



PRACTICE DIRECTION 1
APPLICATIONS FOR LEAVE TO APPEAR

16 March 2021

INTRODUCTION

- 1 This Practice Direction is issued under section 16 of the *Inquiries Act 2014* (Vic) (**Act**) and relates to participation in the hearings that will be held as part of the work of the Royal Commission into the Casino Operator and Licence (**Royal Commission**).
- 2 The Royal Commission's power to grant leave to appear is prescribed in section 15 of the Act. 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 does not concern the taking of evidence at those hearings which will be addressed in a separate Practice Direction to be published after the first hearing day of the Royal Commission.
- 4 This Practice Direction 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.

LEAVE TO APPEAR

- 5 In considering whether an application for leave to appear will be granted to a person (including a body corporate), in accordance with section 15(2)(a)-(e) of the Act, the Royal Commission may have regard to the following factors:
 - (a) whether the person has a direct or special interest in the subject matter of the inquiry;
 - (b) the likelihood that the Royal Commission may make an adverse finding against the person;
 - (c) the ability of the person to assist the Royal Commission in the inquiry;
 - (d) the age of the person; and
 - (e) any other matter the Royal Commission considers relevant.
 - 6 For the purposes of section 15(e) of the Act, the Royal Commission considers it relevant to consider whether the grant of leave to appear to a person would assist the Royal Commission's inquiry over and above the assistance which may be provided by written submissions.
 - 7 An applicant will generally satisfy the criteria for leave to appear when the applicant:
 - (a) has been served with a written notice requiring the person to attend the Royal Commission to give evidence;
 - (b) is the subject of an inquiry to be undertaken;
 - (c) may be the subject of an adverse finding; or
 - (d) is able to demonstrate that their participation in the hearing will assist the inquiry.
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SCOPE OF ANY LEAVE GRANTED

- 8 Leave to appear may be sought and/or granted on a conditional or unconditional basis. An applicant will be informed whether leave is granted conditionally or unconditionally when the applicant's application for leave to appear is determined.
- 9 Leave to appear may be conditional when a person's special or direct interest is limited to a particular issue or issues the subject of the Royal Commission's inquiry or as otherwise determined by the Royal Commission having regard to the applicant's application for leave.
- 10 A person who is granted leave to appear:
- (a) may be legally represented at the hearings without the need for further or separate authorisation;
 - (b) is entitled to appear at and participate in the public hearings subject to any conditions on the grant of leave, the Royal Commission's control and to the extent the Royal Commission considers appropriate.
- 11 Where a person is granted leave to appear, the person or their legal representative may:
- (c) apply to have evidence tendered or heard;
 - (d) apply for leave to examine or cross examine a witness in accordance with any Practice Direction issued by the Royal Commission; and
 - (e) make submissions about the findings available to the Royal Commission following the conclusion of hearings.
- 12 No general, open-ended right of examination, cross-examination or tender of evidence will be granted to any person.
- 13 Leave to appear before the Royal Commission may, at any time, be varied or withdrawn by the Commissioner, or made subject to altered or additional limitations or conditions.

APPLICATIONS FOR LEAVE TO APPEAR

- 14 Applications for leave to appear should be made on the form 'Application for Leave to Appear at the Royal Commission' (**Annexure 1** to this Practice Direction) and should:
- (a) identify the Terms of Reference, or topics that will be the subject of evidence at upcoming hearings, in relation to which the applicant has a direct and/or substantial interest; and
 - (b) be accompanied by a short submission of no more than two pages in support of the application.
- 15 Applications for leave to appear at the first hearing of the Royal Commission on Wednesday 24 March 2021 must be emailed to contact@rccol.vic.gov.au by no later than 5:00 pm Monday 22 March 2021.
- 16 Applications may be determined on the papers with the outcome of the application communicated to the applicant (or the applicant's legal representative). Alternatively, applicants may be notified that they will be required to appear before the Royal Commission on a specified date for further consideration of the application.
- 17 Following the first hearing of the Royal Commission, a person (including a body corporate) may seek leave to appear at any time if they may have a direct or substantial interest in the



Royal Commission's Inquiry (for example, because of information provided to the Royal Commission, a matter that has occurred during a public hearing or because the person has received a Notice to Produce). Applications must be made as soon as practicable in writing in accordance with paragraph 14 of this Practice Direction.



ANNEXURE 1
APPLICATION FOR LEAVE TO APPEAR

Name of person or entity seeking leave to appear	
Name of legal representative and firm (if any)	
Name(s) of counsel briefed	
Contact person(s) and details	Name Email address Phone number

Please attach a short submission of no more than two pages addressing:

- 1 the matters referred to in section 15(2)(a)-(e) of the Act; and
- 2 whether and how granting leave to appear would assist the Royal Commission's inquiry over and above the assistance which may be provided by way of written submissions made by the applicant.

Please email to contact@rccol.vic.gov.au.