



Royal Commission into the Home Insulation Program

PRACTICE GUIDELINE 1

INTRODUCTION

1. This Practice Guideline relates to the conduct of the Royal Commission into the Home Insulation Program (Commission). It should be read in conjunction with the *Royal Commissions Act 1902* (the Act), and the Letters Patent establishing it dated 12 December 2013 which includes the Terms of Reference available on the Commission's website www.homeinsulationroyalcommission.gov.au.
2. Written communications from and to the Commission will occur, where appropriate, only by email (unless otherwise required by the Commission) or, in the case of procedural matters, via the Commission's website.
3. The Commission will assume, unless another email address is specified, that all communications from the Commission to the person may be directed to the email address from which the person's communication is received.
4. Any person with information relevant to the Commission's Terms of Reference, whether confidential or otherwise, should contact Ms Petra Gartmann, Chief Executive Officer, to discuss the provision of that information:
 - a. by emailing legal.homeinsulation@ag.gov.au
 - b. by telephone (02) 6141 6666
 - c. by writing to:
Ms Petra Gartmann
Chief Executive Officer
Office of the Royal Commission
PO Box 7365
CANBERRA BC ACT 2610

INITIAL PUBLIC HEARING

5. The Commission will hold an initial public sitting in Brisbane on 23 December 2013 at which it is anticipated that:
 - a. the Commissioner will make general introductory remarks concerning the nature and scope of the Commission;

- b. Counsel Assisting the Royal Commission will make an opening address;
 - c. an indication will be given, to the extent possible, of intended future public sitting dates; and
 - d. oral submissions may be sought in respect of any written applications for leave to appear and/or leave to be represented, which have not been resolved on the papers in accordance with the practice discussed further below.
6. The Commission invites evidence from all persons with information or documents within the Terms of Reference.
 7. Any person who considers that they have a sufficient knowledge of, or interest in, the subject matter of the Terms of Reference to be able to provide assistance to the Commission, by submissions, should seek leave to appear in accordance with the protocol below.
 8. You may wish to obtain assistance from a support or advocacy group to complete your statement. If the Commission needs more information from you after we have received your statement, you will be contacted by phone or email.
 9. Documents should be produced to the Commission in accordance with “Practice Guideline 2: Producing Material to the Royal Commission under Summons or Notice to Produce”. That document can be found on the website.
 10. If you, or a person you are assisting, has a disability, which may affect you or them providing information to the Commission, please tell us.
 11. If you have provided information to, or been a witness in, another Inquiry and wish the Commission to receive the account you made to that Inquiry, please tell us.

LEAVE TO APPEAR AND LEGAL REPRESENTATION AT PUBLIC HEARINGS

12. Any person summonsed to attend and give evidence before the Commission pursuant to section 2 of the Act may, if they choose and without any further grant of leave, be legally represented before the Commission while they are giving evidence. Otherwise, appearances and representation before the Commission will only be allowed by leave.
13. Leave to appear entitles a person to whom it is granted to participate in the proceedings of the Commission, subject to the Commissioner’s control and to such extent as the Commissioner considers appropriate. Leave to appear may be granted on terms.
14. Any person (or group of persons) or organisation wishing to be granted leave to appear should forward an Application for Leave to Appear to the Office of the Royal Commission at legal.homeinsulation@ag.gov.au as soon as possible and by no later

than 4pm on Wednesday 18 December 2013. The application should be no more than 3 pages in length and must include the following information:

- a. the person or organisation who seeks leave to appear;
 - b. the parts of the Terms of Reference in which the applicant is interested or in respect of which they consider that their interests may be materially affected by the Commission;
 - c. an explanation (by reference to the Terms of Reference) of the basis on which it is said that the applicant's interest are sufficiently connected with or likely to be materially affected by the work of the Commission so as to require leave to appear;
 - d. if it is proposed that a lawyer or other person will represent the applicant if leave is granted, the name of the proposed representative (including, if applicable, counsel); and
 - e. an email address for correspondence.
15. Where an application for leave to appear is received in accordance with the above procedure, the Commission will, by 4pm on Friday 20 December 2013, either:
- a. decide the application on the papers and notify the person or nominated representative accordingly; or
 - b. notify the person or nominated representative that they will be required to appear before the Commission at the initial public hearing on Monday 23 December 2013, or on a subsequent specified date, for further consideration of the application.
16. If any person wishes to seek leave to appear after 4pm on Wednesday 18 December 2013, not having made an application in accordance with the above protocol, they or their proposed representative should contact the Office of the Royal Commission urgently to make arrangements for their application to be received and considered.
17. If any person who has been granted leave to appear wishes to raise a procedural or legal matter, or wishes to make a submission about the determination of their application for leave, they should communicate with the Office of the Royal Commission in writing, identifying the issue and a brief outline of the submission to be made.
18. Any leave to appear or be legally represented before the Commission may be varied or withdrawn by the Commissioner or made subject to altered or additional conditions at any time.

WITNESSES' EXPENSES

19. Witnesses called to, or given leave to appear at, a hearing of the Commission may be eligible for financial assistance, including legal financial assistance and payment of witness expenses.
20. Legal financial assistance may cover the reasonable costs of legal representation and disbursements (such as fees for photocopying, obtaining records or reports) to people providing evidence to the Commission.
21. Appendix E of the *Legal Services Directions 2005* may apply to the provision of legal assistance to Commonwealth employees, or former employees, called to, or given leave to appear at, a hearing of the Commission.
22. Individual witnesses may also be eligible for payment of expenses incurred to appear before a hearing of the Commission, in accordance with Regulation 7 of the Regulations.
23. More information about financial assistance and witness expenses can be found at the website of the Attorney-General's Department at www.ag.gov.au

PUBLICATION AND ACCESS TO EVIDENCE

24. The Commissioner will issue a practice guideline dealing with how the Commissioner proposes to handle evidence submitted to, and gathered by, it. That practice guideline will be published on the Commission's website.
25. In the meantime, the Commission does not propose to publish evidence it receives.
26. If a person wishes to provide information to the Commission on a confidential or anonymous basis they:
 - a. should, if they consider it necessary to address confidentiality *before* provision of any material, contact the Office of the Royal Commission to discuss arrangements to proceed in that regard;
 - b. should, subject to alternative arrangements pursuant to (a) above, when the material is provided to the Commission, provide it under cover of a written notice stating:
 - i. the part of the information or material in respect of which confidentiality is sought;
 - ii. whether the confidentiality is sought in respect of the world at large or subject to acceptance of publication to some person or categories of persons; and

- iii. the grounds on which such confidentiality is asserted to be necessary and appropriate despite the public nature of the Commission.
 - c. should, subject to alternative arrangements, organise the material provided in such a way as to indicate on its face where confidentiality is sought, for example by including the words “Proposed Confidential Material” in a witness statement prior to setting out that material, or on an exhibit cover-sheet or exhibit index referring to that material.
- 27. Where confidentiality is sought, the Commissioner will either:
 - a. decide the application on the papers and notify the person or nominated representative accordingly, in which case, where confidentiality is refused, the material or information in question will nevertheless be kept confidential for seven days from notification of that decision; or
 - b. notify the person or nominated representative that they are required to appear before the Commission on a specified date for further consideration of the application, in which case the material or information in question will be kept confidential until (and in accordance with) the Commissioner’s decision following that appearance.
- 28. Media Guidelines for Public Hearings will be published on the Commission’s website. Members of the media should refer to these guidelines for further information on publication and access to evidence.
- 29. Any application for access should be made in writing, in the first instance, to the Office of the Royal Commission.
- 30. Nothing in this practice guideline should be taken as limiting the Commissioner’s powers, whether at the request for any person or on the Commissioner’s own initiative, to treat any material or information as confidential and to take any steps in respect of the preservation of such confidentiality.

Ian Hanger AM QC

Commissioner

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