



**Royal Commission**  
into Violence, Abuse, Neglect and Exploitation  
of People with Disability

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# Public hearings

A guide for witnesses at the  
Disability Royal Commission

**A more inclusive,  
just society**

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# What is a public hearing?

Public hearings are formal proceedings in which witnesses give evidence, under oath or affirmation, about events and issues that are relevant to the Disability Royal Commission's terms of reference.

Commissioners are holding a series of public hearings around the country to gather evidence about violence, neglect, abuse and exploitation of people with disability.

Public hearings are informed by individual cases, and how people with disability, as well as their families and carers, have been affected by particular issues. This may include current and past government, institutional and community practices.

Such hearings will usually focus on:

- particular areas of interest, such as education, group homes, health and/or the criminal justice system
- evidence from experts and individuals with experience of the issues
- how government, institutions and/or communities have responded in the past, how they might have done things differently, how they are responding now, and how they might better respond in the future.

All public hearings of the Royal Commission are recorded and streamed live on the Royal Commission website. Every public hearing of the Royal Commission will have live captioning and Auslan-English interpreters.

# Giving evidence at a public hearing

## Witnesses

People who give evidence at a hearing are called witnesses.

The Solicitors and Counsel Assisting the Royal Commission are responsible for identifying people to appear as witnesses at a particular hearing. They do this by reviewing the submissions made, and other documents produced, to the Royal Commission, by talking with advocacy groups, and by reviewing academic literature.

Selection of witnesses is based on an assessment of how their evidence will help demonstrate, or expand upon, the issue being explored.

## Witness statements

If you have been identified as a potential witness in a public hearing, the Solicitors or Counsel Assisting the Royal Commission may ask you to provide a witness statement. This is usually in the form of a document that you prepare, with the assistance of a lawyer, ahead of a hearing, and which sets out the evidence you will give to the Royal Commission. The information in your statement will relate to specific events relevant to that hearing.

The Royal Commission may ask you to provide a witness statement, give evidence at the hearing or both. Not everyone who provides a witness statement will be asked to give evidence at a hearing.

Anyone providing a witness statement or giving evidence at a hearing will have access to free legal and emotional supports before, during and after the hearing.

If you wish to provide information to the Royal Commission but you have not been asked to give a witness statement, you could choose to share your experiences in a submission or private session. Visit our website [www.disabilityroyalcommission.gov.au/share-your-story](http://www.disabilityroyalcommission.gov.au/share-your-story) to find out how to share your experiences with the Royal Commission.

## Giving evidence in person

The Royal Commission will invite some witnesses to voluntarily give evidence.

The Royal Commission also has the power to require witnesses to appear. It does this by issuing a summons to give evidence at the hearing.

If the Royal Commission invites you to give evidence, you can choose whether or not to do so. The Royal Commission will not ordinarily require people with disability who have experienced violence, abuse, exploitation or neglect to give evidence if they don't want to.

## Receiving a summons

Even if the Royal Commission has invited you to voluntarily give evidence, once you have agreed, the Royal Commission will usually issue you with a formal summons to attend and give evidence. This is because if you receive a summons you are entitled to certain protections under the relevant legislation.

If you receive a summons from the Royal Commission, you must comply with

the summons. The Royal Commission will give you as much advance notice as possible of the date on which you need to attend the hearing.

Once you have been summonsed, it is best not to discuss your evidence with anyone apart from your lawyer or, if relevant, your counsellor or other support person.

# What happens at a public hearing

If you are giving evidence at a public hearing, the Royal Commission will support you to give evidence in the way that best suits you. For example, we can provide transport, Auslan-English interpreters and communication support if necessary.

When you are giving evidence, a Commissioner will ask you to make an oath (swearing on a religious text) or affirmation (if you are not religious or do not wish to make oath for any other reason) about the truth of your evidence.

Counsel Assisting the Royal Commission will then ask you questions about your evidence. The Commissioners may also ask you questions. In limited circumstances, the lawyers representing other parties at the hearing may ask you some questions.

## The hearing room

Public hearings are held in public venues that are accessible. Depending on the nature of the hearing and the needs of those involved, the room will usually include:

- the Commissioners seated together at table
- the Solicitors and Counsel Assisting the Royal Commission sitting at a table facing the Commissioners and the witness
- the witness sitting at the side of the hearing room, so they can be seen easily by the Commissioners and Counsel Assisting the Royal Commission
- chairs at the back of the hearing room, facing the Commissioners, for members of the public and anyone interested in watching the public hearing, and

- screens to display documents that may be relevant to certain parts of the hearing and/or witnesses who are giving evidence by video link.

Anyone wishing to observe a public hearing can watch it live on the Royal Commission's website.

## Publication of evidence given in a hearing

In some circumstances, the Royal Commission may make directions about how information is, or is not, to be published. For example, a direction may be made that the identity of a witness not be revealed, or that certain information must not be published. These directions are called non-publication directions.

The Royal Commission will publish transcripts of its public hearings on the Royal Commission website. It may also publish evidence in Royal Commission reports. However, if evidence is subject to a non-publication direction, that evidence will not be published.

## Media

There will be other people in and around the hearing room, such as counsellors, security personnel, interpreters, transcribers and IT staff. These people are there to help ensure that the hearing runs as smoothly and safely as possible.

Media may be present in the hearing room, as well as in and around the building. Journalists are not allowed to film or conduct interviews inside the public hearing

room. Media is not allowed to reveal the identity of any witness or any information that is subject to a non-publication direction.

Journalists often photograph or film witnesses as they walk in and out of the building's main entrance but they are not allowed to do so if there is a non-publication direction in place. It is your choice whether to speak to media or not.

# Legal representation

Solicitors and Counsel Assisting the Royal Commission help the Royal Commission to gather evidence. While they may assist you with preparation of your witness statement, they cannot provide you with legal advice or represent you during a public hearing.

If the Royal Commission:

- invites you to attend a meeting with its solicitors
- invites or requires you to give a statement, and/or
- invites or requires you to give evidence

you can choose to have your own lawyer to advise you and/or to be present at the meeting or hearing to protect your interests.

## Legal support

Free, independent legal advice and information is available to people interested in interacting with the Disability Royal Commission

This can help with:

- information and advice about the Royal Commission's powers, procedures and guidelines
- writing witness statements
- advice on related legal issues such as confidentiality agreements
- information about financial assistance that may be available to you.

Free call 1800 771 800  
(9:15am-5:15pm AEDT  
Monday-Friday) or go to  
[www.drclegaladvice.org.au](http://www.drclegaladvice.org.au).

## Legal financial assistance scheme

Legal and other costs will be covered when you are engaging with us in the following ways:

- being called, or granted leave to appear, as a witness at a hearing of the Royal Commission
- being requested to attend, or attending an interview of the Royal Commission
- complying with a notice to give information or a statement in writing that will be used as evidence in the Royal Commission, and/or
- complying with a notice to produce issued by the Royal Commission.

If you have been called by the Royal Commission in your personal capacity

you will be eligible for legal financial assistance. If your organisation has been called, you may be eligible for legal financial assistance, subject to an assessment of whether the organisation can meet the cost of its legal representation without incurring serious financial difficulty.

The Attorney-General's Department website includes information on how you can apply and assessment timeframes. Go to [www.ag.gov.au](http://www.ag.gov.au).

# Applications for leave to appear

The Royal Commission publishes a program of public hearings on its website. Prior to each hearing, people and organisations who have a direct and substantial interest in a particular hearing may make an application for leave to appear.

Leave to appear applications are typically made by people or organisations who are the subject of evidence before the Royal Commission. This may include individuals as well as service providers and government agencies.

It is up to the Chair to determine whether the application will be granted.

If a person or organisation is granted leave to appear at a hearing, they may be allowed to question a witness in limited circumstances and/or make oral submissions

on issues directly affecting them. They may also be allowed to make written submissions at the conclusion of the public hearing.

If the Royal Commission invites or requires you to give evidence at a public hearing, you may wish to complete an application for leave to appear. Witnesses at a public hearing usually only apply for leave to appear if they wish to participate beyond giving evidence – for example, to question other witnesses or to make written submissions in relation to evidence given in the hearing.

Applications for leave to appear are made using the form “Application for leave to appear at a hearing of the Royal Commission”, which is available on the Royal Commission website.

## Counselling and support

The Royal Commission has a team of counsellors who provide support to witnesses ahead of public hearings and after. They also attend all public hearings to provide counselling and support to witnesses and attendees on the day.

Blue Knot Foundation offers free specialist counselling support and a referral service for people with disability, their families and supporters, and anyone affected by the Disability Royal Commission.

Call the national hotline on 1800 421 468 (9am-6pm AEDT Monday to Friday, 9am-5pm AEDT Saturday, Sunday and public holidays).

If you are deaf, or have a hearing or speech impairment, call the National Relay Service on 133 677 and give 02 6146 1468 as the number you want to call.

If you are non-verbal or have other communication needs, online chat facilities and email are available. If you would like to discuss your access and communication needs, please contact [helpline@blueknot.org.au](mailto:helpline@blueknot.org.au)

**If you require support  
in another language,  
please call:**

- **the National Counselling  
and Referral Service on  
1800 421 468 and ask  
for an interpreter (the  
counsellor will make the  
arrangements), or**
- **call the Translating and  
Interpreting Service  
on 131 450 and ask to  
be connected to the  
National Counselling  
and Referral Service on  
1800 421 468.**

**If you would like to order  
any of our documents in  
braille, please phone  
1800 517 199.**

# Contact us

## Phone

1800 517 199 (9am-6pm AEDT Monday to Friday excluding national public holidays.)

If you are deaf or have a hearing or speech impairment, call the National Relay Service on 133 677 and tell them you want to call 07 3734 1900.

To call us in a language other than English call the free Translating and Interpreting Service (TIS National) on 131 450 and tell them you want to call 1800 517 199.

## Postal address

GPO Box 1422, Brisbane, Qld 4001.

## Email and website

[DRGenquiries@royalcommission.gov.au](mailto:DRGenquiries@royalcommission.gov.au)

[www.disability.royalcommission.gov.au](http://www.disability.royalcommission.gov.au)

# Stay informed

## Facebook

[facebook.com/disability.royalcommission.gov.au](https://facebook.com/disability.royalcommission.gov.au)

## Twitter

[@DRC\\_AU](https://twitter.com/DRC_AU)

## Mailing list

To subscribe, fill out the subscription form on our website or send an email to [DRCmailinglist@royalcommission.gov.au](mailto:DRCmailinglist@royalcommission.gov.au).





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