

# Practice Note 10

## Notices of Motion

Issued pursuant to Section 185A of the *Industrial Relations Act 1996* and Section 15 of the *Civil Procedure Act 2005*

### Commencement

1. This Practice Note commences on 13 March 2023.

### Application of Practice Note

2. For the purposes of this Practice Note the 'Commission' means the Industrial Relations Commission of New South Wales, an Industrial Committee, the Contract of Carriage Tribunal and the Industrial Registrar.
3. This Practice Note applies to all proceedings in the Commission.
4. This Practice Note should be read in conjunction with other Practice Notes of the Commission, specifically those setting out procedures for particular types of proceedings.

### Interlocutory Applications

5. Unless leave is otherwise granted by the Commission, interlocutory applications must be brought by a notice of motion (UCPR Form 20 - <https://www.ucprforms.nsw.gov.au/>), supported by an affidavit which sets out briefly and concisely the facts relied upon in support of the orders sought in the motion.
6. Parties must file any motions as soon as practicable, and not wait until the next occasion when the matter is before the Commission. Leave is not required to file a motion, although the Commission may direct that a foreshadowed motion must be filed by a certain date.
7. Motions will be returnable before the Industrial Registrar or the Commissioner managing the matter.
8. Generally, at the first return of the motion, directions will be made to prepare the motion for hearing, including the filing and service of any evidence in response to the motion. However, urgent applications, applications by consent, or applications where there is no appearance by the respondent to the motion and service of the motion and supporting affidavit is established, may be dealt with on the first return date. Parties should be ready to argue the motion on the first return date.
9. All affidavits filed and served in connexion with a notice of motion must comply with Practice Note 32A.

**N J Constant**  
**Chief Commissioner**  
**14 February 2023**

### Amendment History:

14 February 2023: This Practice Note replaces former Practice Note 10, Notices of Motion, which was issued on 26 November 2002 and reissued on 1 February 2010.