



PRACTICE DIRECTION NO. 2

LEAVE TO APPEAR AT THE INQUIRY

15 JULY 2020

INTRODUCTION

1. This Practice Direction (**PD-2**) relates to participation in the evidentiary public hearings that will be held as part of the work of the Board of Inquiry into the COVID-19 Hotel Quarantine Program (**Inquiry**).
2. This Practice Direction is issued under s 63(1) of the *Inquiries Act 2014 (Vic)* (**Act**). It should be read in conjunction with the Act and with the terms of reference contained in the Order establishing the Inquiry.
3. This Practice Direction sets out general guidance about applications for leave to appear at the evidentiary public hearings of the Inquiry. Other information relevant to the work of the Inquiry can be found in Practice Direction 3 which relates to the taking of evidence at those public hearings.

WHEN LEAVE TO APPEAR MAY BE GRANTED

4. The Inquiry's power to grant leave to appear is contained in section 62 of the Act.
5. Having regard to the matters in that section and to the nature, purposes and timeframe of the Inquiry, it is anticipated that leave to appear may be granted to a person (including a body corporate or body politic) who has a direct or special interest in one or more of the subjects of the Inquiry. It will generally be granted where a person -
 - (a) is a subject of consideration at the evidentiary public hearing;
 - (b) is likely to be the subject of an adverse allegation; or
 - (c) is able to demonstrate that their participation in the hearing will assist the Inquiry.

THE SCOPE OF ANY LEAVE GRANTED

6. It is unlikely that the Inquiry will grant any person unconditional leave to appear. Unless the Inquiry is otherwise persuaded in a particular case, any grant of leave will be -
 - (a) limited to the particular issue or issues in which the person has the special or direct interest; and
 - (b) subject to conditions.
7. A person granted leave to appear will be entitled to -
 - (a) appear at and participate in the public hearing subject to the Inquiry's control and to any limitations and conditions imposed on the grant of leave;
 - (b) be legally represented without the need for further or separate authorisation; and
 - (c) seek leave to examine or cross examine witnesses in accordance with Practice Direction 3.
8. The Inquiry may at any time withdraw leave to appear or make a grant of leave subject to amended or additional limitations and conditions.

PROCESS FOR APPLICATIONS

9. The evidentiary public hearings will commence in August 2020 on dates to be fixed. The matters to be considered at the public hearings will be determined by the Inquiry and published on its website in advance of the hearing dates.
10. All applications for leave to appear at the evidentiary public hearings must be made -
 - (a) as soon as the person becomes aware that they have a relevant interest in the matters to be considered at the public hearings;
 - (b) wherever possible, no later than 3 days prior to the date of the evidentiary public hearing for which leave to appear is sought; and
 - (c) on the form **attached** to this Practice Direction entitled "Application for Leave to Appear at the Public Hearings of the Inquiry".
11. The completed form must be accompanied by a short submission of no more than one page addressing the reasons why the applicant should be granted leave to appear at the evidentiary public hearing. Submissions should address:

- (a) the matters referred to in section 62(2) of the Act; and
 - (b) the matters set out in this Practice Direction.
12. Applications for leave should be sent to Solicitors Assisting by email to: lawyers@quarantineinquiry.vic.gov.au or by post to: PO Box 24012, Melbourne VIC 3001.
13. The Inquiry will generally determine applications for leave to appear without any oral hearing and on the basis of the application and submissions provided.
14. The Inquiry will notify the applicant in writing of its determination.

CONTACTING THE INQUIRY

15. Any questions about any matters dealt with in this Practice Direction or other matters concerning the public hearings should be directed to Solicitors Assisting at: lawyers@quarantineinquiry.vic.gov.au.

Issue date: 15 July 2020



THE HONOURABLE JENNIFER COATE AO
Board of Inquiry into the COVID-19 Hotel Quarantine Program

Application for Leave to Appear at the Public Hearings of the Inquiry

Name of person or organisation seeking leave to appear	
Lawyer(s) representing the person or organisation (if any)	
Contact person(s)	
Contact address	(State) (Postcode)
Contact telephone number	(Business) (Mobile)
Contact email address(es)	

Please attach a short submission as to the reasons why the applicant should be granted leave to appear at the public hearings.

The submission must be no longer than one page and should address:

- the matters referred to in section 62(2) of the *Inquiries Act 2014* (Vic); and
- how granting leave to appear at the public hearings would assist the Inquiry in the conduct of the public hearings over and above any written submissions that the applicant may make

Please lodge this form with the attached submission by sending it via:

- email to: lawyers@quarantineinquiry.vic.gov.au; or
- post to: PO Box 24012, Melbourne VIC 3001.