

## Practice Guideline No. 2

### *Public Hearings - practical matters and witness arrangements*

#### **Public Hearings**

1. The conduct of public hearings will comply at all times with restrictions and guidelines published by the Commonwealth and Queensland State Government with respect to the management of the COVID-19 pandemic, including with respect to:
  - a. Restrictions on travel;
  - b. Social distancing requirements.
2. The Board will hold public hearings in Brisbane and may hold public hearings in other locations, subject to practical considerations including compliance with COVID-19 restrictions and guidelines.
3. Subject to any orders the Chairperson may make and paragraph 1. above, and in addition to Part C. of Practice Guideline No. 1:
  - a. All public hearings will be available for viewing by live stream accessible on the Board's website [www.coalminesinquiry.qld.gov.au](http://www.coalminesinquiry.qld.gov.au);
  - b. Members of the public may attend public hearings in person and view the hearings from designated seating, observing social distancing; and
  - c. Where interest is raised, the Board may arrange viewing facilities at other locations for members of the public to view the live stream of the hearings.

#### **First Public Hearing**

4. The first public hearing of the Board will commence on 4 August 2020 at Court 17, Brisbane Magistrates Court, Level 4, 363 George Street, Brisbane, Queensland.
5. By 5:00pm on 27 July 2020, Counsel Assisting will provide all parties or their legal representatives with a document setting out the key issues on which the Board intends to focus during the initial hearing.
6. The Chairperson will make opening remarks.
7. Senior Counsel Assisting the Board will make opening submissions.

#### **Witnesses, witness statements and evidentiary material**

8. Subject to any orders the Chairperson may make prohibiting publication of any document or information provided to the Board, and in addition to Part E. of Practice Guideline No. 1, while public hearings are on foot:

- a. Where possible, the Board will publish regularly to the parties and/or on its website a list of the witnesses to be called to give oral evidence and the proposed dates and times of their evidence;
- b. The published list of witnesses will be updated regularly (and remains, therefore, subject to change);
- c. If a witness statement has not already been made available to the parties, the Board will, where possible, make the witness statement available to the persons with leave to appear at least 2 business days before the witness is called;
- d. Where possible, 4 business days before a witness is called, the Board will give the witness or his or her legal representative notice of the Board's area of interest and a list of the documents to which the witness may be taken (other than those attached to or referred to in the witness's statement) and provide all other parties with an interest in such issues or documents with copies of the notice and the list;
- e. At least 2 business days before the witness is to be called to give evidence, any person with leave to appear who wishes to cross-examine the witness must give notice to the Executive Director by email to [board@coalminesinquiry.qld.gov.au](mailto:board@coalminesinquiry.qld.gov.au) specifying -
  - i. The name of the witness proposed to be cross-examined;
  - ii. A considered estimate of the time which will be required for the cross-examination;
- f. If the person giving a notice of proposed cross-examination anticipates showing the witness any document -
  - i. If the document has already been provided to the Board, it must be identified in the notice;
  - ii. If the document is not already available on the Board's website (whether as an attachment to a witness statement or otherwise), a copy of it must be provided with the notice, where possible, in accordance with the [Document Management Protocol](#). If that is not possible, the document must be provided in one of the following electronic formats:
    - 1. Text for plain text records;
    - 2. Fully text searchable PDF/A or PDF for formatted document type records;
    - 3. TIFF for images such as plans;
    - 4. JPEG 2000 or JPEG for photos;
    - 5. MPEG4 for videos.

- g. Any person with leave to appear who wishes to have evidence adduced from a witness other than a witness proposed to be called by Counsel Assisting must give notice to the Executive Director by email to [board@coalminesinquiry.qld.gov.au](mailto:board@coalminesinquiry.qld.gov.au) accompanied by a witness statement from the witness;
9. Generally, and subject to the Chairperson's discretion:
- a. All witnesses giving evidence at the public hearings will be called and examined by Counsel Assisting the Inquiry. The examination-in-chief of a witness will usually involve the tendering of a statement provided by the witness to Counsel Assisting in advance of the hearing. In some cases, the examination-in-chief may be taken orally;
  - b. The order of further examination of each witness will usually be:
    - i. Examination by the parties given leave to appear;
    - ii. Examination by the lawyer or agent (if any) representing the witness; and
    - iii. Re-examination by Counsel Assisting.
10. The Chairperson may limit the issues about which a witness may be examined and limit the time available for examination by any person.
11. At the completion of the examination of a witness, the witness shall, unless excused from further attendance, be taken to have been stood down only and to be subject to recall at the direction of the Chairperson.
12. Nothing in this Guideline prevents a person seeking leave from the Chairperson to cross-examine a witness at any time during the Inquiry if something occurs during the Inquiry which leads that person to believe that his or her interests may be adversely affected.

### **Procedural matters**

13. Any person with leave to appear who wishes to raise a procedural matter must give notice to the Executive Director by email to [board@coalminesinquiry.qld.gov.au](mailto:board@coalminesinquiry.qld.gov.au) identifying the matter, stating the outcome sought, and summarising the submissions to be advanced in support of that outcome.

**TERRY MARTIN SC**

Chairperson and Board Member

17 July 2020