PRACTICE GUIDELINE No. 4

(Amended 25 September 2026)

Public hearings and evidence

Persons granted leave

1. Where a person is granted leave to appear:
   (a) subject to the terms upon which the grant of leave has been granted, the person to whom leave to appear is granted is entitled to participate in public hearings, subject at all times to the control of the Commissioner and to such extent as the Commissioner considers appropriate; and
   (b) the person, or the person's legal representative, may:
      (i) apply to have evidence tendered or heard;
      (ii) apply for leave to cross-examine a witness; and
      (iii) make submissions about the findings available to the Commission following any relevant hearing.

2. The Commissioner may determine the nature and extent of any other conditions attaching to any grant of leave insofar as it relates to public hearings, taking into account all relevant considerations.

3. Persons who have been granted leave to appear and who wish to raise a procedural or legal matter should communicate with the solicitors assisting the Commission in writing at legal@cfmeuinquiry.qld.gov.au, identifying the issue and providing a brief outline of any submission to be made.

Witness statements

4. The following guidance is provided for the provision of witness statements to the Commission:
   (a) Statements should be either in the form of an affidavit or statutory declaration.
   (b) Statements must contain only statements of factual matters within the direct knowledge of the witness, unless (c) below applies.

(c) Statements may contain statements of factual matters of which the witness has been informed, or believes, if the source of the information or the basis for the belief is clearly identified in the witness statement.
(d) Statements must exhibit (by attachment or accompanying presentation) all documents or copies of documents referred to, or directly relating to, the evidence which are in the witness's possession or control or describe as accurately as possible any such documents which are not in the witness's possession or control and, in that case, state where the witness believes the documents to be located.
(e) Statements must present the exhibits in (d) above in a way that will facilitate the Commission's efficient and expeditious reference to them.

5. It is expected that where an individual is legally represented, their witness statement will be prepared with the assistance of their legal representative, subject to any guidance provided by counsel and/or solicitors assisting the Commission as to the topics or matters that should be addressed in the statement.

6. Where an individual is not legally represented, and their evidence is to be given in whole or in part via a witness statement, their witness statement will be prepared with the assistance of counsel and/or solicitors assisting the Commission.

Evidence at public hearings

7. The procedure to be followed at public hearings will be subject to any directions made by the Commissioner.

8. Generally, but subject at all times to the Commissioner's discretion and/or any successful application to the contrary:
   (a) all witnesses giving evidence at the public hearings will be called and examined by counsel assisting the Commission;
   (b) a witness's examination will usually involve the tendering of a statement provided by the witness to counsel assisting in advance of the hearing, or the taking of evidence orally by counsel assisting, or a combination of the two; and
   (c) the order of further examination of each witness will usually be:
      (i) examination by the lawyer or agent (if any) representing the witness;

(ii) cross-examination by a party given leave to cross-examine the witness; and
(iii) re-examination by counsel assisting the Commission.

9. Further examination and cross-examination of witnesses will be by leave only.

10. No general, open-ended right of examination or cross-examination or tender of evidence will be given to any person.

11. The Commissioner may limit the issues and topics about which a witness may be examined or cross-examined and may limit the time available for and extent of any examination or cross-examination.

12. Unless the Commissioner determines otherwise, the procedure for cross-examination will generally be as follows, subject to change where the circumstances require:
    (a) repetitive questioning or duplication will not be permitted;
    (b) where persons represented before the Commission have a common or similar interest in relation to the evidence of a particular witness:
        (i) their representatives should consult with each other and with counsel assisting the Commission before the witness is called;
        (ii) agreement should be reached between all relevant persons about the order and general areas or subjects of cross-examination;
        (iii) if no agreement is reached, the Commissioner will direct the order; and
        (iv) re-visiting general areas or subjects covered by earlier cross-examination by persons with a common or similar interest will not be permitted;
    (c) cross-examination will be limited to the matters in issue before the Commission;
    (d) a copy of any document proposed to be put to a witness must be provided to counsel assisting the Commission as soon as possible after a decision is made to use the document and in all cases prior to the date of the hearing at which it is intended to be used;
    (e) cross-examination that raises collateral matters going only to credit will not be permitted; and

(f) cross-examination will be permitted only to the extent that the Commissioner considers it will assist in the task of investigating and reporting on the subject matter of the terms of reference.

13. 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 at the direction of the Commissioner.

Leave to cross-examine

14. A person seeking leave to cross-examine a witness must first seek and be granted leave to appear.

15. In determining whether a person shall be permitted to cross-examine a witness, the Commissioner may call upon the cross-examiner to:
    (a) identify the purpose of the cross-examination;
    (b) set out the issues to be canvassed in the cross-examination;
    (c) provide copies of any documents to which he or she proposes to take the witness during cross-examination; and/or
    (d) satisfy the Commissioner that any alternative version of events that may be put to the witness has been or will become evidence in the Commission.

16. Further to 15 above, applications to cross-examine witnesses should, where possible:
    (a) be made in advance of the witness being called to give evidence;
    (aa) be made by any due date as advised in writing by the Commission;
    (b) be made in writing and accompanied by:
        (i) a short written submission setting out:
            A. the basis on which the application is made;
            B. the topics that will be the subject of the cross-examination;
            C. the reason(s) why the Commissioner should allow cross-examination on each of the topics identified; and
            D. a considered estimate made by the proposed cross-examiner of the time that will be required for the cross-examination, assuming leave is granted in full;
        (ii) any documents to which it is proposed the witness will be taken; and

(iii) if an alternative version of events is to be put to the witness, a sworn statement or statements detailing the alternative version of events to be put to the witness; and

(c) be sent via email to legal@cfmeuinquiry.qld.gov.au.

17. Applications to cross-examine will either be determined on the papers in advance of each hearing and the outcome of the application communicated to the applicant, or the applicant or the applicant's legal representative will be notified that they will be required to appear before the Commission on a specified date for further consideration of the application.

Tendering documents and confidentiality

18. Counsel assisting the Commission, subject to the Commissioner's control, will determine which and when documents are tendered.

19. Before the commencement of a public hearing, each person granted leave to appear at that hearing may be given confidential access to documents that are likely to be tendered as exhibits at the public hearing.

20. One purpose of providing the access in 19 above is to enable a person to identify whether any application should be made for a suppression order in relation to a document or any part of a document. A copy of a document of this kind will not otherwise be provided to any person. Generally, a document of this kind will be subject to a direction made by the Commissioner that it not be published until the point at which it is tendered.

21. Additional documents may be tendered by counsel assisting the Commission during the course of a public hearing.

22. If a person seeks to have a document placed before a public hearing, the process is that:

(a) the person must notify the solicitors assisting the Commission at legal@cfmeuinquiry.qld.gov.au that he or she wishes to have the document placed before the public hearing by providing a copy of the document to the solicitors assisting the Commission within a reasonable time before the public hearing;

(b) the Commissioner may require the production of other documents; and

(c) counsel assisting the Commission will decide whether or not the documents are to be tendered.

23. Any person who wants to apply for confidentiality and/or non-publication orders in relation to any material provided to the Commission should contact the solicitors assisting the Commission at legal@cfmeuinquiry.qld.gov.au as soon as possible, stating with particularity the basis for the claim of confidentiality and the direction sought.

24. Nothing in this guideline should be taken as limiting the Commissioner's powers, whether at the request of any person or on his own initiative, to treat any material or information as confidential and to take any steps appropriate for the preservation of that confidentiality.

Appearances

25. Any party that has leave to appear must confirm by the date advised in writing by the Commission and in the form provided of their intention to appear at any public hearing.

Stuart Wood AM KC

Commissioner

5 November 2025

(As amended on 25 September 2026)