



**PRACTICE DIRECTION NO. 4**

**CONDUCT OF EVIDENTIARY PUBLIC  
HEARINGS IN A VIRTUAL  
ENVIRONMENT**

6 August 2020

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**INTRODUCTION**

1. This Practice Direction (**PD-4**) relates to the conduct of the evidentiary public hearings that will be held as part of the work of the Board of Inquiry into the COVID-19 Hotel Quarantine Program (**Inquiry**) in a virtual environment.
2. This Practice Direction is issued under s 63(1) of the *Inquiries Act 2014* (Vic) (**Act**). It should be read in conjunction with the Act, the terms of reference contained in the Order establishing the Inquiry, and the other Practice Directions available on the Inquiry's website (<https://www.quarantineinquiry.vic.gov.au/lawyers>).
3. This Practice Direction may be varied, changed or amended from time to time. The Inquiry may, at any time, depart from this Practice Direction if it considers it appropriate to do so.

**VIRTUAL HEARING ROOM**

4. The evidentiary public hearings will be conducted via a virtual hearing room (**Virtual Hearing Room**).
5. The software used to host the Virtual Hearing Room will be Zoom.

**PARTICIPANTS**

6. To maintain orderly proceedings, access to the Virtual Hearing Room will be limited to the following, subject to any contrary directions the Inquiry may make in exceptional circumstances:
  - (a) Witnesses called to give evidence before the Inquiry;
  - (b) The legal representatives of such witnesses, including their Counsel and/or

solicitors;

- (c) The legal representatives of other parties with leave to appear, but only at such times as evidence is being given or submissions are being made to the Inquiry in respect of matters where that party has a direct or special interest in that evidence or those submissions; and
- (d) If applicable, one other person representing witnesses and/or each party with leave to appear (e.g. 'clients').

(together, **Participants**).

- 7. All other parties or persons wishing to observe the evidentiary public hearings may do so via the livestream available on the Inquiry's website ([www.quarantineinquiry.vic.gov.au](http://www.quarantineinquiry.vic.gov.au)).

## **TECHNOLOGICAL SPECIFICATIONS FOR VIRTUAL HEARING ROOM**

- 8. Zoom is a video conferencing application that can be used on any device, including a computer, tablet or a smartphone. Zoom may be accessed through the dedicated application or through a web browser.
- 9. The Inquiry recommends that Participants:
  - (a) download the Zoom application (available free at <https://zoom.us/download> or in the app store for your device);
  - (b) familiarise themselves with Zoom using the videos and guides on the Zoom website;
  - (c) have their own device with Zoom installed;
  - (d) use a computer or tablet no smaller than an iPad (9.7"). Smartphones should not be used by Participants who will be addressing the Inquiry during the evidentiary public hearings;
  - (e) ensure that they access the Virtual Hearing Room from a location that has a reasonable internet speed, whether via Wi-Fi or a cellular network such as 4G;
  - (f) wear a headset when attending the Virtual Hearing Room to improve audio quality and reduce any audio feedback (noting that mobile phone in-ear headphones do not generally provide reliable audio).

## **ACCESSING THE VIRTUAL HEARING ROOM**

- 10. In order to access the Virtual Hearing Room, Participants are required to:

- (a) Prepare a list containing the names, email addresses and mobile phone numbers of each person requiring access to the Virtual Hearing Room; and
  - (b) Email the list at least 24 hours prior to the hearings they propose to attend to Solicitors Assisting at [lawyers@quarantineinquiry.vic.gov.au](mailto:lawyers@quarantineinquiry.vic.gov.au) using 'Proposed Participants for Virtual Hearings' as the subject line of the email.
11. Participants will then be provided with log-in details enabling them to access the Virtual Hearing Room.

## **DEVICE CHECKS**

12. Device checks will be arranged with witnesses called to give evidence before the Inquiry, in the days before they are scheduled to give evidence, to confirm that their technology is operating effectively. Legal representatives for witnesses called to give evidence before the Inquiry are permitted to attend such device checks.
13. A final device check will be conducted immediately prior to the hearing. Witnesses and their Nominated Legal Representative (see paragraph 18, below) must log-in to Zoom using the details provided 30 minutes prior to their scheduled appearance time to complete the final device check.

## **ATTENDING THE VIRTUAL HEARING ROOM**

14. In order to replicate the conditions of a physical hearing room, when attending the Virtual Hearing Room:
- (a) all Participants must ensure that they are situated in a quiet physical location that complies with social distancing requirements in place at the time, and where they will avoid interruption; and
  - (b) save as may be necessary for the limited purpose of receiving technological support, and subject to any directions the Board may make from time to time, witnesses must ensure that there are no other persons present in that physical location while giving evidence before the Inquiry.
15. When logging-in to Zoom, Participants must enter '(LTA)' then their full name and the organisation they are representing (if applicable). E.g. '(LTA) John Smith – Sample Co Pty Ltd'.
16. Participants other than witnesses and their Nominated Legal Representative (see paragraph 18, below) must mute their microphones and ensure that their camera is turned off.

17. Witnesses and their Nominated Legal Representative must log-in 30 minutes prior to the scheduled commencement of the witness' evidence, with their microphone on mute and their camera turned on. Witnesses will be invited to unmute their microphone immediately prior to giving evidence, and their Nominated Legal Representative will be requested to switch off their cameras and leave their microphone on mute unless addressing the Inquiry as outlined below.

## ADDRESSING THE INQUIRY

18. Only one legal representative for each witness and party who has been granted leave to appear (**the Nominated Legal Representative**) will be able to turn on their camera, unmute their microphone, and address the Inquiry during the public evidentiary hearings, subject to the following:
  - (a) In accordance with standard Court etiquette, the Nominated Legal Representative must refrain from turning on their camera and unmuting their microphone while Counsel Assisting is examining a witness unless it is necessary to make an objection;
  - (b) When considering the need to address the Inquiry, the Nominated Legal Representative should have regard to the following:
    - (A) The need for the Inquiry to maintain orderly proceedings, and the added difficulty of maintaining orderly proceedings in a virtual environment;
    - (B) Once the Nominated Legal Representative turns on their camera and unmutes their microphone, their image and voice will be broadcast within the Virtual Hearing Room and, unless the Inquiry otherwise directs, the public via the Inquiry's live-stream;
  - (c) Applications for leave to re-examine or cross-examine a witness must be made in accordance with Practice Direction 3; and
  - (d) The Inquiry maintains the right to conduct the evidentiary public hearings in any manner it considers appropriate in accordance with s 59 of the *Inquiries Act 2014*.
19. Witnesses will be permitted to address the Inquiry in the usual manner when responding to questions put to them.
20. Those persons who have been given access to the Virtual Hearing Room, other than the Nominated Legal representative and witnesses, will not be permitted to address the Inquiry, unless exceptional circumstances apply, and will have their camera and microphone settings disabled throughout the evidentiary public hearings accordingly.

## **GIVING EVIDENCE**

21. Witnesses will be sworn in or affirmed by the Associate. Witnesses can choose to take an oath or affirmation via Zoom. Witnesses choosing to take an oath are not required to hold a religious text. In circumstances where a witness would like to swear an oath upon a religious text, it will be the responsibility of the witness and/or their legal representative(s) to ensure that text is available.
22. Where a witness wishes to show a document or video during the virtual hearing, the witness and/or their legal representative(s) must contact the Inquiry at least two days prior to the commencement of the hearing so that the Inquiry may make suitable arrangements for the document or video to be shown during the hearing.

## **ETIQUETTE**

23. The Board of Inquiry is constituted by the Honourable Jennifer Coate AO. When addressing the Board of Inquiry, the appropriate terminology is 'the Board' (e.g. 'if the Board pleases').
24. Participants should remain seated when the Honourable Jennifer Coate AO enters and exits the hearings, and when addressing the Inquiry.
25. When attending the hearings, Participants are expected to be attired and behave in a manner appropriate for attendance at a Court.
26. For the avoidance of doubt, Counsel are not to be robed.

## **LIVE STREAM AND RECORDING**

27. The evidentiary public hearings will be live streamed to the public on the Inquiry's website ([www.quarantineinquiry.vic.gov.au](http://www.quarantineinquiry.vic.gov.au)), which will be closed-captioned and subject to a delay of five minutes.
28. All aspects of the public hearings will be audio and visually recorded.

## **CONTACTING THE INQUIRY**

29. For any issues, including technological difficulties, that may arise during the course of the Board's hearings, please contact Solicitors Assisting, who will be monitoring emails in real-time to enable a timely response, at [lawyers@quarantineinquiry.vic.gov.au](mailto:lawyers@quarantineinquiry.vic.gov.au).
30. Questions about any matters dealt with in this Practice Direction or other matters concerning the evidentiary public hearings should be directed to Solicitors Assisting at: [lawyers@quarantineinquiry.vic.gov.au](mailto:lawyers@quarantineinquiry.vic.gov.au).

Issue date: 6 August 2020

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**THE HONOURABLE JENNIFER COATE AO**  
Board of Inquiry into the COVID-19 Hotel Quarantine Program