

Media Guidelines for the Operation Witney public inquiry

COVID-19 and ICAC public inquiries

The NSW Independent Commission Against Corruption (ICAC) is committed to maintaining a COVID-safe workplace. As the Commission has limited space to be able to adequately accommodate members of the media and the public, the Commission's premises, including the Level 7 media room and the hearing room, will not be open to members of the media and the public for the course of the Operation Witney public inquiry.

The Commission will live stream the proceedings via its website, www.icac.nsw.gov.au, and will upload exhibits (provided they are not subject to non-publication orders), transcripts and witness lists to the website. Updates will be provided throughout the course of the proceedings via the ICAC Twitter account (@nswicac).

The Commission will usually sit from 10:00 am to 4:00 pm each day, with a morning tea break and a one-hour lunch break from 1:00 pm to 2:00 pm.

Filming the opening address

The Commission's usual practice is to permit the filming of Counsel Assisting the Commission's opening address under a pool camera arrangement. Due to restricted numbers permitted in the hearing room, the Commission will allow one (1) pool camera and one (1) sound operator on site to shoot the Operation Witney opening address, on the condition that the footage is made available to other broadcast, print and online media outlets should they wish to access it. It is anticipated that this is the only time media will be permitted on the premises during the course of the public inquiry. Media representatives who attend the ICAC premises will be obliged to comply with all Commission safety directions. Any outlet providing a crew to film the opening address is also required to supply its COVID safety procedures in writing to the Commission by **12:00 pm on Friday 26 March 2021**.

Media outlets should contact the ICAC Manager Communications and Media, Nicole Thomas, by **10:00 am on Friday 26 March 2021** on 0417 467 801 or nthomas@icac.nsw.gov.au if they wish to provide a pool camera and sound operator for the opening address, in accordance with the conditions described above. A transcript of the opening address will be published on the Commission's website after it has been delivered by Counsel Assisting the Commission.

Other filming

Media are advised that building management does not permit filming, photography or recording in any of the building lifts or the ground floor lobby. If media wish to wait for witnesses to arrive or leave the 255 Elizabeth Street building via the ground floor, they must remain outside the ground floor lobby and paved areas on Elizabeth and Castlereagh Streets.

Live streaming

Media representatives may publish live-streamed material on the condition that it is not used, or permitted to be used, for any purpose other than public reporting of the proceedings of the Commission.

Failure to abide by the terms and conditions may result in a live stream being discontinued. The live stream may be muted or suspended at any time, including:

- (a) when the Commission has exercised its power to exclude the public from a hearing
- (b) where a relevant non-publication (suppression) order is in place
- (c) for the welfare of witnesses or other people.

Exhibits will not be included as part of the live stream, however, subject to any non-publication orders, they will be published on the Operation Witney investigation web page.

In addition to the live stream, the Commission publishes transcripts of each day's proceedings on the relevant investigation web page.

Transcripts

The ICAC posts transcripts of its public inquiries on its website (www.icac.nsw.gov.au) during the course of the inquiry. While the Commission will endeavour to make transcripts available as soon as practicable, factors including checking procedures to ensure compliance with any non-publication orders made under the ICAC Act mean that it cannot advise specific times for when transcripts will be published. The Commission recommends that journalists reporting on the public inquiry avail themselves of the live stream during the course of the proceedings, which can be recorded for media reporting purposes. Transcripts when available can be downloaded from the website at no charge.

Witness lists

At the beginning of each week, a list of witnesses likely to appear will be posted on the ICAC website. Please note that this list may be subject to change.

Exhibits

Exhibits will be made available from the ICAC website. If the majority of the brief is tendered and uploaded to the website at the commencement of the public inquiry, references to particular exhibits will be made during the course of the proceedings. In the event that a new exhibit is tendered, it will be made available on the website as soon as practicable (provided it is not the subject of non-publication orders. In that case, it may be redacted or may not be made available at all).

The standard directions for ICAC public inquiries also apply. The directions provide that, for the purpose of and to the extent necessary for the public reporting of proceedings of the Commission, any authorised representative of a newspaper, magazine, radio station, online publication or television channel may inspect and take extracts from any book, document, or writing tendered in evidence after it has been notified as available for inspection by Counsel Assisting the Commission subject to the condition that:

1. It not be used or permitted to be used for any purpose other than the public reporting of the proceedings of the Commission; and
2. Any part of the contents thereof indicated by Counsel Assisting the Commission as unsuitable for publication must not be published without the leave of the Commission. Such leave can be sought, for example, if there is a restriction which is believed to obstruct proper reporting of any matters of significance. Any application for leave should be made in writing, in the first instance, to the Solicitor to the Commission.

Unless other orders are put in place, exhibits made publicly available on the ICAC website will remain there for the duration of the public inquiry.

Suppression orders

Suppression (or non-publication) orders can be applied, varied or lifted and then reapplied throughout an inquiry. Breaches of suppression orders may constitute a criminal offence. It is the responsibility of media outlets to ensure all suppression orders are enforced. If unsure, journalists should contact the ICAC Manager Communications & Media to confirm what suppression orders are in effect. Journalists should also be mindful of suppression orders when posting comments on social media platforms such as Twitter.

Interviews

Interviews with witnesses, counsel and the public will not be facilitated by the ICAC and are not permitted within ICAC premises, including lift areas.

**For further information please contact: Nicole Thomas, ICAC Manager
Communications & Media, 0417 467 801 or email nthomas@icac.nsw.gov.au**