



Hearings

Information for Parties and Representatives

What is a hearing?

A hearing is a formal process held at the Court where each party presents their case to the Industrial Magistrate who will then determine the substance or merits of the claim or application in dispute.

It is important to understand what type of hearing is scheduled. In most matters, the first scheduled hearing is not the trial. The most common types of hearings are:

- **Directions Hearing.** This is generally a short hearing, of less than an hour, where orders can be made about how the matter will proceed. The Industrial Magistrate may ask you to: pinpoint the key issues in dispute; name your intended trial witnesses; estimate how much time you will need to present your case at trial; consider alternative resolutions to trial; and/or ask you to advise of your availability for a pre-trial conference or future hearing.
- **Application for Orders.** These hearings are to determine a formal request made by a party for an order from the Court, such as applying for Discovery or Default Judgment. An application hearing is usually between 1 to 2 hours depending on the complexity of the request.
- **Trial.** These hearings are for the Court to hear and determine the substance of the claim. This is when you can present your case by: making submissions; giving evidence; calling witnesses; asking questions of witnesses; and/or tendering documents.

Preparing for a hearing

Access. If you have any [accessibility needs](#), advise the [Registry](#) well before the day of the hearing so that arrangements can be made in advance to address your needs.

Attendance. The Court requires parties to attend hearings in person. If you believe in person attendance is not appropriate in your circumstances, you can make an application to the Court for video link attendance.

Case. You need to prepare to present your case on the day of your hearing. This includes planning what you want to say and making sure you have all your documents clearly organised. You may find it helpful to attend and view similar proceedings in the Court prior to your own hearing as this may help you to become familiar with the courtroom and general Court procedures.

Costs. Parties generally pay their own costs to bring or defend a claim or application.

Hearing List. The day before the hearing, you should check the [Hearing List](#) on the Court's website. This will tell you which room your hearing will be in. The screens outside the hearing and conference rooms show the matters being heard that day and which room they are in.

Interpreters. If you, or your witnesses, require an interpreter for the hearing, please contact the [Registry](#) as soon as possible to allow arrangements to be made.

Location. Most hearings will be held on Level 18, 111 St Georges Terrace, Perth. There is no parking available on the building premises so you will need to plan your journey in advance to make sure you arrive on time.

Representation. You do not need to be represented in making or responding to a claim or when appearing at the Court. If representing yourself, you may wish to obtain some legal advice ahead of time to make sure you are doing the right thing. If you do want to be represented, you will need to formally inform the Court ahead of the hearing. The Court must also be formally informed if you cease being represented or change representatives. Permission from the Court is required if a party wishes to be represented in a claim where the small claims procedure applies.

Witnesses. If you wish to call any witnesses, they must attend the hearing. You will need to let your witnesses know the date, time and location of the hearing. If they are unable to attend in person, you may apply for them to appear by video link. If required, you will need to prepare and lodge witness statements before the trial. You will also need to prepare any questions you want to ask your witnesses and witnesses for the other party at trial. You can also summons a witness who may be reluctant to appear.

Day of the hearing

When should I get there? You should be ready and waiting to enter the courtroom at least 10 minutes before the hearing.

What do I need to bring? You should ensure that you have everything you need for your case, such as copies of the court documents and any other documents that you want to rely on. Bring at least 3 copies of each document you intend to rely on so that each party and the Court can have a copy. You should also bring pens and paper to take notes. Laptops can be used in the hearing room, however, you must be prepared in the event of technical failure. Electronic devices may not be used or viewed by a witness in the giving of their evidence at hearing.

Can I have a support person present? Hearings are generally open to the public. You can have a support person(s) attend the hearing by sitting in the public gallery. Everyone who enters or leaves the courtroom while the Court is in session is expected to bow towards the Industrial Magistrate and behave in a respectful manner.

How should I behave in the courtroom?

- Be respectful to everyone. This includes the Industrial Magistrates, Court staff, the other party involved in your matter and witnesses.
- Dress must be neat and tidy to reflect the formal nature of the Court proceedings. This includes removing sunglasses, hats or caps prior to entering the courtroom.
- Do not bring any food or drink (other than water) into the courtroom.
- Mobile telephones must be switched off or on silent. Taking photographs and recording by audio or video is prohibited.
- If you are the claimant or applicant, 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.
- Stand and bow when the Industrial Magistrate enters or leaves the courtroom.
- Address the Industrial Magistrate as “Your Honour” and the Judicial Support Officer as “Associate”.
- Stand up when you are speaking to the Industrial Magistrate or when the Industrial Magistrate is speaking to you.
- If you want to show a document to the Industrial Magistrate, say so and, if the Industrial Magistrate agrees, the Judicial Support Officer will take the document from

you and place it in front of the Industrial Magistrate. Remain in your allocated space at the bar table.

- Do not interrupt the other party or the Industrial Magistrate. If you have a proper objection about a matter of law or query you should stand and wait for the Industrial Magistrate to recognise you.
- All witnesses, other than parties, must remain outside of the courtroom until they are required to give evidence.

How will the hearing run? Hearings usually proceed in the following manner:

- The Judicial Support Officer will announce the entry of the Industrial Magistrate into the courtroom and request everyone to be silent and to stand. All persons in the courtroom are to remain standing until the Industrial Magistrate is seated.
- The Judicial Support Officer will then announce your matter and the parties will provide their appearance. You should stand and advise of your name and role in proceedings (For example, Ms Smith, the claimant).
- The claimant or applicant will make their case first. This can include things such as making an opening statement, and for trials and applications calling witnesses and providing documents and other evidence to the Court.
- The respondent then has their turn to make their case and respond to anything the claimant has raised and present their evidence to the Court.
- The claimant or applicant then has an opportunity to respond to anything the respondent has raised.

Will a decision be made on the day? The Industrial Magistrate looks at the evidence, decides the outcome of the claim or application and makes an order(s). The Industrial Magistrate may give their decision and make orders at the end of the hearing, or they may reserve their decision (meaning they will give their decision and make orders at a later date). If a decision is given, listen carefully to the reasons and write down any orders made.

After the hearing

Depending on the outcome, at the conclusion of the hearing you will be advised about any next steps in your matter.

Please note that, whatever the outcome of your hearing, the Court's decisions are required to be published online and remain on the public record.

Need more information?

Other Fact Sheets are available:

- [Evidence Fact Sheet](#)
- [Pre-trial Conferences Fact Sheet](#)
- [Audio and Video Link Attendance Fact Sheet](#)

And further information is available at the Court's website: www.imc.wa.gov.au.

The Registry can be contacted on (08) 9420 4467 or registry@wairc.wa.gov.au.

Court staff cannot give legal advice or opinion on the merits of any claim or potential claim. However, they can give information on:

- The processes of the Court.
- How to lodge forms.
- Other organisations that may be able to assist you.

The contents of this document should be used as a general guide only. This document is not intended to be an authority to be used in support of a case at hearing. This document is not a substitute for independent professional advice and users should obtain any appropriate professional advice relevant to their particular circumstances.