited to inform the Commission in respect of each person who will be involved in the arbitration/hearing:

- Their name;
- How they would prefer to be addressed, including their preferred title (for example, Mr/Ms/Mx/Dr), if any; and
- The pronouns to be used when referring to them.

Unless advised to the contrary, the Commission will be guided by the forms of address adopted in the parties' evidence and submissions, and will otherwise default to the customary use of male and female honorifics (Mr/Ms) and the use of male and female pronouns.

**JUSTICE I TAYLOR
PRESIDENT
24 SEPTEMBER 2024**

REVISION HISTORY

First Issue Date:
Re-Issue Date

14 March 2023
24 September 2024