



PRACTICE DIRECTION NO. 1:

GENERAL INFORMATION

Released 12 September 2023

INTRODUCTION

- 1 This Practice Direction is issued under section 63(1) of the *Inquiries Act 2014* (Vic) (**Act**) and sets out general guidance about certain procedures that will be followed by the Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools (**Board of Inquiry**). 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 Order in Council under section 53(1) of the Act dated 28 June 2023 establishing the Board of Inquiry (**Order**), including the Board of Inquiry's terms of reference, which prevail to the extent of any inconsistency with this Practice Direction.
- 3 This Practice Direction, and any other practice directions issued by the Board of Inquiry, may be varied or replaced at any time. The Board of Inquiry may, at any time, depart from this Practice Direction if it considers it appropriate to do so, subject to the Act and the Order.

COMMUNICATING WITH THE BOARD OF INQUIRY

- 4 All general enquires regarding Board of Inquiry processes may be made by telephone to 8301 0102 or email to contact@beaumarisinquiry.vic.gov.au.
- 5 The Board of Inquiry will assume that all communications from the Board of Inquiry to a person or organisation may be directed to the email address or postal address from which the communication to the Board of Inquiry was received, unless a person has specified another email address or postal address as their contact address.

INVITATION FOR PUBLIC SUBMISSIONS

- 6 The Board of Inquiry invites written submissions from all persons, groups and organisations with information or documents relevant to any of the matters set out in the Order.
- 7 Information on how to make a written submission, the intended closing date for written submissions, and the treatment of submission information will be available on the Board of Inquiry's website.

PRIVATE SESSIONS

- 8 The Board of Inquiry proposes to conduct private sessions subject to any further practice directions issued by the Board of Inquiry.
- 9 The Board of Inquiry will publish information about its program of private sessions on its website.

LEAVE TO APPEAR

- 10 Applications by interested parties for leave to appear should be made in accordance with *Practice Direction No. 2: Leave to Appear*. Applications for leave to appear will generally be determined on the papers, but applicants will be notified if they are required to appear before the Board of Inquiry for their application to be considered.

PUBLIC HEARINGS

- 11 The Board of Inquiry proposes to conduct public hearings subject to any further practice directions issued by the Board of Inquiry.
- 12 The Board of Inquiry will publish its program of public hearings on its website, with details of the topics to be examined and witnesses being called to give evidence.
- 13 Subject to any direction or order of the Board of Inquiry to the contrary, the public hearings will generally be open to the public, including via a live-stream on the Board of Inquiry's website. In certain situations, hearings may be closed to the public as detailed in paragraphs 28 to 32 (below).
- 14 The Board of Inquiry proposes to conduct as many public hearings as it can in person. Where the Board of Inquiry considers it necessary or appropriate to do so, hearings may be conducted online, using remote access technology.
- 15 The Board of Inquiry will make access to the public hearings available to authorised media representatives, subject to any direction or order of the Board of Inquiry to the contrary.
- 16 A transcript of each public hearing will be placed on the Board of Inquiry's website as soon as possible after it becomes available, subject to any direction or order of the Board of Inquiry to the contrary.

COMPLIANCE WITH NOTICES TO PRODUCE AND/OR NOTICES TO ATTEND

- 17 From time to time the Board of Inquiry may issue written notices to require a person to produce documents (or other things) and/or attend to give evidence pursuant to section 64 of the Act.
- 18 In accordance with section 86 of the Act, it is an offence to refuse or fail to comply with a notice to produce or notice to attend without a reasonable excuse. A person served with a notice to produce or notice to attend may make a claim to the Board of Inquiry that the person has or will have a reasonable excuse for failing to comply with the notice (**Reasonable Excuse Claim**).
- 19 A person may make a Reasonable Excuse Claim by:
 - 19.1 notifying the Board of Inquiry's lawyers 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 65 of the Act; and
 - 19.2 making that claim:
 - 19.2.1 in relation to a notice to produce, on or before the production date specified in the notice; or
 - 19.2.2 in relation to a notice to attend, three business days prior to the appearance date.
- 20 If the Board of Inquiry is satisfied the Reasonable Excuse Claim is established, it may vary or revoke the relevant notice and will advise the person in writing.
- 21 If the Board of Inquiry is not satisfied the Reasonable Excuse Claim is established, it will advise the person in writing.

PRODUCTION OF DOCUMENTS

- 22 If the Board of Inquiry issues a person or organisation with a notice to produce, the obligations in relation to the production of documents in response is governed by the Act, other legislation and the general law. Nothing in this Practice Direction replaces those obligations.
- 23 The Board of Inquiry requires documents to be produced electronically in accordance with *Practice Direction No. 3: Production of Documents and Document Management Protocol*, unless a notice to produce specifies that some other form of production (for example, hard copy format) is required. Any person or organisation seeking to produce documents in hard copy format should communicate in advance with the Board of Inquiry.

- 24 Persons or organisations producing documents in accordance with *Practice Direction No. 3: Production of Documents and Document Management Protocol* should contact the Board of Inquiry by email at legal@beaumarisinquiry.vic.gov.au prior to production to confirm the party codes available for use.

RESTRICTED PUBLICATION ORDERS

- 25 The Board of Inquiry may, in accordance with section 73 of the Act, make an order prohibiting or restricting the public reporting of certain information (**Restricted Publication Order**). The Board of Inquiry may itself decide to make such orders or may do so if someone applies for a Restricted Publication Order.
- 26 A Restricted Publication Order may prohibit or restrict the publication of:
- 26.1 any information that may enable the identity of a person who has given, or is to give, information or evidence to the Board of Inquiry for the purposes of the inquiry to be ascertained; or
 - 26.2 any information or evidence given to the Board of Inquiry for the purposes of the inquiry.
- 27 A person should apply for Restricted Publication Order as soon as possible once the basis for the application is identified. The application must be made in writing to the Board of Inquiry's lawyers prior to the production date specified in a notice to produce or the appearance date specified in a notice to attend. The application must address the basis for the application with regard to the matters (where relevant) identified in section 73(2) of the Act.

CLOSED HEARINGS

- 28 The Board of Inquiry recognises the public interest in conducting public hearings. The Board of Inquiry also recognises that in some circumstances, it may be necessary or appropriate to receive part or all of the evidence from a witness or witnesses in a restricted or closed hearing.
- 29 In accordance with section 71 of the Act, the Board of Inquiry may make an order excluding a person or persons from a proceeding of the Board of Inquiry.
- 30 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 Board of Inquiry.
- 31 A person should make any such application as soon as possible once the basis for the application is identified. The application must be made in writing to the Board of Inquiry's lawyers prior to the date on which the relevant witness is to appear or the evidence is to be received. The application must address the basis for the application with regard to the matters (where relevant) identified in section 71(1) of the Act.
- 32 If the Board of Inquiry makes an order excluding any person or persons from a hearing or any part of it, the Board of Inquiry will notify parties and the public in accordance with section 71(2) of the Act, including by posting a copy of any order on its website.

MEDIA GUIDELINES

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

FINDINGS AND RECOMMENDATIONS

- 34 The Board of Inquiry is due to report its findings and recommendations as soon as possible, and not later than 28 February 2024.