

FROM WHOM MIGHT THE ROYAL COMMISSION GATHER INFORMATION?

- Residents/victims (current/historic);
- Families of residents;
- Staff (as individuals);
- Unions representing staff;
- Advocacy groups;
- General public;
- Members of parliament;
- Related industry organisations (allied health, health service providers)

HOW WILL THE ROYAL COMMISSION GATHER INFORMATION?

A Royal Commission has coercive inquisitorial powers and is not ultimately bound by the strict rules of evidence in reaching its findings.

Call centre

- Generally the initial point of contact;
- The call centre will review the information it receives and determine if the information is within the Terms of Reference;
- If the information is within the Terms of Reference the individual may be registered to attend a Private Session.

Written Submissions

- There is not set format for a written submission, it can be a letter, email, report or any other document.

Private Sessions

- The sessions are not open sessions and may be with a Commissioner;
- Information provided by individuals at a private session is not given under oath, or affirmation (residents, family members, staff, whistle-blowers);
- Individuals attending a private session are not considered witnesses at that stage. Their information is not treated as evidence before the Royal Commission and their information (or statements) are not cross examined;

The Royal Commission into Institutional responses to Child Sexual Abuse saw 8,000 private sessions conducted between May 2013 and November 2017 in 96 locations across Australia

Hearings

- Royal Commission hearings allow the Royal Commission to gather evidence from individuals and organisations.

Case Studies

- The Royal Commission selects matters to be examined in more detail at a public hearing, for example where there are a large number of allegations against an organisation; where systemic issues have been identified across the industry

Issues and Consultation Papers

- Royal Commission will issue 'Issues and Consultation Papers' (ICP) based on its work;
- The ICPs provide individuals and organisations with an opportunity to contribute to the Royal Commission's consideration of systemic issues;
- Responses to the ICPs are likely to be published on the Royal Commission website.

Policy and Research

- Consultations through roundtables on topic generally related to an ICP;
- Are more focussed consultation with government, NGOs, regulators, policy experts, academics, victims and advocacy groups.

WHAT MIGHT THE ROYAL COMMISSION DO WITH THE INFORMATION IT GATHERS

- Where information is provided which indicates a contravention of the law, the Royal Commission can refer matters to the other regulatory authorities;
- Use the information to identify which organisations the Royal Commission should consider for the public hearings and case studies;
- May use the information to inform the development of recommendations;
- The Royal Commission may consider it appropriate to publish the names of the organisations which have been identified in the private sessions and written submissions;
- Identify systemic issues which should be considered for case studies.

PUBLIC HEARING PROCESS

Preparation for Public hearings
In preparation for public hearings, the Royal Commission, can:

- Issue notices or summons to produce specified documents and data;
- Review the documents and if required will seek further information;
- Identify potential witnesses;
- Request/Prepare witness statements;
- Request statements from organisations;
- Collate documents to be tendered at the public hearing;
- Engage experts to give evidence (if appropriate);
- Identify the specific scope and purpose of the public hearing, including the details to be examined;
- Individuals and organisations are likely to be advised before the public hearing if adverse evidence is likely to be given against them.

Hearings

- Opportunity for individuals to present their experiences;
- Examine and explore the response of organisation at the time of incidents;
- Examines systemic issues
- Are open to the public and are likely to be broadcast/streamed via the Royal Commission website
- Some hearings maybe a private hearing based on the Royal Commission's assessment of the need to protect witnesses

The Royal Commission into Institutional responses to Child Sexual Abuse had a total of 444 hearing days

After a Public hearing

- Written submissions setting out the evidence and available findings to the Commission are prepared by the legal counsel assisting the Commissioners;
- Copy of the submissions are provided to those who had leave to appear and those who are at risk of an adverse finding;
- There is an opportunity to respond to the submissions;
- Submissions are usually subject to a non-publication order until all parties have replied.

Case Study Report

- The Findings of the Commissioner who presided over each of the public hearings are set out in a Case Study Report which will be forwarded to the Governor-General, the State and Federal ministers and tabled in Parliament;
- Case study reports will be made public and available via the Royal Commission website.

WHAT INFORMATION CAN BE MADE AVAILABLE VIA THE ROYAL COMMISSION WEBSITE?

- Hearing Schedules;
 - Life streaming of hearings
 - Transcripts and exhibits (documents provided to the Royal Commission by an approved provider) associated with each case study;
 - Issue and Consultation Papers and responses to the Issue and Consultation papers;
 - Brochures and fact sheets;
 - Transcripts of speeches made by the Commissioners;
 - All reports of the Commission.
- The Royal Commission into Institutional Responses into Child Sex Abuses' webpage was viewed 1,211,450 times in 60 countries other than Australia during the period of the Royal Commission, the public hearings were viewed 880,000 times, which was a daily average of 4,766 viewers.*
- Previous Royal Commissions have also established twitter accounts, Facebook accounts and have YouTube channels.*

AFTERMATH

- Dealing with any recommendation
- Reputation
- Insurance
- Commercial risk
- Criminal and or civil action
- Action against individual staff



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