



PERTH CASINO ROYAL COMMISSION

111 St Georges Tce
PERTH WA 6000

PRACTICE DIRECTION 1 APPLICATIONS FOR LEAVE TO APPEAR

INTRODUCTION

- 1 This Practice Direction relates to the conduct of the Royal Commission into the affairs of Crown Casino Perth and related matters (**Commission**) and sets out the procedure to make an application for leave to appear before the Commission.
- 2 This Practice Direction should be read in conjunction with the *Royal Commissions Act 1968 (WA)* (**Act**) and the Commission issued under the Public Seal of the State of Western Australia establishing the Royal Commission on 5 March 2021, including the terms of appointment (**Terms of Reference**).¹
- 3 This Practice Direction may be varied or replaced at any time. The Commission may depart from this Practice Direction if it considers it appropriate to do so.

LEAVE TO APPEAR

- 4 The Commission may, to the extent and in the manner determined by the Commission, give leave to:
 - a. any person (including a body corporate) to appear or otherwise participate in hearings that will be held as part of the of work the Commission; and
 - b. any legal practitioner to represent a person appearing before the Commission.
- 5 In considering whether an application for leave to appear will be granted to a person, the Commission may have regard to the following factors:
 - a. whether the person has a direct or special interest in the Terms of Reference;
 - b. the potential for the person to be the subject of an adverse finding; and
 - c. the ability of the person to assist the Commission in the inquiry including whether granting leave to appear would assist the Commission's inquiry over and above the assistance which may be provided by way of written submissions made by the Applicant.

¹ The Terms of Reference are the terms of appointment set out in paragraph (a) of 'Operative Part' of the Commission issued under the Public Seal of the State of Western Australia establishing the Royal Commission on 5 March 2021 and are available here <https://www.wa.gov.au/government/document-collections/perth-casino-royal-commission-terms-of-reference>

- 6 An applicant may be granted leave to appear when the applicant:
- a. has been served with a written notice or summons requiring the person to attend the Commission to give evidence;
 - b. is the subject of an inquiry to be undertaken;
 - c. may be the subject of an adverse finding; or
 - d. is able to demonstrate that their participation in the hearing is likely to assist the inquiry.

SCOPE OF ANY LEAVE GRANTED

- 7 Leave to appear may be sought or granted on a conditional or unconditional basis.
- 8 An applicant will be informed whether leave to appear is granted conditionally or unconditionally when the applicant's application for leave to appear is determined.
- 9 Leave to appear may be conditional when a person's direct or special interest is limited to a particular issue or issues the subject of the Commission's inquiry or as otherwise determined by the Commission having regard to the application for leave to appear.
- 10 Where a person is granted leave to appear, the person or their legal representative may:
- a. apply to have evidence tendered or heard;
 - b. apply for leave to examine or cross examine a witness subject to any Practice Direction issued, or order made, by the Commission; and
 - c. make submissions about the findings available to the Commission following the conclusion of hearings.
- 11 No right of examination, cross-examination or tender of evidence will be conferred by the grant of leave to any person.
- 12 The Commission may, by further Practice Direction or order grant a person who has been granted leave to appear a right of examination, cross examination or tender of evidence and may impose limitations or conditions upon the right(s) such as, but not limited to:
- a. a requirement to seek leave in respect of each witness proposed to be cross examined, specifying general areas to be canvassed;
 - b. where more than one person applies for leave to cross examine a witness, the order in which the cross examinations are to take place;
 - c. restrictions on the ability to ask questions or canvass matters already asked or covered in prior examinations by any person other than counsel assisting the Commission; and
 - d. the imposition of time limits on the examination.
- 13 Leave to appear before the Commission may, at any time, be varied or withdrawn by the Commission, or made subject to altered or additional limitations or conditions.

APPLICATIONS FOR LEAVE TO APPEAR

- 14 Applications for leave to appear should be made on the form 'Application for Leave to Appear at the Commission' (**Annexure 1** to this Practice Direction) and should:
- a. identify the Terms of Reference, or topics that will be the subject of evidence at upcoming hearings, in relation to which the applicant has a direct and/or special interest; and
 - b. be accompanied by a short submission of no more than two pages in support of the application.
- 15 Applications for leave to appear will be heard at a hearing of the Commission on Tuesday, 20 April 2021 and applications for leave to appear must be emailed to contact@pcrc.wa.gov.au to be received no later than 5:00pm on Friday 16 April 2021.
- 16 Following the hearing of the Commission on Tuesday, 20 April 2021, a person (including a body corporate) may seek leave to appear at any time if they may have a direct or special interest in the Commission (for example, because of information provided to the Commission, a matter that has occurred during a public hearing or because the person has received a Notice to Produce). Applications must be made as soon as practicable in writing in accordance with paragraph 14 of this Practice Direction.
- 17 Applications under paragraph 16 may be determined on the papers with the outcome of the application communicated to the applicant (or the applicant's legal representative). Alternatively, applicants may be notified that they will be required to appear before the Commission on a specified date for further consideration of the application.

The Honourable Neville Owen AO



The Honourable Carolyn Jenkins



Mr Colin Murphy PSM



13 April 2021

ANNEXURE 1
APPLICATION FOR LEAVE TO APPEAR

Name of person or entity seeking leave to appear (Applicant)	
Name of legal representative and firm (if any)	
Name(s) of counsel briefed	
Contact person(s) and details	Name: Email: Phone Number:

Please **attach** a short written submission of no more than two pages addressing the factors identified in paragraph 5 of Practice Direction 2 - Applications for Leave to Appear and any other factor supporting the grant of leave. The submission should identify any topic or topics that will be the subject of the Commission's inquiry in which the Applicant has a direct or special interest.

Please email the completed application to contact@pcrc.wa.gov.au.