



USUAL DIRECTIONS

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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 at [specific location e.g Parramatta, Sydney, Newcastle].
2. The **applicant/notifier**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/notifier** 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 In Person Compliance Check Hearings at 9:15am before the Registrar on the following dates:
 - a. [*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;
 - b. [*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;

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.

- c. *[the Wednesday following the date in order 4]*, 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 4.
6. *[Optional]* The matter is listed for Readiness Hearing before *[the Commissioner hearing the matter]* at 9:30am on *[date and time approximately 3 weeks out from hearing date]*.
7. *[Optional]* The parties are directed to confer and to file a Statement of Agreed and Disputed Facts and Issues by 4:00pm on*[date after evidence has been filed and before or at the same time as the court book is due.]*
8. *[Option 1 – Court Book]* Not later than 4:00pm 3 working days before the hearing the applicant *[or the respondent]* is to file in the *[Smith Street Parramatta/Bridge Street 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.

OR

[Option 2 – no Court Book] Not later than 4:00pm 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.

EVIDENCE AND ITS FORM:

9. **Evidence** in the proceedings is to be given by way of signed statements or affidavits along with any relevant annexures or exhibits filed and served by a party. Leave is required to adduce oral evidence where a signed statement or affidavit has not been provided.
10. 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.
11. The respondent's **outline of submissions** should summarise, plainly, concisely and directly:
 - a. any legal or factual issues in dispute; and
 - b. why the relief sought from the Commission should not be granted.
12. 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.

13. The parties must comply with [Practice Note No. 33 – Use of Generative Artificial Intelligence](#) (Gen AI), including the requirement at cl 15 to declare in any statement or affidavit that Generative AI has not been used in the preparation of the material.
14. 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.

COMPLIANCE

15. Compliance checks will not be vacated where there has not been a confirmation that material filed complies with the Orders and directions, and that the material has been served.
16. A party who is **not** in default of these orders, and who is required to appear at a compliance check, may appear by way of Audio Visual Link (AVL). Before the compliance check, the party not in default and who proposes to appear via AVL must write to the Registrar before the compliance check to confirm their intention to appear by AVL.
17. The party in default must attend the compliance check in person, unless the Commission otherwise orders.
18. Parties should check the [online court list](#) to confirm if their compliance listing has been vacated in circumstances where they are uncertain as to the status of the listing.
19. A party may not be able to rely on evidence filed which is not compliant with the orders made in the matter, including the time by which the evidence must be filed.
20. 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
21. 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](#).

NOTES

SUMMONSES

The Registrar conducts a list each Wednesday to deal with summonses for production. The requirement for leave, and Rule 7.3 of the *Uniform Civil Procedure Rules 2005*, applies to self-represented parties and parties not represented by a solicitor.

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:

- a. their name;
- b. how they would prefer to be addressed, including their preferred title (for example, Mr/Ms/Mx/Dr), if any; and
- c. 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.