



Royal Commission
into National Natural
Disaster Arrangements

Hearings

A guide for witnesses at the
Royal Commission into
National Natural Disaster Arrangements

naturaldisaster.royalcommission.gov.au



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What is a hearing?

Hearings are formal proceedings of the Royal Commission into National Natural Disaster Arrangements (the Commission). During a hearing, witnesses give evidence under oath or affirmation, about events and issues that are relevant to the [terms of reference](#).

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

Hearings

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

- Commissioners seated together at table
- Solicitors and Counsel Assisting the 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, Counsel Assisting the Commission, members of the public and anyone interested in watching the public hearing
- 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.

E-hearings

The Commission may hold electronic hearings (e-hearings) using digital technology to connect witnesses to the Commissioners, Solicitors and Counsel Assisting the Commission – similar to a video conference. You will be able to see the Commissioners and Counsel Assisting the Commission and to view documents or evidence that may be relevant to certain parts of the hearing.

If you are giving evidence at an e-hearing, an officer from the Commission will contact you in advance to provide information about how and when to join the e-hearing.

Access to counselling or other support will still be available if you require.

Commission staff are here to help ensure that the hearing runs as smoothly and safely as possible.

Giving evidence at a hearing

Witnesses

A witness is any person who gives evidence to the Royal Commission at a hearing.

The Solicitors and Counsel Assisting the Commission are responsible for identifying people to appear as witnesses at a particular hearing.

Witnesses are selected based on an assessment of how their evidence will help demonstrate or expand on 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 Commission may ask you to provide a witness statement. This is usually a document that you prepare with the assistance of a lawyer. A witness statement is prepared ahead of a hearing and sets out the evidence you will give to the Commission. The information in your statement will relate to specific events or themes which are relevant to that hearing.

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

Anyone asked to provide a witness statement or give evidence at a hearing will have access to free [legal assistance](#) and counselling support 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 or appear as a witness, you are encouraged to share your experiences in a submission.

Visit our [submissions](#) page for information about how to share your experiences with the Royal Commission.

Giving evidence

The Commission will invite some witnesses to voluntarily give evidence.

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

If the Commission invites you to give evidence, you can choose whether or not to do so. The Royal Commission will not ordinarily require people who suffered loss or were personally affected by the bushfires to give evidence if they don't want to.

Receiving a summons

Once you have agreed to give evidence, the Commission will usually issue you with a formal summons to attend and give that evidence. You will receive a summons even if the Commission has invited you to voluntarily 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 Commission, you must comply with the summons. The Commission will give you as much notice as possible of the date on which you need to appear at the hearing.

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

What to expect at a hearing

The Commission continues to monitor the Federal Government's health advice regarding Coronavirus (COVID-19) and will adjust its operations to minimise exposing the community to unnecessary risk.

In some instances, this will mean giving evidence at an e-hearing via a video or internet link rather than in-person at a hearing room.

The Commission will continue to support you whether you are giving evidence in person at a hearing or by video link at an e-hearing. For example, we can provide assistance with transport, interpreters and communication support as well as legal assistance and counselling support.

Whether you are giving evidence at a hearing or an e-hearing, Counsel Assisting the Commission will 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 also ask you some questions.

Anyone wishing to observe a hearing (including an e-hearing) can watch it live on the Commission's website.

Publication of evidence given during a hearing

The Commission will publish transcripts and video recordings of its hearings on the Commission website. It may also publish evidence in Commission reports.

In some circumstances, the 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. Evidence which is subject to a non-publication direction will not be published.

Applications for leave to appear

The Commission publishes a program of 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 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 hearing.

If the Commission invites or requires you to give evidence at a hearing, you may wish to complete an application for leave to appear. Witnesses at a 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.*](#)

Witness support

Travel and accommodation

If you have been called as a witness to give evidence at a public hearing and you live more than 50km from the hearing venue location, an officer from the Office of the Commission will contact you to arrange appropriate travel and accommodation. Contact details for the Office of the Commission are provided below.

Witness expense claims

If the Royal Commission has called you as a witness, you can claim a witness appearance fee and loss of remuneration fee. This must be done within 60 days following the hearing by submitting an application to the Office of the Royal Commission. Please send the completed form to rcnda.hearings@royalcommission.gov.au or post to:

National Natural Disaster Royal Commission
Locked Bay 2000
Manuka ACT 2603

Special assistance

Please contact the Office of the Commission to discuss any special assistance requirements you may have.

Legal support

Solicitors and Counsel Assisting the Commission help the 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 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 and may be entitled to legal financial assistance.

Legal financial assistance

If you have been called by the 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 can help you with the costs of legal representation and disbursements resulting from your engagement with the Royal Commission, such as:

- 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 your organisation has been called by the Royal Commission, the organisation will be subject to an assessment of whether it can meet the cost of its legal representation without incurring serious financial difficulty. If you have been called in your personal capacity, you will be exempt from an assessment of financial circumstances.

The Attorney-General's Department [website](#) includes information on how you can apply and assessment time frames. You can also [email](#) the Legal Financial Assistance Casework team.

Counselling and welfare support

The Royal Commission has a team of counsellors who provide support to witnesses ahead of hearings and after. They are also available to provide counselling and support to witnesses and attendees during a hearing or e-hearing.

More broadly, if you were affected by recent bushfires and require assistance, Lifeline has a dedicated 24 hour bushfire recovery support line 13 HELP (13 43 57),

The [National Bushfire Recovery Agency](#) has information about a broad range of organisations and services who are available to support you.

Media

Hearings

If you are giving evidence at a hearing, 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 are 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.

Media may observe and/or record a hearing using the publicly available livestream on the Royal Commission's website.

E-Hearings

If you are giving evidence at an e-hearing it is unlikely media will be present in your location.

Media may observe and/or record a hearing using the publicly available livestream on the Commission's website.

Contact the Royal Commission

Website

naturaldisaster.royalcommission.gov.au

Email

rcnda.enquiries@royalcommission.gov.au

Mail

National Natural Disaster Royal Commission

Locked Bag 2000

Manuka ACT 2603

Public information line

1800 909 826

Monday – Friday (9am – 5pm) AEST

Media enquiries

Email: rcnda.media@royalcommission.gov.au

Phone: 0436 943 411
