



Board of Inquiry into the McCrae landslide

PRACTICE DIRECTION NO. 5:

MEDIA GUIDELINES

Released 15 April 2025

INTRODUCTION

- 1 This Practice Direction is issued under section 63(1) of the *Inquiries Act 2014* (Vic) (**Act**) and deals with media matters in relation to the Board of Inquiry into the landslide that occurred on 14 January 2025 at McCrae within the Mornington Peninsula Shire Council (**McCrae Landslide**).
- 2 This Practice Direction applies to all News Media Organisations, freelance journalists and other individuals who report and publish information on the Board of Inquiry, including its public hearings.
- 3 This Practice Direction should be read in conjunction with the Act and the Order in Council under section 53(1) of the Act dated 18 March 2025 establishing the Board of Inquiry (**Order**), including the Board of Inquiry's terms of reference, which prevail to the extent of any inconsistency with this Practice Direction.
- 4 This Practice Direction, and any other practice directions issued by the Board of Inquiry, may be varied or replaced at any time. The Board of Inquiry may, at any time, depart from this Practice Direction if it considers it appropriate to do so, subject to the Act and the Order.

OBJECTIVES

- 5 The Board of Inquiry recognises that the media has an important role to play in relation to its inquiry.



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- 6 The Board of Inquiry seeks to work co-operatively with News Media Organisations to:
 - 6.1. communicate with the public and develop community understanding of the Board of Inquiry's work; and
 - 6.2. facilitate fair, accurate and timely public reporting of the Board of Inquiry's work, including its public hearings.
- 7 The Board of Inquiry intends to release as much information about its inquiry as possible, subject to, amongst other things, legal and privacy considerations.

DEFINITIONS

- 8 In this Practice Direction, these terms have the following meanings:
 - 8.1. **Chairperson** means the Chairperson of the Board of Inquiry, Renée Enbom KC.
 - 8.2. **Exclusion Order** means an order made by the Chairperson excluding any person from the Board of Inquiry's proceeding under section 71 of the Act.
 - 8.3. **News Media Organisation** means:
 - 8.3.1. a commercial enterprise that engages in the business of broadcasting or publishing news; and
 - 8.3.2. a public broadcasting service that engages in the dissemination or publishing of news.
 - 8.4. **Publish** means to disseminate or provide access to the public or a section of the public by any means, including by:
 - 8.4.1. publication in a book, newspaper, magazine or other written publication;
 - 8.4.2. broadcast by radio or television;
 - 8.4.3. broadcast or electronic communication, including by publication on the internet; or
 - 8.4.4. bring to the notice of the public or any member of the public by any other means.



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- 8.5. **Restricted Publication Order** means an order, issued by the Inquiry under section 73(1) of the Act (on the grounds listed in section 73(2) of the Act), prohibiting or restricting the publication of information or evidence.

BACKGROUND

- 9 The Board of Inquiry will generally adopt the following approach to information:
- 9.1. written submissions made to the Board of Inquiry may be made available to the general public, unless:
 - 9.1.1. the person or organisation making the submission has requested anonymity or confidentiality (in whole or in part); or
 - 9.1.2. the Board of Inquiry otherwise determines the submission should not be made available;
 - 9.2. a list of witnesses for the public hearings will be published on the Board of Inquiry's website prior to the public hearings;
 - 9.3. transcripts and/or available livestream recordings of the public hearings will be uploaded onto the Board of Inquiry's website as soon as practicable after they become available, and generally by 10:00am the following day; and
 - 9.4. the Board of Inquiry may publish information given by a witness at the public hearing (including any witness statement and annexures to that statement).

PUBLIC HEARINGS

- 10 This section should be read alongside *Practice Direction No. 3: Hearings*.
- 11 Subject to any direction or order to the contrary, the Board of Inquiry will endeavour to livestream its public hearings to its website. If available, there may be a delay for this livestream to accommodate any Restricted Publication Orders.



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- 12 Any available livestream recordings of the public hearings may be recorded and edited for reporting purposes but may only be used after permission is granted in writing by the Media Director.
- 13 During the public hearings, News Media Organisations representatives may use personal laptop computers, tablets, mobile telephones and other electronic devices for electronic note-taking, text messaging, social media posting and publishing reports from the hearing room, provided such devices are switched to silent mode and any such use does not interfere with the hearing. It is recommended that News Media Organisations use any dedicated media room, if reporting is expected to create noise.
- 14 During the public hearings, people in the hearing room (including News Media Organisations representatives):
 - 14.1. may not use mobile telephones for making or receiving calls;
 - 14.2. may not film or record (including sound record) any of the proceedings (without the prior approval and facilitation of the Media Director); and
 - 14.3. may not photograph, film or record (including sound record) the:
 - 14.3.1. hearing room or other rooms and facilities at the hearing venue;
 - 14.3.2. public gallery or witness box at the hearing venue;
 - 14.3.3. foyer, reception or lifts of a building in which the Board of Inquiry is conducting a hearing; or
 - 14.3.4. Chairperson, Counsel Assisting, Board of Inquiry members of staff, witnesses, their legal representatives or members of the public, either in the hearing room or entering or leaving the hearing room (without the prior approval and facilitation of the Media Director).
- 15 With prior approval and facilitation of the Media Director, the Board of Inquiry may permit limited photography and filming of the opening and closing hearings by a pool camera or a photographer approved by the Board of Inquiry. The Media Director may with prior approval and facilitation permit filming or recording (including sound recording) in any dedicated media room.



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- 16 At all times, News Media Organisations and their representatives must comply with all:
 - 16.1. relevant legislative requirements;
 - 16.2. any Restricted Publication Orders or Exclusion Orders;
 - 16.3. all Board of Inquiry Practice Directions; and
 - 16.4. any reasonable requests by Board of Inquiry staff.
- 17 News Media Organisations, their representatives and other individuals must observe any delay in any livestream broadcast prior to publishing any material from the hearing venues, to ensure compliance with any Restricted Publication Orders or Exclusion Orders.
- 18 News Media Organisations, their representatives and other individuals are requested to be mindful when photographing, filming or recording (including sound recording) outside the hearing venues, including ensuring compliance with any Restricted Publication Orders or Exclusion Orders and any requests by the Media Director not to photograph, film or record (including sound record) specific individuals outside the hearing venues.
- 19 If News Media Organisations and their representatives do not comply with paragraphs 12, 13, 15 to 17 of this Practice Direction, access to the Board of Inquiry's information, public hearings and facilities may be withdrawn and any representative may be excluded from the public hearings under section 71 of the Act.

MEDIA REGISTRATION AND FACILITIES

- 20 If an accredited News Media Organisation wishes to access the Board of Inquiry's media facilities or enter the hearing room, they must apply for registration with the Board of Inquiry. The Board of Inquiry may also consider applications for registration from any freelance journalists who wish to report upon and publish information about the public hearings.



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- 21 All News Media Organisations attending the public hearings must check-in at any media room each day, and show their media credentials upon request. Due to limited numbers in the hearing room, media who have registered in advance will be given preference for access on the day.
- 22 During the public hearings, the Board of Inquiry will endeavour to make available to registered media representatives the following facilities:
- 22.1. a dedicated media room at the hearing venue from which to prepare and publish reports of the public hearings;
 - 22.2. a desk or bench at the back of the hearing room (if space permits);
 - 22.3. a dedicated audio-visual feed of the public hearings (accessible from any dedicated media room);
 - 22.4. appropriate opportunities to photograph and/or film the Chairperson and the hearing room (with the facilitation of the Media Director); and
 - 22.5. appropriate access to any information, evidence or document relevant to a particular hearing,
- provided such facilities, information, evidence or documents are only used for the purpose of, and to the extent necessary for, fair and accurate public reporting of the Board of Inquiry's public hearings and not used (or permitted to be used) for any other purposes.
- 23 All applications for registration must be made on the form attached to this Practice Direction titled "**Registration form for News Media Organisations and their representatives**". The completed application form should be sent by email to media@mccraeinquiry.vic.gov.au.
- 24 The Board of Inquiry will consider all applications for registration and determine in its absolute discretion which applicants should be registered. The Board of Inquiry will notify applicants of its determination.



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LEGISLATIVE RESTRICTIONS

- 25 Various legislation prohibits, or imposes limitations on, the publishing of certain types of information which may potentially be received by the Board of Inquiry.
- 26 Such legislation includes (without limitation):
- 26.1. sections 3 and 4 of the *Judicial Proceedings Reports Act 1958* (Vic); and
 - 26.2. sections 17, 20, 25 and 26 of the *Open Courts Act 2013* (Vic).
- 27 The onus is on News Media Organisations and their representatives to understand these requirements, including ascertaining whether any relevant suppression orders exist and to comply with all such requirements.

RESTRICTED PUBLICATION ORDERS

- 28 At all times, any access to information, evidence or documents contemplated by these directions is subject to the Chairperson exercising the power under section 73 of the Act to make a Restricted Publication Order.
- 29 The Chairperson may make a Restricted Publication Order prohibiting or restricting the publication of:
- 29.1. any information that may enable the identity of a person who has given, or is to give, information or evidence to the Board of Inquiry for the purposes of its inquiry to be ascertained; or
 - 29.2. any information or evidence given to the Board of Inquiry for the purposes of its inquiry.



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- 30 The Chairperson may make a Restricted Publication Order if:
- 30.1. prejudice or hardship might be caused to any person, including harm to their safety or reputation;
 - 30.2. the nature and subject matter of the information is sensitive;
 - 30.3. there is a possibility of any prejudice to legal proceedings;
 - 30.4. the conduct of the proceeding would be more efficient and effective; or
 - 30.5. the Chairperson otherwise considers the prohibition or restriction appropriate.
- 31 On the same grounds, the Chairperson may make an Exclusion Order under section 71 of the Act.
- 32 Any Restricted Publication Orders or Exclusion Orders made by the Chairperson will be made available to any News Media Organisations.
- 33 The onus is on everyone attending the public hearings (including News Media Organisations and their representatives) to ascertain whether any Restricted Publication Orders or Exclusion Orders exist and, if so, strictly comply with all such orders.

MEDIA LIAISON WITH THE BOARD OF INQUIRY

- 34 All News Media Organisations contact with the Board of Inquiry as contemplated by this Practice Direction (unless indicated otherwise), including registrations and requests for comment, should in the first instance be directed to the Media Director.
- 35 Interviews with witnesses and members of the public will not be facilitated by the Board of Inquiry.



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- 36 All media requests for comment by the Chair, Counsel Assisting, Solicitors Assisting or staff of the Board of Inquiry should be directed to the Media Director as follows:

Media Director: Aoife O'Connell

Telephone: 0467 828 215

Email: media@mccraeinquiry.vic.gov.au



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Registration Form for News Media Organisation Representative

News Media Organisation	
Contact Address	
	(State) (Postcode)
Representative name	
Representative title	
Contact telephone number	(Work) (Mobile)
Contact email address	
Media room I request access to, and a security pass for, any media room	[] Yes [] No

We undertake, and will procure that each of our News Media Organisation's representatives undertakes, to:

- only use any Board of Inquiry media facilities and information for the purposes of, and to the extent necessary for, fair and accurate public reporting of the Board of Inquiry's work and not use those facilities or information (or permit them to be used) for any other purposes;
- exercise all reasonable care in accessing, storing and publishing any Board of Inquiry information;
- comply with all relevant legislative requirements (including, without limitation, the *Judicial Proceedings Reports Act 1958* (Vic) and the *Open Courts Act 2013* (Vic));
- comply with any Restricted Publication Orders or Exclusion Orders; and
- comply with all Board of Inquiry Practice Directions and any reasonable requests by Board of Inquiry officers.

We acknowledge that a breach of these undertakings may result in our registration and access to the Board of Inquiry's media facilities, information and public hearings being withdrawn and in any representative being excluded from the public hearings under section 71 of the Act.

Signed for and on behalf of the News Media Organisation by:

Name: (Print): _____

Title: _____

Date: _____

Please lodge this form by sending it by email to media@mccraeinquiry.vic.gov.au.