

PUBLIC INQUIRY COVID-19 PROTOCOL – SEPTEMBER 2023

1. GENERAL

- 1.1 This Protocol applies to the conduct of any public inquiry conducted by the Commission from 18 September 2023. The Commission reserves the right to change the Protocol at any time.
- 1.2 The Commission no longer restricts access to Commission premises to persons vaccinated against COVID-19.
- 1.3 Subject to this Protocol, those involved in the public inquiry on any particular day should participate from the Commission’s public inquiry hearing room.
- 1.4 The management of COVID-19 in the community and the workplace is an evolving situation. Any person having any concerns about this Protocol, or its implementation may raise those concerns with the Commission’s Chief Executive Officer. The implementation of this Protocol will be monitored and regularly reviewed and, where appropriate, amended by the Commission’s Chief Executive Officer to ensure it remains appropriate.

2. PUBLIC AND MEDIA INVOLVEMENT

- 2.1 Members of the public and the media may attend the public inquiry in person, whether or not vaccinated against COVID-19.
- 2.2 Members of the public and the media are also able to observe the public inquiry through live-streaming and will be able to access transcripts and exhibits through the Commission’s website: www.icac.nsw.gov.au.
- 2.3 Members of the media can contact the Commission’s Manager Communications and Media on 0417 467 801 or by email at nthomas@icac.nsw.gov.au for additional information and assistance.

3. AUTHORISATION TO APPEAR AND LEGAL REPRESENTATION

- 3.1 Applications for authority to appear and applications to be legally represented should be made in the week prior to the commencement of the public inquiry. Applications will be determined by the presiding Commissioner in chambers.
- 3.2 Persons anticipating they will need to appear at the public inquiry, or a specified part of the public inquiry, should make a written application (including by email) to the Commission for authorisation to appear (see paragraph 6 of the Standard Directions for Public Inquiries). The application should be emailed to paralegal@icac.nsw.gov.au. Such application should be made at least **three** working days before the commencement of the public inquiry.

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3.3 Where the need to seek authorisation to appear only arises once the public inquiry is underway, the person seeking authorisation should email an application to paralegal@icac.nsw.gov.au as soon as possible.

3.4 Applications for authorisation to be represented by an Australian legal practitioner at the public inquiry or a specified part of the public inquiry should be made in writing (including by email) to the Commission (see also paragraph 6 of the Standard Directions for Public Inquiries). The application should be emailed to paralegal@icac.nsw.gov.au. Such application should be made at least **three** working days before the commencement of the public inquiry.

3.5 Where the need to seek authorisation to be represented by an Australian legal practitioner only arises once the public inquiry is underway, the person seeking authorisation should email an application to paralegal@icac.nsw.gov.au as soon as possible.

4. SITTING TIMES

4.1 Sitting times will generally be between 10:00am to 4:00pm with a morning tea break at the discretion of the presiding Commissioner and a lunch break, usually between 1:00pm and 2:00pm.

5. PUBLICATION OF WITNESS LISTS

5.1 The Commission will publish on its website prior to each week of the public inquiry the name of each witness who it is intended will give evidence during the following week and the day the person is likely to give evidence. This will allow those involved in the public inquiry to determine whether they need to be present on any given day to, for example, seek leave to cross-examine a witness.

5.2 Such lists may be altered during the course of the week to reflect the changing circumstances of the public inquiry. Any changes to the list will be published as soon as possible on the Commission's website

6. SCREENING AT COMMISSION PREMISES

6.1 Those attending the Commission's premises for the public inquiry should arrive **no later than 9:30am** each day of the public inquiry so that there is time to complete the registration and screening processes before commencement of the public inquiry.

6.2 All persons who attend the Commission's premises for the purpose of the public inquiry must, on arrival, complete the screening process by answering the questions in **Appendix A**. Responses will be retained by the Commission.

6.3 If, during the screening process, the person answers "yes" to question 1 they will be told to leave the Commission. A witness will be advised that they may be required to provide proof of the diagnosis.

6.4 Where a person answers "yes" to any of questions 2, 3 or 4, they will be asked to provide details. This information will be reported to the presiding Commissioner who will

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determine whether the person should attend the Commission or participate in the public inquiry remotely.

- 6.5 Once the screening process has been completed, the person will be directed to place any bags they have on the conveyor belt of the x-ray machine and to proceed through the security scanner to the waiting area outside the main hearing room or to the hearing room when it is opened.

7. IN THE HEARING ROOM

- 7.1 Hand sanitiser is provided for use where necessary. Those attending the Commission should bring their own bottled water. The Commission will not provide jugs, glasses or water.
- 7.2 Persons in the hearing room, other than a witness when giving evidence (unless granted permission to do so by the presiding Commissioner), may wear a mask over the person's nose and mouth.
- 7.3 The Commission will ensure that all hard surfaces in the hearing room used by those participating in the public inquiry are thoroughly cleaned at the end of each day.
- 7.4 If two or more witnesses are required to be physically present on any one day to give evidence, disinfectant will be available in the witness box for use by the next witness.
- 7.5 If any person present in the Commission's hearing for the public inquiry exhibits any signs of illness or reports feeling unwell due to flu like symptoms, they must advise the Commission and may be required to leave. The presiding Commissioner will determine whether to suspend the hearing to ensure the safety and wellbeing of all those present and to ensure that appropriate arrangements are made. All such incidents will be reported to the Manager People, Governance and Security. All persons present in the hearing room at the time will be kept informed by the Commission of any COVID-19 related developments following such an incident.

8. CONDUCT OF THE PUBLIC INQUIRY

- 8.1 Subject to any modification by this Protocol, the Commission's Standard Directions for Public Inquiries applies. The Commission's Public Inquiry Procedural Guidelines also applies. These are published in the *Information for Witnesses* brochure served with each summons and can also be accessed from the Commission's website at www.icac.nsw.gov.au.
- 8.2 As a general rule, during the public inquiry paper documents or other things should not be passed around within the hearing room. Electronic versions of documents to be put to the witness will be shown on the screens to reduce the risk of COVID-19 transmission. If the handling of any document or other thing is unavoidable, then those handling them should use the hand sanitiser provided before and after handling the document or other thing.

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9. POST ATTENDANCE DIAGNOSIS

9.1 Anyone who has attended the public inquiry who is diagnosed with COVID-19 within seven (7) days of their last attendance at the Commission should notify the Commission of the diagnosis as soon as possible.

10. USE OF AVL

10.1 The Commission may authorise witnesses and/or legal representatives to participate in the public inquiry via audio visual link (AVL). Any such authorisation may be subject to conditions imposed by the Commission.

10.2 Any application by a witness or legal representative to participate via AVL should be made to the Commission at the earliest opportunity.

10.3 The Commission reserves the right to reject any application to participate via AVL, either in whole or in part.

10.4 Cisco Webex is the AVL technology used by the Commission for remote attendance at public inquiries remotely.

10.5 Those authorised to participate in the public inquiry via AVL should send an email to paralegal@icac.nsw.gov.au at least one working day before their anticipated participation with details of the time(s) they wish to access the public inquiry via AVL and the reason why access is required. This is so that appropriate arrangements can be made by the Commission.

10.6 Those authorised to participate via AVL will be advised by the Commission.

10.7 The Commission reserves the right to prioritise AVL access.

10.8 Where the hearing is for a full day duration, relevant persons may receive two online hearing invites – one for the morning session and another for the afternoon session.

10.9 Persons who receive a link to join an online hearing via the AVL link are subject to being admitted or declined by the Commission.

10.10 Links to invitations must not be shared or forwarded to anyone.

10.11 When joining the online hearing, participants will be asked to enter their first name and surname. This name will be displayed for all participants to see.

10.12 After ‘joining’ the online hearing, participants will enter a virtual lobby and will remain there until admitted by the Commission’s AVL operator into the online hearing.

10.13 Participants should join the online hearing **at least 10 minutes prior to the hearing commencement time** to allow sufficient time to address any technical issues.

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- 10.14 Online hearings are being recorded by the Commission's recording and transcription services contractor and through the AVL directly. Participation in an online hearing indicates the participant's consent to being audio and visually recorded.
- 10.15 Unless directed otherwise by the presiding Commissioner, participants may wear headsets during the online hearing as this improves the audio quality for the other participants and for the recording made for the purpose of producing the transcript.
- 10.16 In the event of unforeseen and unavoidable technological issues, the Commission will temporarily adjourn to address those issues.
- 10.17 Except that persons addressing the Commission are not required to stand, the same formal etiquette and protocol of a physical attendance at a Commission hearing is expected for any online attendance.
- 10.18 The presiding Commissioner is to be addressed as 'Commissioner'.
- 10.19 Participants are to join an online hearing from a quiet, secure location and should be seated in front of an appropriately neutral background.
- 10.20 Participants are expected to ensure that there is sufficient internet coverage in their location and all devices are fully charged.
- 10.21 Microphones and cameras are to be tested and working prior to joining an online hearing.
- 10.22 Other than the presiding Commissioner, counsel assisting, the witness and the witness' legal representative (or person cross-examining the witness), all other participants should keep their microphones muted and cameras turned off.
- 10.23 Those speaking during the online hearing should do so clearly and avoid talking over other participants.
- 10.24 The Commission may conduct an AVL test run to ensure that it is feasible to have a witness and any legal representative participate remotely.

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APPENDIX A – SCREENING

DATE:

NAME:

	Question	Y/N	Comments
1	Have you or a household member been diagnosed with COVID-19 in the last five days?		
2	In the last five days, have you been in close physical contact with a person you know had COVID-19?		
3	Do you have <i>any</i> flu-like symptoms including fever, cough, sore throat, runny nose, shortness of breath, or loss of taste or smell?		
4	Do you have any concerns regarding attending the Commission due to any personal vulnerability to COVID-19 or any such vulnerability of a person with whom you are in regular contact? If yes, please explain the concerns.		

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