

PREPARING FOR A WRITTEN HEARING BEFORE THE INDUSTRY TRAINING APPEAL BOARD

This is an information document designed to assist you in preparing for your written hearing before the Board. It is not intended as a substitute for the *Industry Training Authority Act* or its regulations, the *Administrative Tribunals Act* or the Board's Rules

Please note that parties are free to discuss their case and try to resolve the matter on their own before the hearing. The Board encourages parties, wherever possible, to communicate directly with one another throughout the process in an effort to resolve some or all of the issues before the hearing starts.

The only information the Board will consider in an appeal is the information that the parties provide to it. Therefore, everything that you think is relevant to the case should be given to the Board and the other party as soon as possible before, or during, the submission process for the written appeal hearing.

How do I prepare for the hearing?

1. Think about what you really want from this case. Make sure you know what it is you want the Board to decide in your favor. It is useful to itemize at the outset what you want out of the appeal. You need to have a clear understanding of the issues to be decided in the appeal and then concentrate on gathering the information you need to build a strong and convincing case to bring before the panel.
2. Everything you want the Board to know about the case should be included in your submissions. This includes all evidence such as documents, reports, letters and affidavit evidence or written statements from your witnesses. Do not assume that someone else will provide the evidence, or that the Board will already know something. Your submissions should explain how this evidence proves your points and supports your grounds for appeal.
3. Prepare and organize the evidence you will use to prove your case. Try to break your case down into each of its elements and decide what evidence you will use to prove each one. There are several kinds of evidence, including:
 - oral testimony (not used in a written hearing). Instead, you may submit a sworn written statement by a witness – see “affidavit” below;
 - documentary evidence: documents such as licensing records, letters, reports, etc. are presented by the parties before the written hearing;
 - photographs: photographs are sometimes used as evidence if the person who took them can properly identify them and additional copies are provided; and

- affidavits: a witness makes a sworn (i.e. using a Notary Public) written statement that is submitted to the Board during the written hearing process.

Written hearing preparation checklist

- Review the notice of appeal and any other relevant documents.
- List what remedies you want from the Board.
- List the points you need to prove to win the appeal.
- Consider how you will prove each one.
- Gather the documents you need and organize them in logical order.
- Contact any witnesses you decide are necessary.
- Have your witnesses prepare their witness statements or affidavits.
- Provide your written arguments and submissions, referring to the documents and witness statements, to the board within the timelines set out for the written hearing submissions process.

The panel will read and review all of the material provided by the parties up to the close of written submissions and will then meet to consider their decision. At any time during the submissions process the panel may seek clarification on any of the materials or documents or ask specific questions to be answered by the parties. The panel may direct that any such questions may be addressed in the submissions or by way of a separate reply. In the alternative, if the panel determines that they need to have direct input from the parties on any particular issue that may arise, a telephone conference call may be convened for that purpose.

Written reasons for the panel's decision will be provided to the parties as soon as practicable after the written hearing. Once the decision has been provided to the parties, a copy may be posted on the Board's website.