ADVOCACY IN THE INDUSTRIAL RELATIONS TRIBUNALS 2013

WEDNESDAYS 22 MAY - 24 JULY

FAIR WORK COMMISSION
TERRACE TOWER
80 WILLIAM STREET
EAST SYDNEY

ORGANISED BY
WORKPLACE RESEARCH CENTRE,
UNIVERSITY OF SYDNEY

THIS LONG-ESTABLISHED COURSE IS SUITABLE FOR ASPIRING INDUSTRIAL ADVOCATES FROM EMPLOYER AND UNION BACKGROUNDS.

SESSION 1 22ND MAY 2013, 5.30 - 8.00PM
Location: Fair Work Commission
Topic: Introduction to Advocacy in the Tribunals
  • Introduction to the Tribunals
  • Basic procedure
  • The right to appear
  • Opening submissions
Presenters: Anthony Britt and Mark Gibian
Welcome: Professor John Buchanan, Director, Workplace Research Centre, Business School, University of Sydney

This session will be concluded by drinks and nibbles (included).

SESSION 2 29TH MAY 2013, 5.30 - 7.30PM
Location: Fair Work Commission
Topic A: Moot: Right to appear / Openings
Presenters: Anthony Britt (Introduction)
Moot Judges, Members of FWC
Topic B: Industrial Dispute Resolution / Conciliation
  • Dispute resolution/Conciliation within the industrial context – statutory requirements
  • Conciliation - issues and strategic decisions
  • Commercial imperatives versus legal rights
Presenters: Anthony Britt (Introduction)
Bilal Rauf, Ashurst Australia

SESSION 3 5TH JUNE 2013, 5.30 - 7.30PM
Location: Fair Work Commission
Topic A: Research Methods for Advocates
  • Where to start to research a point of law
  • Best sources of industrial law
  • Using internet resources
Presenters: Anthony Britt (Introduction)
Michael Harmer and Claresta Hartley, Michael Harmer & Associates

Topic B: Introduction to Submissions
  • How to structure submissions
  • How to set out written submissions
  • How to present oral submissions
  • How to speak to written submissions
  • Dealing with precedents
Presenter: Anthony Britt
SESSION 4  
**12TH JUNE 2013, 5.30 - 7.30PM**

**Location:**  
Fair Work Commission

**Topic A:** Mediation and Workplace disputes  
- Brief overview of mediation  
- Practical examples of mediation of workplace issues  
- Concluding mediation sessions

**Presenters:**  
Anthony Britt (Introduction)  
Annette Simpson, Consultant, Arbitrator & Mediator

**Topic B:** Unfair dismissals in the Federal and State systems  
- Unfair dismissals in the Federal and State systems  
- Jurisdictional barriers to bringing a federal unfair dismissal claim  
- Test of whether unfair  
- Remedies

**Presenter:**  
Anthony Britt

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SESSION 5  
**19TH JUNE 2013, 5.30 - 7.30PM**

**Location:**  
Fair Work Commission

**Topic A:** Case preparation: Planning the case and preparing written evidence  
- Overall plan and strategy  
- Usual course proceedings will take  
- Usual directions made  
- How you will prove your case  
- Preparing written evidence; statements and affidavits  
- Practical exercise in drafting  
- Practical exercise in tendering affidavits/statements

**Presenters:**  
Anthony Britt (Introduction)  
Vice President Graeme Watson

**Topic B:** Jurisdiction of the Federal Court and Federal Magistrate's Court  
- Jurisdiction of the Federal Magistrate's Court  
- Award compliance  
- Freedom of association jurisdiction  
- Discrimination jurisdiction  
- Etiquette and procedure for appearing in Federal Magistrate's Court

**Presenters:**  
Anthony Britt (Introduction)  
Federal Magistrate Driver

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SESSION 6  
**26TH JUNE 2013, 5.30 - 7.30PM**

**Location:**  
NSW Industrial Relations Commission

**Topic A:** Introduction to the jurisdiction and functions of the Industrial Relations Commission of NSW

**Presenters:**  
Mark Gibian (Introduction)  
Guest speaker

**Topic B:** Moot: Applications in NSW Industrial Relations Commission

**Presenters:**  
Mark Gibian (Introduction)  
Moot Judges, Members of NSW IR Commission

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SESSION 7  
**3RD JULY 2013, 5.30 - 7.30PM**

**Location:**  
Fair Work Commission

**Topic A:** Examination in chief – an introduction  
- Introduction to examination in chief  
- Key rules of evidence  
- What rules of evidence apply  
- Procedural fairness  
- Practical exercise in relation to examination in chief
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<th>SESSION 7</th>
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<td>Presenter:</td>
<td>Mark Gibian</td>
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<tr>
<td>Topic B:</td>
<td>Cross examination: Introduction, workshop and examples</td>
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<td>• Witness examinations</td>
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<td>Anthony Britt</td>
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<th>SESSION 8</th>
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<tr>
<td>Location:</td>
<td>Fair Work Commission</td>
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<tr>
<td>Topic:</td>
<td>Moot: Cross examination: Practical exercise</td>
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<td>Mark Gibian (Introduction) Barristers</td>
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<th>SESSION 9</th>
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<tr>
<td>Location:</td>
<td>Fair Work Commission</td>
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<tr>
<td>Topic A:</td>
<td>Discrimination Law, the Federal Magistrate’s Court and Equal Opportunity Division of the NSW Administrative Decisions Tribunal</td>
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<td>• Anti-discrimination proceedings</td>
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<td>• Choice of jurisdiction for matters involving discrimination</td>
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<td>• Discrimination issues in termination of employment matters</td>
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<td>• Types of matters heard in EOD and Federal Magistrate’s Court</td>
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<td>• Usual course of proceedings in EOD &amp; Federal Magistrate’s court</td>
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<td>• Usual approaches to preparing matters for hearing</td>
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<td>• Etiquette of appearing in EOD and Federal Magistrate’s Court</td>
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<td>Presenters:</td>
<td>Mark Gibian (Introduction) Guest speaker</td>
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<td>Topic B:</td>
<td>Preparing for the final moot</td>
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<td>• An opportunity to start preparing for the moot in the final week</td>
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<td>Topic:</td>
<td>Moot: Final hearing</td>
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<td>Presenters:</td>
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