



PERTH CASINO ROYAL COMMISSION

111 St Georges Terrace,
PERTH WA 6000

PRACTICE DIRECTION 6 PRIVATE HEARINGS

INTRODUCTION

- 1 This Practice Direction relates to the conduct of the Royal Commission into the affairs of Crown Casino Perth and related matters (**PCRC**) and sets out general guidance in relation to the conduct of private hearings.
- 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 PCRC 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 PCRC may depart from this Practice Direction if it considers it appropriate to do so.

PRIVATE HEARINGS

- 4 A Royal Commission has a general power to order that any evidence may be taken in private.
- 5 The PCRC recognises that, in certain circumstances, it may be necessary to receive part or all evidence from a witness (or witnesses) in a restricted or private hearing.
- 6 A private hearing provides witnesses with the opportunity to share their experiences anonymously without fear of repercussion, threat to personal safety or reputational damage.
- 7 The PCRC may, of its own motion and in accordance with sections 19 and 19A of the Act, authorise that only certain persons can be present during a hearing of the PCRC.
- 8 The PCRC is not required to make known to any person, during the course of the inquiry, the content or nature of any evidence taken in private.

REQUEST FOR PRIVATE HEARING

- 9 A request that evidence be taken in private may be made by counsel assisting the PCRC or by a witness.
- 10 A witness before the PCRC, or a person granted leave to appear, may request that the PCRC authorise only certain persons to be present during part of a hearing of the PCRC.
- 11 Notice of a request that evidence be taken in private, or that only certain persons be present during part of a hearing of the PCRC, must be given to the Solicitors

¹ The Terms of Reference are the terms of appointment set out in paragraph (a) of 'Operative Part' of the PCRC issued under the Public Seal of the State of Western Australia establishing the Royal PCRC on 5 March 2021 and are available [here](#).

Assisting the PCRC as soon as possible once the basis for the application is identified and emailed to solicitorsassisting@pcrc.wa.gov.au.

- 12 The request must be made in writing and prior to the date on which the witness or evidence is to be heard. The request should be accompanied by a short written submission (no longer than five pages) setting out the basis upon which the application is made.
- 13 Without limiting the operation of s19A(b) of the Act, should the PCRC authorise only certain persons to be present during a hearing or any part of it, the PCRC may at its discretion notify interested parties of the fact a private hearing is being held, the general subject of the examination and the category of witness. The PCRC may also post a copy of any such notification on its website.

CONDUCT OF PRIVATE HEARINGS

- 14 A private hearing will be held in person, overseen by one or more Commissioners and transcribed. Without limiting the operation of s19A(b) of the Act, the PCRC may make available to interested parties:
 - (a) a copy of the transcript, which may be redacted; or
 - (b) a document summarising in general terms some or all of the evidence.
- 15 Witnesses will be required to swear or affirm the truth of their evidence at the commencement of the private hearing.
- 16 Where a witness statement has been provided to the PCRC in accordance with Practice Direction 4, the witness will adopt their witness statement on oath or affirmation as their evidence-in-chief subject to any order as to excision of the witness statement or exclusion of their evidence-in-chief.
- 17 Witnesses will be examined by Counsel Assisting the PCRC in accordance with Practice Direction 4. Cross-examination of witnesses by other interested parties, who are authorised by the PCRC to be present, will not occur unless permitted by leave of the PCRC.