



Media guidelines: Operation Ross examinations

www.ibac.vic.gov.au

Venue and timing

Ballarat court complex, Court room 5

100 Grenville St South, Ballarat

Commences 10am, 23 May 2016

Examinations are generally held from 10am to 4pm, Monday to Friday.

Media contact

IBAC media officer

Phone: 0427 480 840

Email: media@ibac.vic.gov.au

Media attendance

Media are welcome to attend the examinations. Due to limited seating in the courtroom, facilities have been set up for your use outside the courtroom, with:

- a live feed of the examinations
- desks and power outlet for laptops
- copies of media materials.

You may use your mobile phone in the media area only. The IBAC media officer will also be available to provide guidance on proceedings.

Mobile devices

You must not use your mobile devices to record or take photographs. This includes photographing witnesses or exhibits as they appear on screen.

Recording

TV filming and audio recording is only permitted during the opening address by IBAC Counsel Assisting on Monday 23 May. This will be done by pool arrangement. Confirmation of pool camera arrangements is required by Friday 20 May.

Video recording is not permitted in the Ballarat court complex.

Information updates

We recommend you follow @ibacVic or #IBACRoss for updates from the examinations, and when new information is available on our website: www.ibac.vic.gov.au

Access to exhibits

You may request an exhibit from the IBAC media officer once it is tabled in the examinations. To receive an exhibit, you must sign a declaration relating to the use and publication or broadcast of that material.

Exhibits will be shared electronically through IBAC's secure file sharing system Kiteworks. You will receive an email providing links to approved exhibits.

Please note: for legal reasons, some exhibits will not be released for publication or broadcast.

Witness lists and transcripts

The full witness list will be published on our website on Monday 23 May. The list is subject to change without notice. For operational reasons, transcripts will only be available at the end of the public hearings, on Friday 27 May.

Please note: witnesses may have been issued confidentiality notices by IBAC. This means they are not able to discuss with you any evidence given to IBAC as this may prejudice the investigation and the safety of others.

Media enquiries and interviews

For legal reasons, we will not comment on operational matters during an ongoing investigation. As such:

- the IBAC media officer will only accept general enquiries about our procedures around public examinations and investigations
- interviews will not be granted with Commissioner Stephen O'Bryan QC, Counsel Assisting Jack Rush RFD QC, Gary Hevey RFD or IBAC officers.

Media conduct

We may exclude journalists and media outlets from attending future days of the public examinations if they do not comply with the media conduct outlined above.

Questions and answers

When is an examination public, not private?

The Commissioner can hold public examinations if he considers there are exceptional circumstances and:

- it is in the public interest
- public examinations can be held without causing unreasonable damage to a person's reputation, safety or wellbeing.

Why aren't transcripts being released every day?

To help ensure the integrity of witness testimony, all transcripts will be released on the last day of public examinations, on Friday 27 May.

Do witnesses have to attend IBAC examinations?

Yes. IBAC can issue a person with a witness summons under the IBAC Act. A witness summons may require the witness to attend, give evidence and/or produce documents at an IBAC examination.

A witness must attend an examination in accordance with the summons. If they fail to do so, and do not have a reasonable excuse for not complying with the summons, they will be committing an offence.

Do witnesses have to answer all questions at examinations?

Yes, witnesses must answer all questions and produce all documents or things required by IBAC.

Witnesses are required to take an oath or affirmation at the start of their evidence. It is an offence for a witness, without reasonable excuse, to refuse or fail to answer a question or produce a document or thing and to refuse or fail to take an oath or make an affirmation when required to do so.

What happens if it appears a witness has lied at an IBAC examination?

There are heavy penalties for proven perjury before IBAC.

What happens if a person gives evidence that incriminates themselves or others?

Any answer, information or document provided that may incriminate the witness is not admissible in evidence against them in court, except in certain proceedings such as offences against the IBAC Act and the Protected Disclosures Act (and others).

Can witnesses engage legal representation?

Witnesses are entitled to seek legal advice about their involvement in the investigation or legal representation.

What are the next steps after the examinations?

Public examinations are part of the investigation process.

Once the investigation is complete, IBAC will generally report publicly on the matter, including by way of special report, with findings and recommendations. IBAC may also refer matters to other agencies for action.

Can IBAC prosecute people/lay charges from its findings?

IBAC has the power to commence proceedings for an offence arising out of an IBAC investigation. IBAC can also refer matters to the Office of Public Prosecutions with a view to criminal prosecution.

Do agencies have to action recommendations outlined in a report following investigations?

When we make recommendations, the agency must report back to IBAC, stating:

- whether they have taken, or intend to take, the action recommended by IBAC, and
- if they haven't taken, or don't intend to take, the recommended action, their reason for not taking the recommended action.

Level 1 North Tower
459 Collins Street
Melbourne VIC 3000
GPO Box 24234
Melbourne VIC 3001

T 1300 735 135
F (03) 8635 6444

May 2016

IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

To report corruption phone 1300 735 135 or visit www.ibac.vic.gov.au