



PRACTICE DIRECTION 6

CONDUCT OF PUBLIC HEARINGS IN A VIRTUAL ENVIRONMENT

25 May 2021

INTRODUCTION

1. This Practice Direction is issued under section 16 of the Inquiries Act 2014 (Vic) (Act) and sets out the procedural guidelines for the conduct of public hearings in a virtual environment to be conducted by the Royal Commission into the Suitability of Crown Melbourne Limited to hold a Casino Licence (Royal Commission).
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 from time to 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.

VIRTUAL HEARING ROOM

4. Where public hearings are conducted via a virtual hearing room (Virtual Hearing Room), the software used to host the Virtual Hearing Room will be Zoom.

PARTICIPANTS

5. To maintain orderly proceedings, access to the Virtual Hearing Room will be limited to the following, subject to any further directions the Commission may make in exceptional circumstances:
 - (a) the legal representatives for the Commission;
 - (b) witnesses called to give evidence before the Commission;
 - (c) the legal representatives of such witnesses;
 - (d) the legal representatives of other parties with standing leave to appear;
 - (e) the legal representatives of parties with conditional leave to appear, but only at such times as evidence is being given or submissions are being made to the Commission in respect of matters where that party has a direct or special interest in that evidence or those submissions, and where consistent with the conditions of that party's leave to appear; and
 - (f) if applicable, up to two other people accompanying witnesses giving evidence and/or from each party with leave to appear (e.g. support people or 'clients').(together, **Participants**).



6. All other parties or persons wishing to observe the evidentiary public hearings may do so via the broadcast available on the Commission's website (www.rccol.vic.gov.au). There is a 15 minute delay to this stream to allow for any necessary redactions.

TECHNOLOGICAL SPECIFICATIONS FOR VIRTUAL HEARING ROOM

7. Zoom is a video conferencing application that can be used on any device, including a computer, tablet or a smartphone. Zoom may be accessed through the dedicated application or through a web browser.
8. The Commission recommends that Participants:
 - (a) download the Zoom application (available free at <https://zoom.us/download> or in the app store for your device);
 - (b) familiarise themselves with Zoom using the videos and guides on the Zoom website;
 - (c) have their own device with Zoom installed;
 - (d) use a computer or tablet no smaller than an iPad (9.7"). Smartphones should not be used by Participants who will be addressing the Commission during the public hearings;
 - (e) ensure that they access the Virtual Hearing Room from a location that has a reasonable internet speed;
 - (f) wear a headset when attending the Virtual Hearing Room to improve audio quality and reduce any audio feedback (noting that mobile phone in-ear headphones do not generally provide reliable audio).

ACCESSING THE VIRTUAL HEARING ROOM

9. In order to access the Virtual Hearing Room, Participants are required to:
 - (a) prepare a list containing the names, email addresses and mobile phone numbers of each person requiring access to the Virtual Hearing Room; and
 - (b) email the list at least 24 hours prior to the hearings they propose to attend to Solicitors Assisting at contact@rccol.vic.gov.au using 'Proposed Participants for Virtual Hearings – [Name of Party]' as the subject line of the email.
10. Participants will then be provided with log-in details enabling them to access the Virtual Hearing Room.



DEVICE CHECKS

11. Device checks will be arranged with witnesses called to give evidence before the Commission in the days before they are scheduled to give evidence, to confirm that their technology is operating effectively. Legal representatives for witnesses called to give evidence before the Commission are permitted to attend such device checks.
12. A final device check will be conducted immediately prior to the hearing. Witnesses and their Nominated Legal Representative (see paragraph 18, below) must log in to Zoom using the details provided 30 minutes prior to their scheduled appearance time to complete the final device check.

ATTENDING THE VIRTUAL HEARING ROOM

13. In order to replicate the conditions of a physical hearing room, when attending the Virtual Hearing Room:
 - (a) all Participants must ensure that they are situated in a quiet physical location that complies with social distancing requirements in place at the time, and where they will avoid interruption; and
 - (b) save as may be necessary for the limited purposes of receiving technological support and assistance to identify and call up documents, and subject to any directions the Commission may make from time to time, witnesses must ensure that there are no other persons present in that physical location while giving evidence before the Commission.
14. When logging in to Zoom, Participants must enter the details provided by the Commission.
15. Participants other than witnesses and their Nominated Legal Representative (see paragraph 18, below) must mute their microphones and ensure that their camera is turned off.
16. The witness will be placed into the virtual breakout room (Private room) until he/she is called to give evidence.
17. Witnesses and their Nominated Legal Representative must login 30 minutes prior to the scheduled commencement of the witness' evidence, with their microphone on mute and their camera turned on. Witnesses will be invited to unmute their microphone immediately prior to giving evidence, and their Nominated Legal Representative will be requested to switch off their cameras and leave their microphone on mute unless addressing the Commission as outlined below.
18. Other participants, to those referenced in paragraph 16, must log in 15 minutes prior to the scheduled commencement of the public hearing.



ADDRESSING THE COMMISSION

19. Only one legal representative for each witness and party who has been granted leave to appear (the Nominated Legal Representative) will be able to turn on their camera, unmute their microphone, and address the Commission during the public hearings, subject to the following:
- (a) in accordance with standard Court etiquette, the Nominated Legal Representative must refrain from turning on their camera and unmuting their microphone while Counsel Assisting is examining a witness unless it is necessary to make an objection;
 - (b) when considering the need to address the Commission, the Nominated Legal Representative should have regard to the following:
 - i) the need for the Commission to maintain orderly proceedings, and the added difficulty of maintaining orderly proceedings in a virtual environment;
 - ii) once the Nominated Legal Representative turns on their camera and unmutes their microphone, their image and voice will be broadcast within the Virtual Hearing Room and, unless the Commission otherwise directs, the public via the Commission's live-stream;
 - (c) applications for leave to re-examine or cross-examine a witness must be made in accordance with Practice Direction 5; and
 - (d) The Commission maintains the right to conduct the public hearings in any manner it considers appropriate in accordance with s 12 of the Inquiries Act 2014.
20. Witnesses will be permitted to address the Commission in the usual manner when responding to questions put to them.
21. Those persons who have been given access to the Virtual Hearing Room, other than the Nominated Legal representative and witnesses, will not be permitted to address the Commission, unless exceptional circumstances apply, and will have their camera and microphone settings disabled throughout the public hearings accordingly.

GIVING EVIDENCE

22. Witnesses will be sworn in or affirmed by the Associate to the Commissioner. Witnesses can choose to take an oath or affirmation via Zoom. Witnesses choosing to take an oath are not required to hold a religious text. In circumstances where a witness would like to swear an oath upon a religious text, it will be the responsibility of the witness and/or their legal representative(s) to ensure that text is available.



ETIQUETTE

23. The Commission is constituted by the Honourable Ray Finkelstein AO QC. When addressing the Commission, the appropriate terminology is 'the Commissioner' (e.g. 'if the Commissioner pleases').
24. Participants should remain seated when the Honourable Ray Finkelstein AO QC enters and exits the hearings, and when addressing the Commission.
25. When attending the hearings, Participants are expected to be attired and behave in a manner appropriate for attendance at a Court.
26. For the avoidance of doubt, Counsel are not to be robed.

LIVE STREAM AND RECORDING

27. The public hearings will be live streamed to the public on the Commission's website (www.rccol.vic.gov.au), which will be closed-captioned and subject to a delay of fifteen minutes.
28. All aspects of the public hearings will be audio and visually recorded.

CONTACTING THE COMMISSION

29. For any issues, including technological difficulties, that may arise during the course of the Commission's hearings, please contact Solicitors Assisting, who will be monitoring emails in real-time to enable a timely response, at contact@rccol.vic.gov.au.
30. Questions about any matters dealt with in this Practice Direction or other matters concerning the public hearings should be directed to Solicitors Assisting at: contact@rccol.vic.gov.au.