

Practice Note No.32

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE NO. 32

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

FILING, LENGTH, PRESENTATION, AND FORMATTING OF DOCUMENTS AND COURTBOOKS

1. This Practice Note has effect from 1 July 2024 and replaces previous Practice Note 32.
2. This Practice Note applies to proceedings before the Industrial Relations Commission and the Industrial Court *other than* criminal proceedings and appeal proceedings. It applies *subject to* any directions that are made in a matter.
3. Filing of documents must be in accordance with Rule 2.5 of the [Industrial Relations Commission Rules 2022](#) and Schedule A.
4. The Commission may, on application or on its own initiative, grant a party, on terms determined by the Commission, leave to be excused from compliance in part or in whole with the requirements of Schedule A or any directions.
5. Parties should identify any proposed alteration to the standard requirements at the first directions hearing.
6. Once directions have been made, any application to vary the direction can only be made by a party after it has consulted the other party or parties, and must:
 - 6.1. be made in writing no later than 4.00 pm, 3 days before the time for filing of that party's evidence and/or submissions;
 - 6.2. state what alteration to the timetable is sought;
 - 6.3. indicate the attitude of the other party or parties;
 - 6.4. provide reasons for the proposed variation.

Filing documents electronically

7. A Notification of an Industrial Dispute (Form 4) can be filed in the Online Registry or by email.
8. The following forms can be filed in the [Online Registry](#) and *cannot be filed by email* without leave of the Registrar: an Unfair Dismissal Application (Form 7A), Application for Public Sector Disciplinary Appeal (Form 4A), Employer's Response to Unfair Dismissal

Application (Form 7B), and an Employer's Response to Public Sector Disciplinary Appeal (Form 4B), Notice of Appearance (UCPR Form 6A), Notice of Discontinuance (UCPR Form 33), Notice of Change of Solicitor or Appointment of Solicitor (UCPR Form 77), Notice of Intention to File Notice of Ceasing to Act (UCPR Form 79) and Notice of Ceasing to Act (UCPR Form 80).

9. All other documents can be filed by email, *provided* they comply with Schedule B.
10. At the next in-person appearance that follows any document being filed by email, a party is to provide two hardcopies to the Commission, unless provided in advance. The hardcopies must be an exact replica of the electronic PDF. A failure to do so may result in the party being unable to rely on or refer to such documents until a hardcopy has been provided.

Filing documents in hardcopy

11. When filing a document in hardcopy, either in person or by post, a party must provide two copies (or such greater number of copies as required by [Schedule 2 to the Industrial Relations Commission Rules 2022](#)) and at the same time, an **electronic copy** on a USB drive or by email the same day. (Note: parties will need a further copy for themselves and, if the document is to be served on other parties by hardcopy, enough copies to serve each party, plus an additional copy to attach to an affidavit of service.)
12. An 'electronic copy' means a document in a text-searchable Portable Document Format (PDF).
13. The Commission may direct that a document that has been filed is to be also provided electronically in Microsoft Word format by a certain time and if so requested, a party must email such a document within the time specified.
14. The Commission may direct that a copy of a document provided to the Commission during an appearance or hearing that has not been previously filed is to be filed electronically by a certain date.

Justice I Taylor
President
1 July 2024

Revision history

First Issue Date:	11 February 2021
Re-Issue Date (version 6):	1 July 2024
	Replacing Practice Notes 32 and 2A

SCHEDULE A TO PRACTICE NOTE NO. 32

BEFORE THE INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

REQUIREMENTS FOR LENGTH, PRESENTATION, AND FORMATTING OF DOCUMENTS

Documents generally

- A1. Any witness statement or affidavit must not exceed 25 pages before annexures and must not have more than 100 pages of annexures.
- A2. An outline of written submissions must not exceed 15 typed pages spaced line and a half, or 10 pages single spaced.
- A3. Formatting and presentation of all witness statements, affidavits and submissions must be in typeface that is no smaller in appearance than an Arial font in 11-point size or a Times New Roman font in 12-point size and otherwise be in accordance with the formatting and requirements contained in cl 4.3 of the [Uniform Civil Procedure Rules 2005](#).
- A4. Paragraphs A1-A3 do not apply to applications made pursuant to s229 of the *Work Health and Safety Act 2011* (application for external review), nor the following classes of documents in proceedings commenced pursuant to s 174 or s 181E of the *Police Act 1990* ("Police Act"):

A4.4. Section 174 applications

- A4.1.4. documents made available to the applicant police officer ("Officer") pursuant to sub-s 174(5) of the *Police Act*;
- A4.1.5. the notice issued by the Commissioner of Police to the Officer under sub-s 173(5)(a) of the *Police Act*;
- A4.1.6. any response by the Officer provided in accordance with sub-s 173(5)(c) of the *Police Act*; and
- A4.1.7. the Order made by the Commissioner of Police under sub-s 173(2)

4.1. Section 181E applications

- A4.1.8. documents made available to the applicant police officer pursuant to sub-s 181E(3) of the *Police Act* (often referred to as "the Commissioner's Confidence brief");
- A4.1.9. the notice issued by the Commissioner of Police to the Officer under sub-s 181D(3)(a) of the *Police Act*;
- A4.1.10. any response by the Officer provided in accordance with sub-s 181D(3)(b) of the *Police Act*; and

A4.1.11. the Order made by the Commissioner of Police under sub-s 181D(1).

Court books for hearing

A5. By 4.00 pm 3 working days prior to a hearing, a court book is to be provided to the Commission in both hardcopy and electronic copy containing all documents that any party will seek to tender or refer to in the proceeding.

A6. The Applicant is to provide the court book, unless otherwise agreed or directed.

A7. If the matter is to be heard by a single member and witnesses are to be called, two hardcopies are to be provided (so there is a second copy to be shown to witnesses). If the matter is being heard by a full bench at first instance, then four hardcopies are to be provided. The hardcopies are to be exact replicas of the electronic copies, with physical tab numbers separating the documents and every page sequential page numbered.

A8. As early as possible following all submissions and evidence being filed, the parties are to confer as to the index to the court book to ensure that the court book will, so far as known, contain all documents that a party will seek to tender or refer to in the proceeding, and does not contain any documents filed that no party will need. Note: the court book is to contain documents that a party will seek to tender even if another party will object to that tender.

A9. The electronic version of the court book is to be in the following format:

- 9.1. A single Portable Document Format (PDF) that is text-searchable.
- 9.2. Every page of the PDF, starting with the cover page and index, is to be sequentially numbered.
- 9.3. Each separate document within the PDF is to be bookmarked with tab numbers that replicate the tab numbers in the hardcopy.
- 9.4. It commences with a cover page that records the matter number, names of the parties, date of the filing, states the name of the party that filed the bundle with an index that lists each document and its page numbers. The following is an example of the Index.

COURT BOOK INDEX	
Title of Document	Page Numbers
1. Workplace Policy	1-16
2. Memorandum dated 3 June 2024	17-22
3. Email dated 6 June 2024	23-25

Authorities

- A10. Each party wishing to rely on authorities or legislation at a hearing is to file a list of authorities and legislation along with an authorities bundle with the Industrial Registry in accordance with [Practice Note 2A](#). The hard copy must be filed at the Registry location (Sydney or Parramatta) where the matter is to be heard.
- A11. The Commission encourages the parties to confer with a view to providing a joint bundle of authorities.

A12. SCHEDULE B TO PRACTICE NOTE NO. 32

**BEFORE THE INDUSTRIAL RELATIONS COMMISSION
OF NEW SOUTH WALES**

REQUIREMENTS FOR FILING DOCUMENTS BY EMAIL

A document permitted to be filed by email will be accepted if it complies with the following requirements. If you are unable to comply with these requirements, you can file a hardcopy in person or by post.

- B1. The email is addressed to IRC.Registry@courts.nsw.gov.au and copied to all other parties to the proceedings.
- B2. The email states:
- a. the matter number, or if the matter has not yet commenced, the subject line specifies the nature of the matter (eg: Dispute Notification: Unfair Dismissal);
 - b. the name of the party forwarding the document for filing and the contact details of a person responsible for the matter, including their email address and phone number;
 - c. the parties that have been copied into the email.
- B3. What is attached to the email complies with the following:
- (a) Documents other than statements and affidavits are to be attached as a single document in the following format:
 - i. A single Portable Document Format (PDF) that is preferably text-searchable.
 - ii. Every page of the PDF starting with the cover page and index, is to be sequentially numbered.
 - iii. Unless you are unable to do this, each separate document within the PDF is to be bookmarked.
 - iv. It commences with a cover page that records a title of the document or bundle, the nature of the matter, matter number, names of the parties, date of the filing, states the name of the party that filed the PDF and if the bundle contains more than one document has an index that lists each document and its page numbers. The following is an example of an Index.

INDEX	
Title of Document	Page Numbers

1. Workplace Policy	1-16
2. Memorandum dated 3 June 2024	17-22
3. Email dated 6 June 2024	23-25

- b) Each statement of evidence or affidavit is to be attached to the email as a separate PDF document. After the last page of the body of the statement or affidavit and before the first page of any annexure, there should be an index of the documents in the annexure in the format prescribed above. The index page should contain a page number.
- c) There is a size limitation for documents electronically lodged with the Commission. This size restriction is currently 150Mb via email and 5Mb via the Online Registry. Please contact the Registry to discuss lodgement options for documents over the size restriction.