

EXTERNAL REVIEW OF THE QUEENSLAND OPERATIONS OF THE STAR ENTERTAINMENT GROUP LIMITED

PROCEDURAL GUIDANCE NO 1

PART A. GENERAL

1. This Procedural Guidance relates to the Inquiry and Review established by the Appointment of the Honourable Robert Gotterson AO QC under s 91 of the *Casino Control Act 1982 (Qld)* and pursuant to the Terms of Reference.
2. Mr Gotterson AO QC has been appointed to conduct the Inquiry and Review with the powers, authorities, rights, privileges, protection and jurisdiction of a commission of inquiry under the *Commissions of Inquiry Act 1950 (Qld)* for Part A of the Terms of Reference (being an inquiry under s 91 of the *Casino Control Act 1982 (Qld)*).
3. The Terms of Reference have three parts. Each calls for a different approach, and only Part A has powers of the kind referred to in the preceding paragraph. It will be necessary to distinguish between these three activities so that the use of material obtained under compulsive powers under s 91 is appropriately limited.
4. This Procedural Guidance may be varied or replaced from time to time.

PART B. PUBLIC HEARINGS

5. Certain hearings will take place in public about those matters contained in Part A of the Terms of Reference.
6. An initial public hearing took place on 14 July 2022.
7. Further public hearings will take place on 23 to 26 (inclusive) and on 29 August 2022.

PART C. COMMUNICATING WITH THE INQUIRY AND REVIEW

8. So far as possible without unfairness to any person affected by the work of Inquiry and the Review, written communications will by email or, where the Inquiry and Review provides general notice of procedural matters, via the website.
9. Any person, agency or organisation communicating with the Inquiry and Review by email should do so initially via the Solicitors Assisting, Corrs Chambers Westgarth, (07) 3228 9568; the.star.review.qld@corrs.com.au.
10. Unless otherwise specified, all witness statements (including attachments) must be provided electronically, to the.star.review.qld@corrs.com.au in fully text-searchable, multi-page PDF/A format, together with relevant metadata as defined in any document management protocol published on the website.
11. Unless otherwise specified, all other information, relevant documents and submissions must be provided electronically, in the format specified in paragraph 10, by email to the.star.review.qld@corrs.com.au.

12. The Inquiry and Review may grant exceptions to the requirement for information to be provided electronically in the format specified in paragraph 10. Anyone seeking an exception or assistance in meeting this requirement should contact the Solicitors Assisting, on (07) 3228 9568 or the.star.review.qld@corrs.com.au to discuss the way the information might best be provided.

PART D. AUTHORITY TO APPEAR AND LEGAL REPRESENTATION AT PUBLIC HEARINGS

Representing a witness

13. Any person summoned to attend before the Inquiry and Review may be represented by a lawyer while that person is giving evidence. Where a legal practitioner seeks leave to appear at the public hearings for the limited purpose of representing an individual while that individual is giving evidence, they must make an application by notifying the Solicitor Assisting in writing before the hearing.
14. If that application is granted by Mr Gotterson AO QC, the legal practitioner will have leave to appear for the limited purpose of representing the individual while they are giving evidence.

Other applications

15. In any other case, any persons (or organisations or group of persons) seeking leave to appear at any public hearing should send a brief written application to the Solicitors Assisting at the.star.review.qld@corrs.com.au as soon as possible, but by no later than 5 business days before the relevant public hearing.
16. An application should:
 - (a) identify the person, group or body wanting leave including contact details;
 - (b) give the name and contact details of any proposed legal representative;
 - (c) identify those matters in the Terms of Reference in which the person or body is interested or in respect of which their interests may be materially affected and how.
17. Leave to appear entitles a person or body to participate in proceedings, subject to Mr Gotterson AO QC's control and to such extent as he considers appropriate. Any leave to appear may be:
 - (a) subject to a condition that no evidence may be tendered or adduced in chief other than by Counsel Assisting, with the consequence that any evidence the person with leave to appear seeks to have admitted must be included in a witness statement by that person which has been provided in advance to Solicitors Assisting for the attention of Counsel Assisting;

- (b) limited by restrictions concerning the topic or topics on which the person (or the person's legal representative) may cross-examine any witness or witnesses, or make any submissions;
 - (c) limited by restrictions on the ability of any person (or any person's legal representative) to make oral submissions; and
 - (d) limited to making submissions on matters within parts of the Terms of Reference of which they have particular knowledge or expertise.
18. Any leave to appear or to be legally represented may be varied or withdrawn or made subject to additional conditions at any time in the discretion of Mr Gotterson AO QC.
19. In some cases it will be clear that an appearance or representation is warranted. In those cases, senior staff will communicate, on behalf of Mr Gotterson AO QC, a written notification to the relevant individual, as identified in the application. In other cases, it may be that the Inquiry and Review will be assisted by further information as to the basis upon which leave to appear ought be granted.
20. Nothing prevents a person or body from seeking leave to appear or to be legally represented at any time if something occurs which leads the person to believe their interests may be materially affected. The person or body or their legal representative should contact the Solicitors Assisting to make arrangements for that application to be received and considered.
21. It is not necessary to appear at the Inquiry and Review in order to make a submission.

PART E. PUBLICATION AND CONFIDENTIALITY

22. Pursuant to section 16 of the *Commissions of Inquiry Act 1950* (Qld), Mr Gotterson AO QC may order that evidence given before the Inquiry or the contents of any document produced to the Inquiry shall not be published (**Non-Publication Direction**).
23. Pursuant to section 16A of the *Commissions of Inquiry Act 1950* (Qld), Mr Gotterson AO QC may refuse to allow the public or any portion of the public to be present at any hearing (**Exclusion Direction**).
24. Any person who gives evidence at a public hearing, provides a witness statement or any other document, and who wishes to apply for a Non-Publication Direction and/or Exclusion Direction in relation to the fact of the evidence being given or material being provided, or in relation to the whole or any part of the hearing or material (whether on the grounds of commercial sensitivity or otherwise):
- (a) if it is considered necessary to make any such direction before the part of the hearing or providing any material, should contact the Solicitors Assisting, to discuss arrangements;

- (b) subject to any arrangements made under (a) above, should provide a written notice stating:
 - i. the part of the hearing, information or material in respect of which the direction is sought;
 - ii. whether the direction is sought in respect of the world at large or subject to acceptance of publication to some person or categories of persons;
 - iii. whether the part of the hearing, information or material relates to Part A, B or C of the Terms of Reference; and
 - iv. the grounds upon which such the direction is asserted to be necessary and appropriate despite the public nature of the Inquiry and Review;
 - (c) should clearly identify the part of the hearing or material in respect of which the direction is sought.
25. Where a Non-Publication Direction and/or Exclusion Direction is applied for in relation to material provided to the Inquiry and Review, either:
- (a) Mr Gotterson AO QC shall decide the application on the papers and notify the person or their nominated legal representative accordingly. If a Non-Publication Direction is refused, the material or information in question will nevertheless be kept confidential for seven days from notification of the decision; or
 - (b) the Inquiry and Review shall notify the person or their nominated legal representative that they will be required to appear before Mr Gotterson AO QC on a date to be advised for further consideration of the application. The material or information in question will be kept confidential until (and in accordance with) Mr Gotterson AO QC's decision following that appearance.

PART F. EVIDENCE

26. Counsel Assisting will determine which witnesses are called and the order in which those witnesses are called and examined at public hearings. It may be necessary to call some witnesses to give evidence on more than one occasion.
27. At hearings:
- (a) a witness's evidence-in-chief will be usually given primarily by way of statement (in cases in which it has been practicable to obtain such a statement) or record of interview that they have provided;
 - (b) no document may be tendered in evidence other than by Counsel Assisting;
 - (c) a person who has leave to appear will be given an opportunity to examine a witness who gives evidence-in-chief, subject to any conditions attaching to

the order authorising them to appear and any further direction by Mr Gotterson AO QC;

- (d) the order of examination of each witness will be at the discretion of Mr Gotterson AO QC, and duplication and repetition must be avoided, but a witness will usually be examined:
 - (i) first by Counsel Assisting;
 - (ii) next, by those representing persons with leave to appear other than the witness;
 - (iii) then, by those representing the witness;
 - (iv) last, by Counsel Assisting;
 - (e) in the interests of order and expedition, Mr Gotterson AO QC may at any time impose restrictions on the issues about which a witness may be examined and the time available for examination by any other person; and
 - (f) at the completion of the examination of a witness, the witness shall, unless excused from further attendance, be taken to have been stood down only and to be subject to recall.
28. Any person seeking to have evidence placed before the public hearings must notify the Solicitors Assisting at the.star.review.qld@corrs.com.au of the name of the witness and provide a statement containing the evidence the witness wishes to provide signed by the witness (unless for good reason that is not possible). Counsel Assisting will decide whether or not the statement of the witness will be tendered and/or whether the witness will give oral evidence at the public hearings. An application may be made directly to Mr Gotterson AO QC for the witness to give oral evidence only after the above procedure has been completed.
29. A copy of any document proposed to be put to a witness during the public hearings must be provided to Counsel Assisting as soon as possible after a decision is made to use the document and in all cases before its intended use.

PART G. DOCUMENTS

- 30. Counsel Assisting will determine which documents are tendered in evidence at the public hearings and the time at which they will be tendered.
- 31. Mr Gotterson AO QC will determine which authorised persons, authorised legal representatives and other persons (if any) are to be provided with access to documents in the possession of the Inquiry and Review.
- 32. Any application (other than in a hearing) for access by an authorised person, an authorised legal representative or any other person, to documents that have been tendered as exhibits in the public hearings or otherwise in its possession should be made to the Inquiry and Review in writing.

33. Before the anticipated tender of some documents for the purposes of the public hearings, those persons considered by Mr Gotterson AO QC to be substantially and directly interested in the subject matter to which the documents relate (or their legal representatives) may be granted confidential access to those documents.
34. Until marked as exhibits in the public hearings, the contents of any documents to which access has been granted are not to be published to any persons other than persons to whom Mr Gotterson AO QC has granted access and are to be kept confidential.
35. Persons who are granted access to any documents before their tender in evidence at the public hearings are not to provide a copy of those documents or facilitate any person gaining access to any part thereof in respect of which access has not been granted.
36. Any person wishing to have a document placed before the Inquiry and Review must provide a copy of the document and an explanation why the document is relevant and should be given to the Solicitors Assisting at the.star.review.qld@corrs.com.au. Counsel Assisting will decide whether or not to tender any document. If Counsel Assisting decides not to tender a document, an application may be made directly to Mr Gotterson AO QC only after the above procedures have been completed.

PART H. PRIOR NOTIFICATION OF ISSUES

37. Any authorised person, authorised legal representative or other person who wishes to raise any issue of law or procedure (including, by way of example only, confidentiality issues, Non-Publication Directions, Exclusion Directions and administrative arrangements) should, wherever possible, give written notice of that issue and any contentions to be raised in respect of that issue to the Solicitors Assisting at the.star.review.qld@corrs.com.au as soon as possible.

PART I. FURTHER GUIDANCE

38. The Inquiry and Review may issue further practice guidance concerning matters such as: receipt of submissions; arrangements for public sittings, including dates, sitting times, lists of witnesses who may be called from time to time, and transcripts; access to documents and information; access to exhibits tendered at public sittings; and written submissions.



Hon Robert Gotterson AO QC

21 July 2022