



DISABILITY LEGAL SUPPORT

Free, independent legal support to share your story with the Disability Royal Commission

A joint initiative of:



NATSILS  
NATIONAL ABORIGINAL & TORRES STRAIT ISLANDER LEGAL SERVICES

# Are you going to be a witness?

A witness is a person who will share their story at a public hearing.

This factsheet explains what happens when a person is a witness at the Disability Royal Commission.

## What is a public hearing?

A public hearing is a formal proceeding of the Disability Royal Commission. It is held in public before three or more commissioners. The commissioners will hear evidence about a person's experience with disability. They can ask questions.

All public hearings are recorded and live streamed on the Disability Royal Commission website. Now, due to COVID-19, only some of the commissioners and Disability Royal Commission staff attend the public hearings in person.

## The Disability Royal Commission has asked me to be a witness

If you are asked to be a witness, you should get free independent legal advice. Your Story can give this advice and connect you with a lawyer who is separate from the Disability Royal Commission.

The solicitors or counsel assisting the Royal Commission will usually ask you to be a witness. This may happen after you have made a submission to the Disability Royal Commission. They may also ask you to give a witness statement.

A witness statement is a formal document that tells your story. It sets out the evidence you will give to the Disability Royal Commission.

## Can I have a lawyer help with my witness statement?

If you are asked to be a witness, you can get free independent legal advice and have your own lawyer who is separate from the Disability Royal Commission.

Your own lawyer can support you to prepare your witness statement.

Your Story can connect you with a lawyer who can act for you and speak to the Disability Royal Commission on your behalf.

Call 1800 77 1800 or visit [www.yourstorydisabilitylegal.org.au](http://www.yourstorydisabilitylegal.org.au)

## Receiving a witness summons

Before you attend as a witness at a public hearing, the Disability Royal Commission will give you a formal document called a ‘summons’. A summons gives you legal protections when you share your story, such as protection from payback.

## At the public hearing

The Disability Royal Commission will support you to give evidence. They will set up any supports you need to be a witness.

The Disability Royal Commission can also arrange transport, interpreters and counselling support before, during and after you give evidence.

At the start of giving your evidence, you will be asked to make an oath or take an affirmation to state you are telling the truth.

You will then answer questions asked by Counsel Assisting the Royal Commission. The Commissioners may also ask you questions.

You can ask for your lawyer to support you at the hearing.

## Who is at the public hearing?

People at the public hearing will include:

- the public
- commissioners
- solicitors and counsel working for the Disability Royal Commission
- other Disability Royal Commission staff such as IT and counselling staff
- other witnesses.

The media can also attend.

Anyone can attend, watch or listen to a public hearing of the Disability Royal Commission.

## What can the media report?

The Disability Royal Commission can make orders about how information is, or is not, reported by the media. This can include keeping the identity of a witness or certain information confidential.

If there are no orders made, then the media can report any information given during a public hearing.

## I need support

If you need a support person to be with you, they can attend the public hearing with you. You can also ask for counselling support before and after you give evidence.

## I have more questions

You can call Your Story on 1800 77 1800, Monday to Friday.

For free counselling and referrals, call Blue Knot on 1800 421 468 or (02) 6146 1468.

**Disclaimer:** This information is intended as a general guide. It should not be relied on as legal advice and we recommend you talk to a lawyer about your particular situation.