

Public Inquiry into Liverpool City Council Office of the Commissioner

PRACTICE DIRECTION FOR HEARINGS OF THE INQUIRY (PD1)

Interpretation

In this Practice Direction:

- (a) “**Authorised Person**” means a person granted leave to appear at the Public Hearings of the Inquiry and includes a legal practitioner representing such a person.
- (b) “**Council**” means the Liverpool City Council.
- (c) “**Hearings**” means the Public Hearings of the Public Inquiry into Liverpool City Council Inquiry.
- (d) “**Inquiry**” means the Public Inquiry into Liverpool City Council.
- (e) “**Inquiry Website**” means: <https://www.olg.nsw.gov.au/public-inquiries/liverpool-city-council-public-inquiry/>
- (f) “**Inquiry Email Address**” means: liverpoolccinquiry@holdingredlich.com
- (g) “**Inquiry Postal Address**” means: Public Inquiry into Liverpool City Council Level 65, 25 Martin Place, Sydney NSW 2000.
- (h) “**Terms of Reference**” means the Terms of Reference for the Inquiry, which are available on the Inquiry Website.
- (i) References to the singular include the plural where appropriate, and vice versa.

General

1. This practice direction is intended to provide guidance as to the procedures that the Commissioner intends to adopt during the Hearings.
2. Nothing in this Practice Direction limits the Commissioner’s general discretion to conduct the Hearings and the Inquiry generally in the manner he sees fit. Where the Commissioner thinks it appropriate, the procedures set out in this Practice Direction may be dispensed with or varied.

The Hearings

3. The Hearings will be held across two sitting periods:

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- a. 14 July – 1 August 2025; and
 - b. 18 August – 29 August 2025.
4. The sitting usual hours for the Hearings will be from 10.00 am to 1.00 pm (with a 20-minute break between about 11:30am and 11:50am), and from 2pm to 4.00pm.
 5. The Commissioner may, at his discretion, vary any of the sitting dates or times identified above.
 6. The venue of the Hearings will be announced on the Inquiry website prior to their commencement.

Persons permitted to be present in the hearing room during the Hearings

7. Subject to the capacity of the hearing room, members of the public can attend and observe the Hearings. However, it is anticipated that available seating for the public in the hearing room is likely to be limited and once seating capacity is exhausted it will not be possible for other members of the public to enter the hearing room. Accordingly, members of the public that wish to observe the Hearings are strongly encouraged to do so via the live stream.
8. Nothing in this Practice Direction limits or detracts from the power of the Commissioner to direct that part of the Hearings be conducted in private and to limit the persons who may be present in the hearing room for that purpose.

Live streaming of the Hearings and Transcripts

9. The Hearings will be live streamed. Details of how the live stream can be accessed will be posted to the Inquiry Website. In addition, a daily written transcript of the Hearings will be prepared and posted to the Inquiry Website once it becomes available.
10. If the Commissioner directs that any part of the Hearings is to be conducted in private, the live stream of the Hearings will be suspended and, subject to the discretion of the Commissioner, no transcript of that part of the Hearings will be made available.

Legal representation and authorisation to appear

Application for legal practitioner to represent a witness while giving evidence

11. Although the Commissioner wishes to avoid undue formality in the conduct of the Hearings, and it is not necessary for a person who gives evidence at the Hearings to be

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represented by a legal practitioner, any person who gives evidence during the Hearings may nevertheless seek authorisation to be represented by a legal practitioner while giving evidence.

12. Where authorisation is sought by a witness to be represented by a legal practitioner while giving evidence, application must be made in writing by way of email to the Inquiry Email Address. That application should:
 - a. identify the individual(s) on whose behalf such authorisation is sought;
 - b. the legal practitioner(s) who propose to appear if authorisation is granted and their contact details; and
 - c. be received no later than 24 hours prior to the individual being called to give evidence.

Applications for authorisation to appear at the public hearings in all other cases

13. Any person that wishes to appear and be heard during the Hearings must make an application to the Commissioner for authorisation to do so. Although it is not necessary for a person that seeks authorisation to appear at the hearings to be legally represented, any such person may also seek authorisation to be represented by a legal practitioner for that purpose.
14. An application for authorisation to appear at the Hearings (including for leave to be represented by a legal practitioner where applicable) must be made in the form of the application annexed to this Practice Direction and sent by email to the Inquiry Email Address such that it is received by no later than **5.00 pm on Friday, 4 July 2025**.
15. The Commissioner will determine any applications made in accordance with paragraph 14 in chambers and the applicant will be notified of that Commissioner's ruling prior to the commencement of the Hearings.
16. Nothing in this Practice Direction prevents a person from seeking authorisation to appear at the Hearings (including to be represented by a legal practitioner) at any time before or during the Hearings if something occurs which leads the person to believe that the person's interests may be materially affected by the Terms of Reference, or the evidence before the Inquiry. Such an application should be made promptly and address the matters identified in the form of application annexed to this Practice Direction.

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17. The Hearings will not be delayed for the purpose of determining an application for authorisation to appear (including to be represented by a legal practitioner) which has not been made in accordance with this Practice Direction.
18. A grant of authorisation to any person to appear at the Hearings (including to be represented by a legal practitioner) is subject to the following conditions:
 - (a) authorisation to appear at the Hearings may be withdrawn by the Commissioner, or made subject to altered or additional limitations or conditions, at any time;
 - (b) the nature and extent of the participation of an Authorised Person in the Hearings is subject to the Commissioner's control at all times;
 - (c) an Authorised Person, whether represented by a legal practitioner or not, has no automatic right to examine any witness;
 - (d) an Authorised Person, whether represented by a legal practitioner or not, who wishes to examine a witness must seek the leave of the Commissioner to do so immediately after that witness has been examined by Counsel Assisting. In making an application for leave to examine a witness, the Authorised Person should be prepared to address the Commissioner on the topic(s) that the Authorised Person wishes to examine the witness about and the relevance of those topics to the Terms of Reference or that person's interests. Any grant of leave may be made subject to conditions by the Commissioner, including that any examination be limited as to topic or time;
 - (e) the Authorised Person must follow the directions and rulings made by the Commissioner at all times;
 - (f) the Authorised Person will not engage in conduct which disrupts the efficient conduct of the Hearings.
19. The Commissioner will determine the nature and extent of any other conditions attaching to any grant of authorisation to appear at the hearings having regard to the circumstances.

Prior notification required to be given of certain matters

20. Prior written notice must be given by an Authorised Person of the following matters:

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- (a) if the Authorised Person proposes to request permission to call any person as a witness to give evidence at the hearings, the Authorised Person must provide the Inquiry with a copy of a written statement signed by the proposed witness setting out the evidence that person would give if called to give evidence;
 - (b) any issues of law which the Authorised Person proposes to raise accompanied by a short outline of submissions directed to those matters; and
 - (c) any procedural matter the Authorised Person proposes to raise (including, by way of example only, any objections to evidence, confidentiality issues, applications for non-publication concerns and other administrative arrangements) accompanied by a short outline of submissions directed to those matters.
21. Written notice of any of those matters must be sent by the Authorised Person to the Inquiry Email Address such that it is received by no later than **12.00 noon on Friday, 4 July 2025**.
22. Nothing in this Practice Direction prevents an Authorised Person from making an application of a kind referred to in paragraph 20 during the Hearings if circumstances arise which lead the Authorised Person to consider that such an application is then warranted in order to protect their interests. In that event, such an application should be made as soon as those matters come to the attention of the Authorised Person and the Commissioner will then consider that application at a time he considers appropriate.

Conduct of the Hearings – witnesses

23. Subject to the control of the Commissioner, Counsel Assisting will determine which witnesses are called at the Hearings and the order in which they are called. It may be necessary to call some witnesses to give evidence on more than one occasion.
24. Any person who has been summoned to give evidence at the Hearing may provide a witness statement to the Inquiry relevant to the Terms of Reference. Such statement is to be lodged with the Inquiry **at least 5 days prior to the date upon which the witness is to give evidence**. Where a witness has provided a written statement, a copy of that statement will be made available to any person that the Commissioner or Counsel Assisting considers may be substantially and directly interested in or affected by the evidence before that witness is called to give evidence.

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25. All witnesses will be called to give evidence by Counsel Assisting, and then examined by Counsel Assisting. If leave is granted by the Commissioner, the witness may then be examined by or on behalf of any person considered by the Commissioner to have a sufficient interest to do so. If leave is granted by the Commissioner, the witness may be examined by his or her own legal representative (if any). Counsel Assisting may then re-examine the witness.
26. Any person who is granted leave to examine a witness will be expected to proceed with that examination without delay after the witness has first been examined by Counsel Assisting. There should be no expectation that there will be any adjournment after the witness has been examined by Counsel Assisting before the examination by another person commences.
27. The Commissioner may impose time limits on the length of any examination and may limit the topics upon which a witness may be examined. The Commissioner will not permit a witness to be examined multiple times on the same topic unless good reason for doing so can be demonstrated.

Conduct of the Hearings – documents

28. Subject to the control of the Commissioner, Counsel Assisting will determine which documents are tendered and the time at which they will be tendered.
29. Any Authorised Person or person who is to be called as a witness during the Hearings who wishes to tender a document must notify the Inquiry by providing a copy of the document(s), accompanied by a list or index identifying those documents, by way of email to the Inquiry Email Address or post to the Inquiry Postal Address such that they are received by no later than **5 pm on Monday, 7 July 2025**. Subject to the control of the Commissioner, Counsel Assisting will decide whether or not to tender the document. An application may be made directly to the Commissioner to tender a particular document if the above procedure has been complied with.
30. Nothing in paragraphs 28 and 29 above prevents an Authorised Person or a witness from seeking to tender a document where something happens during the Hearings that gives rise to the Authorised Person or witness believing that the document ought to be tendered. If that occurs, a copy of the document should be provided (in hard copy where possible) to Counsel Assisting immediately. Subject to the control of the Commissioner,

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Counsel Assisting will decide whether or not to tender the document. An application may then be made directly to the Commissioner to tender the document.

Submissions

31. At the conclusion of the evidence, the Commissioner proposes to make directions for final written submissions. Counsel Assisting will make submissions first. An opportunity will then be given to any person whom the Commissioner considers is directly interested or potentially affected by those submissions to make their own written submissions. Counsel Assisting will then have an opportunity to make short written submissions in reply.
32. The Commissioner may place limits on the length of any written submissions.
33. The Commissioner may also receive oral submissions from Counsel Assisting or any sufficiently interested party. The Commissioner may place limits on the time allowed for oral submissions and for topics to be covered.

Dated: 16 June 2025

Ross Glover

Commissioner

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Name:	
Address:	
Contact person:	
Telephone:	
Fax:	
Email:	
<u>Part 3 – Terms of reference</u>	
Which particular term or terms of reference does the person in question claim to have an interest?	
<u>Part 4 – Nature and extent of interest</u>	
In respect of each term of reference identified in answer to Part 3, what is the nature and extent of the person’s asserted interest in that matter?	
<u>Part 5 – Assistance to the Inquiry</u>	

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a) Will the person appearing or to be represented be in a better position to assist the Inquiry if authorisation to appear is granted? If so, how?

b) Please specify precisely the nature and extent of any assistance that will be provided to the Inquiry if authorisation is granted?

Part 6 – Conflicts

In the case of an application for authorisation for a legal practitioner to appear, does the practitioner (and in the case of Counsel, his or her instructing solicitors) act for any other person in relation to the Inquiry and the matters it is inquiring into? If so, what information can be provided to the Inquiry such as to enable the Commissioner to determine whether it is appropriate for authorisation to be granted?

Part 7 – Submissions in support of the application for authorisation to appear

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What submissions do you wish to make, and what other matters do you wish to rely upon, in support of the application for authorisation?

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