



## PRACTICE DIRECTION 2 GENERAL INFORMATION

16 March 2021

### INTRODUCTION

- 1 This Practice Direction is issued under section 16 of the *Inquiries Act 2014* (Vic) (**Act**) and sets out general guidance about certain procedures that will be followed by the Royal Commission into the Casino Operator and Licence (**Royal Commission**). Further Practice Directions addressing specific issues will be published in due course.
- 2 This Practice Direction should be read in conjunction with the Act and the Letters Patent establishing the Royal Commission, including the Terms of Reference.
- 3 This Practice Direction, and any other practice directions published by the Royal Commission may be varied or replaced at any time. The Royal Commission may, at any time, depart from this Practice Direction if it considers it appropriate to do so, subject to the Act and the Letters Patent.

### INVITATION FOR PUBLIC SUBMISSIONS

- 4 The Royal Commission invites submissions from all persons with information or documents relevant to any of the matters set out in the Terms of Reference.
- 5 The Royal Commission acknowledges that persons and organisations may wish to provide the Royal Commission with information or documents relevant to the Royal Commission's Terms of Reference (other than pursuant to a Notice to Produce under section 17 of the Act). Guidance on which matters would most assist the Royal Commission, and how and when written submissions are to be made, will be made available on the Royal Commission's website in due course.
- 6 The Royal Commission will separately notify the closing date for public submissions in due course.

### METHOD OF COMMUNICATING WITH THE ROYAL COMMISSION

- 7 All contact with the Royal Commission regarding this Practice Direction should be made by email to [contact@rccol.vic.gov.au](mailto:contact@rccol.vic.gov.au). The Royal Commission will assume that all communications from the Royal Commission to another person may be directed to the email address or postal address from which that person's communication to the Royal Commission was received, unless that person has specified another email address or postal address as their contact address.

### INITIAL HEARING

- 8 The Royal Commission will hold an initial hearing at 10.00am on Wednesday 24 March 2021. The hearing will be held at the Royal Commission premises location at Level 6, 11 Exhibition Street, Melbourne, 3000 and will be streamed via the Royal Commission's website.
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- 9 Applications by interested parties for leave to appear should be made in accordance with Practice Direction 1. Applicants will be notified if they are required to appear before the Royal Commission at the initial hearing, or at another time, to have their application determined.

## **PUBLIC HEARINGS**

- 10 The Royal Commission proposes to conduct public hearings subject to any public health directions made under the *Public Health and Wellbeing Act 2008* (Vic) and any further practice directions by the Royal Commission.
- 11 The Royal Commission will publish its program of public hearings on its website. Details of forthcoming public hearings will include witnesses being called to give evidence and topics that evidence will address.
- 12 The usual hearing hours will be 10.00am to 1.00pm and 2.00pm to 4.00pm, unless the Royal Commission determines otherwise.
- 13 Subject to any direction of the Royal Commission to the contrary, the hearings will be open to the public.
- 14 The Royal Commission proposes to conduct as many hearings as it can in person.
- 15 Where the Royal Commission considers it necessary or appropriate to do so, hearings will be conducted online, using remote access technology.

## **COVID-SAFE HEARINGS**

- 16 Subject to any public health directions made under the *Public Health and Wellbeing Act 2008* (Vic), face masks are not required to be worn indoors at the Royal Commission premises unless individuals cannot maintain requisite social distancing.
- 17 The hearings will be available to all other persons wishing to view the hearings via live-stream from the Royal Commission's website. A transcript of each public hearing will be placed on the Royal Commission's website as soon as possible after it becomes available, subject to any order of the Royal Commission to the contrary.
- 18 The Royal Commission expects to make available a separate room at the Royal Commission premises from which authorised media representatives will be able to view the hearings via a live-stream.
- 19 Information regarding the conduct of public hearings will be the subject of a further practice direction to be issued in due course.

## **PRODUCTION OF DOCUMENTS**

- 20 The following relates to the production of documents to the Royal Commission, whether in answer to a Notice to Produce or otherwise. A person's obligations in relation to the production of documents in response to an exercise of the Royal Commission's powers under the Act are governed by the Act, other legislation and the general law, and nothing in this Practice Direction modifies those obligations.
- 21 The Royal Commission will require that documents be produced electronically in accordance with the Document Management Protocol described in Practice Direction 3, unless a Notice to



Produce specifies that hard copy documents are required to be produced. Any person seeking to produce documents in hard copy format should communicate in advance with the Royal Commission.

- 22 Persons producing documents in accordance with the Document Management Protocol should contact the Royal Commission at [contact@rccol.vic.gov.au](mailto:contact@rccol.vic.gov.au) prior to production to confirm the Party Codes available for use.

### COMPLIANCE WITH NOTICES TO PRODUCE AND/OR ATTEND

- 23 From time to time the Royal Commission may issue written notices to compel a person to produce documents and/or attend to give evidence pursuant to section 17 of the Act. By section 46 of the Act, it is an offence to refuse or fail to comply with a notice to produce or attend without reasonable excuse.
- 24 A person served with a notice to produce documents or notice to attend to give evidence may make a claim to the Royal Commission that the person has or will have a reasonable excuse for failing to comply with the notice (**Reasonable Excuse Claim**).
- 25 A person may make a Reasonable Excuse Claim by:
- (a) notifying the Solicitors Assisting the Royal Commission in writing of the claim, accompanied by a short written submission of no more than five pages setting out the basis upon which each claim is made, having regard to section 18 of the Act; and
  - (b) making that claim:
    - (i) in relation to a notice to produce, on or before the production date specified in the notice; or
    - (ii) in relation to a notice to attend, two business days prior to the attendance date.
- 26 If the Royal Commission is satisfied the Reasonable Excuse Claim is made out, it may vary or revoke the notice and advise the applicant in writing.
- 27 If the Royal Commission is not satisfied the Reasonable Excuse Claim is made out, it may advise the applicant in writing.

### RESTRICTED PUBLICATION ORDERS

- 28 The Royal Commission may, in accordance with section 26 of the Act, make an order prohibiting or restricting the publication of certain information.
- 29 A person granted leave to appear may make an application seeking a restricted publication order in respect of any witness or evidence to be given during a public hearing.
- 30 Notice of any such application must be given to the Solicitors Assisting the Royal Commission as soon as possible once the basis for the application is identified. The application must be made in writing and prior to the date on which the witness is to appear or evidence is to be received by the Royal Commission. The application must address the matters (where relevant) identified in section 26 of the Act.
- 31 A person served with a notice to produce documents who wishes to make an application seeking a restricted publication order should make such an application at the time of



production. The application must be provided to the Solicitors Assisting the Royal Commission and be accompanied by a short written submission (no longer than five pages) setting out the basis upon which each claim is made, having regard to section 26 of the Act.

### **CLOSED HEARINGS**

- 32 The Royal Commission recognises the strong public interest in conducting public hearings. However, the Royal Commission also recognises that in exceptional circumstances, it may be necessary to receive part or all evidence from a witness (or witnesses) in a restricted or closed hearing.
- 33 The Royal Commission may, in accordance with section 24 of the Act, make an order excluding a person or persons from a proceeding of the Royal Commission.
- 34 A person granted leave to appear may make an application seeking an order that a person or persons be excluded from a proceeding of the Royal Commission.
- 35 Notice of any such application must be given to Solicitors Assisting the Royal Commission as soon as possible once the basis for the application is identified. The application must be made in writing and prior to the date on which the witness or evidence is to be heard and address the matters (where relevant) identified in section 24 of the Act.
- 36 Should the Royal Commission make an order excluding any person or persons from a hearing or any part of it, the Royal Commission will notify parties and the public in accordance with section 24(2) of the Act, including by posting a copy of any order on its website.

### **MEDIA GUIDELINES**

- 37 Media Guidelines for public hearings will be published on the Royal Commission's website. Members of the media should refer to those Guidelines for further information on publication and access to evidence.