



## Special Commission of Inquiry into the Ruby Princess

### PRACTICE GUIDELINE 1

#### General Guideline

##### Part A

##### This Guideline

1. This Practice Guideline (PG 1) relates to the conduct of the Special Commission of Inquiry into the Ruby Princess (**Ruby Princess Inquiry** or **Special Commission**). It should be read in conjunction with the *Special Commissions of Inquiry Act 1983* (NSW) (**Act**) and the terms of reference contained in the Letters Patent establishing the Special Commission dated 15 April 2020.
2. This Practice Guideline sets out general guidance about the procedures the Special Commission will follow in relation to:
  - a. Providing information;
  - b. Communicating with the Special Commission;
  - c. Hearings;
  - d. Production of Documents;
  - e. Production of information and statements in writing;
  - f. Confidentiality; and
  - g. Other general matters of the Special Commission's procedure.
3. The Special Commission has also published Practice Guidelines in relation to:
  - a. Seeking leave to appear at the Ruby Princess Inquiry (PG 2); and
  - b. Appearing as witness in the Ruby Princess Inquiry (PG 3).
4. The Special Commission may vary, replace, withdraw or publish further Practice Guidelines.

## **Part B**

### **Providing information**

5. The Special Commission will, in due course, invite submissions from people<sup>1</sup> with information or documents relevant to any of the matters contained in the terms of reference.
6. People who wish to provide the Ruby Princess Inquiry with information relevant to the Special Commission's terms of reference should contact the Special Commission by email to [enquiries@rubyprincessinquiry.nsw.gov.au](mailto:enquiries@rubyprincessinquiry.nsw.gov.au). If you are unable to communicate by email, please phone the Ruby Princess Inquiry on (02) 9228 5795 (between 9:00am-5:00pm AEST Monday-Friday except on public holidays), or write to the Commission at GPO Box 5341, Sydney NSW 2001.

## **Part C**

### **Method of communication with the Special Commission**

7. Any person wishing to provide the Ruby Princess Inquiry with information relevant to the Special Commission's terms of reference should follow the procedure set out in paragraph 6 above. All contact with the Special Commission regarding this Practice Guideline should be made by email to [enquiries@rubyprincessinquiry.nsw.gov.au](mailto:enquiries@rubyprincessinquiry.nsw.gov.au).
8. The Special Commission will communicate with people at the email or postal address from which that person's communication to the Special Commission was received unless that person has specified another email address or postal address as their contact.

## **Part D**

### **Hearings**

9. The Ruby Princess Inquiry will hold public and private hearings as and when required.
10. The Ruby Princess Inquiry has issued Practice Guideline 2 in relation to leave to appear and witnesses at hearings.
11. Where the Commissioner is satisfied that any person is substantially and directly interested in the subject-matter of the Special Commission, or that the person's conduct in relation to any such matter has been challenged to the person's detriment, the Commissioner may authorise the person to appear before the Special Commission, and may allow the person to be represented by counsel or solicitor.

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<sup>1</sup> A reference to a 'person' or 'people' in this Practice Guideline includes a body politic or body corporate as well as an individual.

12. Any person or their representative may be given leave to ask questions or cross-examine any witness on any matter which the Commissioner deems relevant to the Special Commission, and any witness so examined or cross-examined shall have the same protection and be subject to the same liabilities as if examined by the Commissioner.
13. As the Ruby Princess Inquiry determines its hearing programme, it will be published on its website.

## **Part E**

### **Production of documents**

14. The following relates to the production of documents to the Special Commission, whether in answer to a Summons or otherwise. A person's obligations in relation to the production of documents in response to an exercise of the Special Commission's powers under the Act are governed by the Act, other legislation and the general law. Nothing in the Practice Guidelines modifies those obligations.
15. The Special Commission requires documents be produced electronically, unless a summons, subpoena or order specifies that hard copy documents are required to be produced. Any person seeking to produce documents in hard copy format should communicate in advance with the Special Commission in accordance with Part C of this practice guideline.
16. Persons producing documents in excess of 100 pages should contact the Special Commission first in accordance with Part C of this practice guideline.
17. In circumstances where persons are producing only a small number of electronic documents and do not propose to use a document management database, all electronic documents should be produced electronically in their original format. That is, in the file format in which they exist on the system or systems of the person producing the documents. For example, Microsoft Outlook emails are to be produced as .msg files and Microsoft Word documents are to be produced as .doc or .docx files.
18. Where an electronic copy does not already exist, hard copy material should be scanned and rendered directly to Portable Document Format (PDF). Such documents should be scanned using optical character recognition (OCR) technology and the submitting party should ensure the documents are searchable.

19. Persons producing electronic documents must ensure they produce all parts of the document. For example, where the electronic file is an email chain, all parts of that chain should be produced, and where the electronic file is an email with an attachment, both the email and its attachment should be produced.
20. Persons required to produce electronic documents should not convert the original electronic documents to paper for the purposes of production.
21. Persons required to produce hard copy documents should produce a *copy* of the original hard copy document, unless specifically required to produce the original document.

## **Part F**

### **Production of information and answers in writing**

22. The following relates to the production of information and statements in writing to the Special Commission in answer to a summons, a subpoena, interrogatory or other order. A person's obligations in relation to the production of information or a statement in writing in response to an exercise of the Special Commission's powers under the Act are governed by the Act, other legislation and the general law, and nothing in this Practice Guideline modifies those obligations.
23. The Special Commission may make orders requiring a person to produce information or a written statement. A person who is subject to such an order is required to provide the information or the statement described in the order by the time and date specified in the order.
24. The Special Commission requires information and statements in writing to be produced electronically, unless a notice specifies that a hard copy is required to be produced. Any person seeking to produce in hard copy format should communicate in advance with the Special Commission.

## **Part G**

### **Confidentiality and privilege**

25. Where a person wishes to claim confidentiality or privilege in respect of any information or documents provided to the Special Commission or otherwise wishes to apply for a direction to be made pursuant to s 8 of the Act, the following procedure applies.
  - a. The person should clearly identify the pages, or the part of the page, containing information or documents over which confidentiality or privilege is claimed.
  - b. The person should provide an accompanying note identifying:

- i. The basis of the claim of confidentiality (including identifying to whom the confidence is owed) or privilege; and
  - ii. The terms of the direction sought.
- 26. The Commissioner will:
  - a. maintain confidentiality over the subject matter of the application pending the determination of the application;
  - b. notify the person or their representative if a hearing is required prior to a decision being made on the application;
  - c. decide the application with or without a hearing; and
  - d. notify the person or their representative of the decision.

## **Part H**

### **General**

- 27. A transcript of each public hearing will be placed on the Special Commission's website as soon as possible after it becomes available, subject to any order of the Special Commission.
- 28. Media Guidelines for public hearings will be published on the Special Commission's website. Members of the media should refer to those guidelines for further information on publication and access to evidence.
- 29. Nothing in this Practice Guideline should be taken as limiting the Special Commission's powers, whether at the request of any person or on the Special Commission's own initiative, to treat any material or information as confidential and to take any steps in respect of the preservation of such confidentiality.

Bret Walker  
**Commissioner**

20 April 2020