



## Fact Sheet – Hearings

### Information for Parties and Representatives

#### Critical information

- You should be ready and waiting in the courtroom at least 15 minutes before the hearing.
- If you have any accessibility or language needs, advise the Commissioner's Associate well before to the hearing so that arrangements can be made in advance to address your needs, such as booking an interpreter. These services are provided at no cost to you.
- If you cannot attend a hearing in person, you can ask to attend by telephone or video-link. You must provide good reasons why you cannot physically attend. All requests are considered on a case by case basis.
- Please note that, whatever the outcome of your claim, the Commission's decisions are required to be published online and remain on the public record.
- Parties pay their own legal costs to bring or defend a claim or application. The unsuccessful party may be ordered to pay other costs including witness expenses.

#### Types of hearings

Preliminary hearings are hearings deal with any issues that need to be determined by the Commission before the substance of the matter can proceed. Some common preliminary hearings are:

- Directions – this is a short hearing where orders can be made about what should happen next in a matter, or to set out how the matter will proceed.
- Jurisdiction – the Commission needs to determine whether it has jurisdiction to hear the application.
- Discovery – the Commission may make orders to set out a formal discovery process.

A substantive hearing is where the Commission will hear and determine the substance or merits of the employment or industrial issues in dispute.

#### Preparing for the hearing

The day before the hearing, you should check the hearings and conferences list. This list is available on the Commission's website and on the screens outside the hearing and conference rooms on the day of the hearing. This will tell you which room your hearing will be in.

You should bring the following with you to the hearing:

- Copies of all the documents filed by you or served on you during the proceedings. These should be organised so that you can find document easily.
- Any other documents that you want to rely on. Bring at least 3 copies of each document so that each party and the Commissioner can have a copy.
- If you wish to call any witnesses, they must be present at the hearing. If they are unable to attend in person, you may request that they appear by telephone or video-link.

- Pens and paper.
- This guide, if you think that it might be helpful.

You may represent yourself or have someone represent you. Please refer to the Representation Fact Sheet for more information. As hearings are open to the public, you may bring friends and family with you for support.

## At the hearing

Although proceedings before the Commission are reasonably informal, there is some formality. Make sure that you dress, act and speak in a way that helps you with your case. Wear smart clothes with proper footwear and address the Commissioner by their title.

If you are the applicant/appellant, you will be seated on the right side of the bar table. If you are the respondent, you will be on the left side of the bar table.

Hearings generally proceed in the following manner:

- The applicant/appellant will make their case first. This can include things like an opening statement, calling witnesses and providing documents and other evidence to the Commission.
- The respondent then has their turn to state their case and respond to anything that the applicant/appellant has raised and present their evidence
- Finally the applicant/appellant has an opportunity to respond to anything that the respondent has raised.

### Helpful tips

- Stand up when you are speaking to a Commissioner or when a Commissioner is speaking to you.
- If you want to show something to the Commission, say so and hold it out for the Associate to take to the Commissioner.
- Do not interrupt the other party or the Commissioner. If you have a proper objection or query you should stand and wait for the Commissioner to recognise you.

## Conclusion of the hearing

The Commissioner may give their decision or make orders at the conclusion of the hearing. The Commission may also reserve their decision, you will be contacted by the Commissioner's Associate when a date for the decision has been set.

## Need more information?

Commission staff cannot give legal advice or advice on how to best make your case. However, they can give information on:

- the processes of the Commission;
- how to fill out forms; and
- other organisations that may be able to assist you.

The Commission's Registry can be contacted on 08 9420 4444 or [Registry@wairc.wa.gov.au](mailto:Registry@wairc.wa.gov.au)

[The Commission's website \(www.wairc.wa.gov.au\)](http://www.wairc.wa.gov.au) has other information that may assist you.