




## 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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Monday, 16 September 2019 10:14:23 AEST



# 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, abuse, neglect and exploitation of people with disability.

Public hearings are informed by individual cases, and how people with disability, as well as their families and supporters, 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 or issues relevant to that hearing.

The Royal Commission may also ask you to give evidence at the hearing. 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.disability.royalcommission.gov.au/share-your-story](http://www.disability.royalcommission.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 ask some witnesses to give evidence at its public hearings.

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 asks 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 asked you to give evidence and 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.

If you have been asked to appear at a public hearing or have received a summons, you can access free, independent legal support by calling Your Story Disability Support on 1800 77 1800.



# 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, an official with the Royal Commission 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
- the Solicitors and Counsel Assisting the Royal Commission
- 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.

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.

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

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 support

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 financial assistance scheme

You may be able to get financial assistance for reasonable legal costs when you are:

- called, or granted leave to appear, as a witness at a hearing of the Royal Commission
- 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 Departments website includes information on how you can apply. Go to [www.ag.gov.au](http://www.ag.gov.au)

## Your Story Disability Legal Support

Your Story Disability Legal Support is a free, national service separate from the Royal Commission. They can give information and legal advice to people about safely sharing their story with the Royal Commission.

This service is available to people with disability and their families, carers, supporters and advocates.

Contact Your Story Disability Legal Support if:

- you want support in sharing your experience through a submission or a private session

- you have concerns that could stop you from sharing your story
- you are concerned about you or someone else's rights, safety or access to services and employment if you share your experiences
- you are invited to be a witness at a public hearing
- you are required to provide a witness statement or produce other evidence
- you want help to access the legal financial assistance scheme for legal representation at your hearing.

Contact Your Story Disability Legal Support on 1800 77 1800 or visit the website at [www.yourstorydisabilitylegal.org.au](http://www.yourstorydisabilitylegal.org.au)

Your Story Disability Legal Support has Aboriginal legal services that can support First Nations people.



If you are deaf, or have a hearing or speech impairment, call the National Relay Service on 133 677 and give 1800 77 1800 as the number you want to call.

Your Story Disability Legal Support has Aboriginal legal services that are here to support First Nations people to share their story in a culturally safe way.

# 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 an inquiry to be considered at that hearing. 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 anyone affected by the Royal Commission.

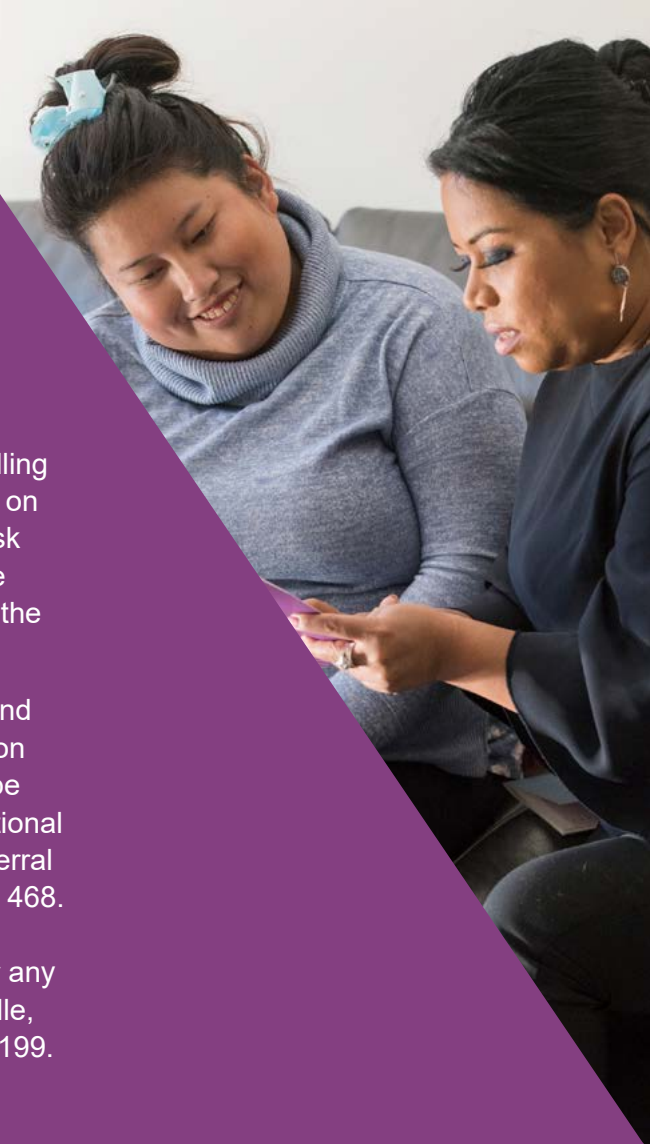
Call the national hotline on 1800 421 468. It is open every day.

If you are deaf or hard of hearing, you can contact us through the National Relay Service, by dialing 133 677 and tell them you want to call 07 3734 1900.

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)

There are many organisations who can provide individual advocacy for people engaging with the Royal Commission. To find an advocacy service in your area, go to [disabilityadvocacyfinder.dss.gov.au/disability/ndap/](http://disabilityadvocacyfinder.dss.gov.au/disability/ndap/)



A photograph of two women sitting together and looking at a smartphone. The woman on the left is wearing a grey turtleneck sweater and has a blue hair tie in her dark hair. The woman on the right is wearing a dark blue top and is pointing at the screen of the phone. The background is a plain, light-colored wall.

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

Call 1800 517 199 or SMS message to 0459 906 629 and someone will get back to you Monday to Friday excluding 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

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

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

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