

Protocol – The Handling of Documents and Evidence

1. The documents and evidence gathered by the Inquiry will be presented to the Inquiry panel by Counsel to the Inquiry. Prior to the commencement of the Inquiry hearings, represented parties will be provided with the Inquiry bundle of evidence in electronic format, provided they have first signed an appropriate confidentiality undertaking. This evidence will be in redacted format (i.e. sensitive and personal information removed).
2. The Inquiry is wholly independent from Government and it is expected that it will receive full and complete co-operation from all persons it has contact with, including all agencies of Government. Should that co-operation not be forthcoming the Inquiry will not hesitate to use its compulsory powers in relation to the production of documents and the attendance of witnesses to give evidence. Where persons or organisations hold material that is relevant to the Inquiry but feel unable to disclose it without the consent of other parties or the authorisation of law, they should advise the Inquiry Solicitor. In such circumstances the Inquiry may use its statutory powers to compel production of the material in question.
3. The bulk of the questioning of witnesses will be carried out by Counsel to the Inquiry. Other represented parties will be afforded the opportunity to ask further questions on matters which affect their particular interest, subject always to relevancy and the Inquiry Panel's discretion. Any such questioning should never be repetitive and should always be reasonable, and based on evidence that is before the Inquiry.
4. This is a public Inquiry and as far as possible it will conduct its business in an open manner. Accordingly, it will be assumed that all written material and statements provided to the Inquiry may be distributed to represented parties, referred to at the Inquiry's public hearings and thereafter published on the Inquiry's website.
5. This will never include private addresses, telephone numbers, contact details or other information that might identify where an individual resides. That information will be redacted prior to any distribution to parties or publication on the Inquiry's website, and will not be referred to in the hearing.
6. If any person or organisation providing information to the Inquiry considers that further details in material or statements should not be dealt with in this way, they should notify the Inquiry of this and at the same time set out the reasons why they consider the particular information should be withheld from the parties and not put into the public domain. All representations received by the Inquiry will be considered and a decision communicated in due course. Where appropriate this may be after hearing oral representations.
7. Where it is considered that a witness should be granted anonymity, applications will be considered on an individual basis and should be supported by reasons. Similarly, applications for particular evidence or witnesses to be heard other than in public should be made in writing with supporting reasons.

8. Evidence given at the Inquiry hearings will be transcribed by Livenote transcription. At the end of each day the transcript for the day will be updated for errors and, subject to any necessary redaction and to the direction of the Inquiry Chairman, will be available to represented parties and posted on the Inquiry website. Where evidence is given in camera it will not appear on the website.