

Practice Note No.2A

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INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE NO. 2A

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and Section 15 of the Civil Procedure Act 2005

LISTS OF AUTHORITIES AND LEGISLATION

1. The purpose of this Practice Note is to enable the timely provision of lists of authorities and legislation so as to facilitate the efficient hearing of all matters before the Commission, both at first instance and on appeal.
2. This Practice Note has effect from the date of re-issue.
3. Each party appearing in proceedings shall file a typewritten list of authorities and legislation, in sufficient copies for each member of the Commission concerned, with the Industrial Registry no later than 10.00 am on the last working day before the hearing of the matter. Filing may be effected by email, other electronic means or hard copy.
4. A supplementary list of no more than four authorities and legislation may be filed, by email, other electronic means or hard copy, no later than 4.00 pm on the last working day before the hearing.
5. A copy of the list or lists of authorities and legislation should be served on the other parties, by email, other electronic means or hard copy, no later than 4.00 pm on the last working day before the hearing.
6. Lists should be divided into two parts. Part "A" should contain only the authorities and legislation from which passages are to be read or to which specific reference will be made. Part "B" should contain the authorities and legislation which might be referred to generally but from which passages are not to be read or referred to specifically. The relevant sections of legislation should be specified.
7. Parties shall make available sufficient photocopies of cases and extracts of legislation referred to in Part "A" of their list(s) for each member of the Commission concerned in hearing the proceedings and the other parties.

8. It is the responsibility of a party intending to refer at any length to additional cases (that is, cases not included in Part "A" of a list of authorities filed in accordance with this Practice Note) to provide photocopies of those cases (or relevant parts of them) to be made available to the Commission and the other parties during the argument.
9. It is the responsibility of a party intending to rely upon any material (including a decision/judgment) contained in a loose-leaf service, an unreported decision/judgment, or any text book, reference book, published article or dictionary to provide photocopies of that material, or the relevant extract therefrom, for the use of the Commission and the other parties during the proceedings.
10. As a matter of preference, copies of authorities should be provided at the time of filing the list in accordance with paragraph 3 above. In the alternative, the authorities may be provided to the Commission and the other parties at the commencement of the hearing.
11. For the purpose of awarding costs, the costs of providing photocopies of authorities to the Commission or to other parties for the purposes of a hearing before the Commission (where such photocopies are provided pursuant to this Practice Note) shall not be allowed as part of the costs of any party in the proceedings or charged, unless permitted by a costs agreement made in accordance with Division 4 of Part 4.3 of the Legal Profession Uniform Law (NSW), by any legal practitioner to their client, without a specific order being made by the Commission or the Registrar which provides for the allowance of such costs or charge as the case may be.

P M Kite SC, Chief Commissioner
October 2017