



**Industrial Relations
Commission**
of New South Wales

What happens if the Conciliation fails:

At the conclusion of an unsuccessful conciliation conference the following will generally occur in order to prepare the matter for arbitration hearing:

1. The Member of the Commission who conducted the conciliation will make the "usual directions" unless the Member considers that the "usual directions" should be modified or alternative directions made¹.
2. The Member should obtain the following information from the parties:
 - (i) the anticipated length of hearing
 - (ii) the number of witnesses
 - (iii) represented or not, and if represented, details of who is acting
 - (iv) whether the application is for reinstatement or compensation
 - (v) special requirements such as interpreters, difficulty with access etc
3. A Directions Sheet will be completed by the Member and the parties will be sent to the List Office to obtain the next available hearing date.
4. The List Office will allocate a hearing date for the matter and endorse on the pro forma directions sheet the following information:
 - i. the date or dates allocated for the hearing of the matter
 - ii. the date allocated for a compliance check call-over being a date within two weeks of the time at which the applicant has been directed to file and serve documentation
 - iii. provide copies of this documentation to each of the parties with a further notice and advice as to the ramifications of failing to comply with directions or orders made by the Member.
5. Parties should ensure before they leave the registry that they understand the **directions** that have been made and the **timetable** they must follow. The following documents are available from the Registry or the Commission's website:
 - (i) Guide to Preparing for Arbitration of Unfair Dismissals
 - (ii) Notes to Assist Parties in Preparing Statements for Unfair Dismissal Matters

¹ Practice Direction No. 17