



**Board of Inquiry**  
into the McCrae landslide

**PRACTICE DIRECTION NO. 1:**  
**GENERAL INFORMATION**

**Released 3 April 2025**

**INTRODUCTION**

- 1 This Practice Direction is issued under section 63(1) of the *Inquiries Act 2014* (Vic) (**Act**) and sets out general guidance about certain procedures that will be followed by the **Board of Inquiry** into the landslide that occurred on 14 January 2025 at McCrae within the Mornington Peninsula Shire Council (**McCrae Landslide**). This Practice Direction is published contemporaneously with the following, more specific, practice directions:
  - 1.1 *Practice Direction No. 2 – Leave to Appear;*
  - 1.2 *Practice Direction No. 3 – Hearings;*
  - 1.3 *Practice Direction No. 4 – Production of Documents.*Further practice directions may be published at a later date.
- 2 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.
- 3 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.



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### **COMMUNICATING WITH THE BOARD OF INQUIRY**

- 4 All general enquiries regarding the Board of Inquiry processes may be made by telephone to (03) 9116 7871 or email to [contact@mccraeinquiry.vic.gov.au](mailto:contact@mccraeinquiry.vic.gov.au). Any enquiries specific to the Solicitors Assisting the Board of Inquiry may be directed to [solicitorsassisting@mccraeinquiry.vic.gov.au](mailto:solicitorsassisting@mccraeinquiry.vic.gov.au).
- 5 The Board of Inquiry will assume that all written communications from the Board of Inquiry to a person or organisation may be directed to the email address or postal address from which the communication to the Board of Inquiry was received, unless the relevant person or organisation has specified another email address or postal address as their contact address.

### **INVITATION FOR PUBLIC SUBMISSIONS**

- 6 The Board of Inquiry invites written submissions from all persons, groups and organisations with information or documents relevant to any of the matters set out in the Order.
- 7 Information on how to make a written submission, the intended closing date for written submissions, and the treatment of submission information will be available on the Board of Inquiry's upcoming website.

### **LEAVE TO APPEAR**

- 8 Applications by interested parties for leave to appear should be made in accordance with *Practice Direction No. 2 – Leave to Appear*. Applications for leave to appear will generally be determined on the papers, but applicants will be notified if they are required to appear before the Board of Inquiry for their application to be considered.



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### PUBLIC HEARINGS

- 9 One of the ways that the Board of Inquiry will progress its work is through public hearings. Information about public hearings is available in *Practice Direction No. 3 - Hearings*. Further information will be posted on the Board of Inquiry's website in due course.
- 10 While the Board of Inquiry's default position will be to conduct hearings in public, if circumstances require it will conduct closed hearings. Information about the possibility of closed hearings is set out in *Practice Direction No. 3 – Hearings*.

### MEDIA GUIDELINES

- 11 Media Guidelines for public hearings will be published on the Board of Inquiry's website. Members of the media should refer to those guidelines for further information on access to and publication of evidence.

### COMPLIANCE WITH NOTICES TO PRODUCE AND/OR NOTICES TO ATTEND

- 12 From time to time the Board of Inquiry may issue written notices to require a person to produce documents (or other things) and/or attend to give evidence pursuant to section 64 of the Act.
- 13 In accordance with section 86 of the Act, it is an offence to refuse or fail to comply with a notice to produce or notice to attend without a reasonable excuse. A person served with a notice to produce or notice to attend may make a claim to the Board of Inquiry that the person has or will have a reasonable excuse for failing to comply with the notice (**Reasonable Excuse Claim**).
- 14 Information about making a Reasonable Excuse Claim is set out in *Practice Direction No. 3 – Hearings* and *Practice Direction No. 4 – Production of Documents*.



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### **RESTRICTED PUBLICATION ORDERS**

- 15 The Board of Inquiry may, in accordance with section 73 of the Act, make an order prohibiting or restricting the publication of information or evidence (**Restricted Publication Order**). The Board of Inquiry may itself decide to make such orders or may do so if someone applies for a Restricted Publication Order.
- 16 A Restricted Publication Order may prohibit or restrict the publication of:
- 16.1 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 the inquiry to be ascertained; or
  - 16.2 any information or evidence given to the Board of Inquiry for the purposes of the inquiry.
- 17 Information about making an application for a Restricted Publication Order is set out in *Practice Direction No. 3 – Hearings*.

### **FINDINGS AND RECOMMENDATIONS**

- 18 The Board of Inquiry is due to report its findings and recommendations as soon as possible, and not later than 18 June 2025.