



PRACTICE DIRECTION NO. 1 – PUBLIC HEARINGS¹

RELEASED 24 APRIL 2015

INTRODUCTION

1. This Practice Direction deals with procedural matters relating to public hearings to be conducted by the Royal Commission into Family Violence (**Royal Commission**).
2. This Practice Direction is issued under, and should be read in conjunction with, the *Inquiries Act 2014 (Vic)* (**Act**). Further Practice Directions may be issued in due course.
3. This Practice Direction may be varied from time to time.
4. The Royal Commission may, at any time, depart from this Practice Direction if it considers it appropriate to do so.

FOCUS OF PUBLIC HEARINGS

5. The overall way in which the Royal Commission will be conducted is outlined in the Royal Commission's statement entitled *How We Work*, a copy of which is available on the Royal Commission's website.
6. As indicated in that *How We Work* statement, one of the ways in which the Royal Commission will inform itself is by public hearings. This Practice Direction is issued with specific reference to public hearings.
7. Consistent with the Royal Commission's Letters Patent, the focus of the public hearings will be on examining and evaluating strategies, frameworks, policies, programs and services rather than examining or investigating individual cases of family violence.
8. The public hearings will review the current system—across prevention, early intervention, response and perpetrator accountability— in the light of issues raised in written submissions, community consultations and stakeholder and expert roundtable meetings. The public hearings will also hear concurrent evidence from relevant stakeholders and experts with a focus on the future and potential solutions.

¹ Issued under section 16(1) of the *Inquiries Act 2014 (Vic)*.

DATES OF PUBLIC HEARINGS; OPEN TO THE PUBLIC

9. The Royal Commission proposes to conduct public hearings during the period 13 July 2015 to 14 August 2015. A further period or periods of public hearings may be scheduled if the Royal Commission considers it appropriate to do so.
10. Subject to contrary direction of the Royal Commission, the public hearings will be open to the public.

RULES OF EVIDENCE

11. Subject to the provisions of the Act, the conduct of the public hearings will be within the discretion of the Royal Commission.
12. In accordance with section 14 of the Act, the Royal Commission is not bound by the rules of evidence.

WITNESSES

13. Subject to the control of the Chairperson of the Royal Commission (or presiding Commissioner), Counsel Assisting the Royal Commission (**Counsel Assisting**) will determine:

- 13.1. who is to be called as a witness at the public hearings; and

- 13.2. the order in which those witnesses are called and examined.

It may be necessary to call some witnesses to give evidence on more than one occasion.

14. Witnesses to be called by Counsel Assisting may be identified from:

- 14.1. written submissions provided to the Royal Commission;

- 14.2. the community consultations;

- 14.3. the stakeholder and expert roundtable discussions;

- 14.4. other research activities by the Royal Commission; and

- 14.5. submissions made by persons or organisations granted leave to appear (refer below).

15. The Royal Commission may decide to receive the evidence of a witness orally or by written statement or both.
16. The Royal Commission may request persons to give evidence or may serve persons required to give evidence with a notice to attend to give evidence.
17. The Royal Commission will require witnesses to give evidence on oath or affirmation.

18. The Royal Commission may require witnesses to give evidence concurrently with other witnesses.
19. Subject to the control of the Chairperson of the Royal Commission (or presiding Commissioner), all witnesses will be called to give evidence, and then examined by, Counsel Assisting. Where a person or organisation has been granted leave to appear (refer below), that person or organisation (or any legal representative) may seek leave to examine or cross-examine a witness, any such leave being subject to any limitations imposed by the Chairperson or presiding Commissioner.

LEAVE TO APPEAR AT THE PUBLIC HEARINGS

When leave to appear is required and appropriate

20. All persons and organisations who wish to do so will be able to make written submissions to the Royal Commission in accordance with the process outlined in the *How We Work* statement. No application for leave to appear is necessary in order to make a written submission.
21. Similarly, a person or organisation participating in a community consultation or stakeholder and expert roundtable discussion does not need to seek leave to appear for that purpose.
22. Persons who are witnesses at the public hearings are not required to seek leave to appear.
23. Accordingly, applications for leave to appear are only required where a person or organisation seeks to appear, other than as a witness, at the public hearings.
24. Having regard to the various means by which persons and organisations can provide information and assistance to the Royal Commission in its inquiry, and subject to section 15(2) of the Act, leave to appear is unlikely to be granted unless the applicant can demonstrate that their presence at the Bar table during the public hearings will provide assistance to the Royal Commission in the exploration and analysis of the evidence of a kind which would otherwise not be available if that person or organisation were not granted leave.

Application process

25. All applications for leave to appear at the public hearings must be made on the form attached to this Practice Direction entitled “Application for Leave to Appear at the Public Hearings of the Royal Commission”.
26. The completed form must be accompanied by a short submission as to the reasons why the applicant should be granted leave to appear at the public hearings. The submission should address:
 - 26.1. the matters referred to in section 15(2) of the Act; and

- 26.2. whether, and if so how, granting the applicant leave to appear at the public hearings would assist the Royal Commission in the conduct of the public hearings phase of the Royal Commission's inquiry over and above any written submissions made by the applicant to the Royal Commission.
27. Any application must be submitted by 4pm on Friday, 29 May 2015.
28. The application and submission may be sent via:
 - 28.1. email to: Jared.Heath@rcfv.com.au; or
 - 28.2. post to: PO Box 535, Flinders Lane VIC 8009.

Determining applications

29. The Royal Commission will consider all applications and determine who should be granted leave to appear. Once again, it is unlikely that the Royal Commission will grant leave to appear unless the applicant can demonstrate that they will be able to provide relevant assistance to the Royal Commission.
30. The Royal Commission may determine applications for leave to appear without any oral hearing and on the basis of the application and submission provided.
31. The Royal Commission will notify the applicant in writing of its determination.
32. A grant of leave to appear:
 - 32.1. grants leave to appear at the public hearings subject to any terms and conditions specified in the grant; and
 - 32.2. includes leave to be legally represented (if the applicant wishes to be represented).
33. The terms and conditions on which leave to appear is granted may include:
 - 33.1. leave to appear with respect to a particular issue or issues; or
 - 33.2. leave to appear with respect to the evidence of a particular witness or witnesses.
34. The Royal Commission may at any time withdraw leave to appear or make such leave subject to amended or additional terms and conditions.

RESTRICTED PUBLICATION ORDERS

35. The Royal Commission may restrict publication of information relating to the public hearings in accordance with section 26 of the Act, for example if prejudice or hardship might be caused to any person (including harm to their safety) or the nature and subject matter of the information is sensitive.

ACCESS TO AND PUBLICATION OF EVIDENCE

36. Subject to paragraph 35 above and any other direction of the Royal Commission (for example, as to the redaction of transcripts or witness statements), the Royal Commission proposes to adopt the following procedures in respect of evidence given at the public hearings:
- 36.1. transcripts of evidence at the public hearings will be uploaded onto the Royal Commission's website as soon as they are available;
 - 36.2. witness statements of witnesses called to give evidence at the public hearings will be available on the Royal Commission's website as soon as practicable after the witness has given evidence; and
 - 36.3. documents received into evidence at the public hearings will be available on the Royal Commission's website as soon as practicable after the document has been tendered.

CONTACTING THE ROYAL COMMISSION

37. Any person wishing to contact the Royal Commission about any matter dealt with in this Practice Direction or any other matter concerning the public hearings should contact Jared Heath, Principal Legal Adviser, at Jared.Heath@rcfv.com.au.



Application for Leave to Appear at the Public Hearings of the Royal Commission

Name of person or organisation seeking leave to appear	
Lawyer(s) representing the person or organisation (if any)	
Contact person(s)	
Contract address	(State) (Postcode)
Contact telephone number	(Business) (Mobile)
Contact email address(es)	

Please attach a short submission as to the reasons why the applicant should be granted leave to appear at the public hearings.

The submission should address:

- the matters referred to in section 15(2) of the *Inquiries Act 2014* (Vic); and
- whether, and if so how, granting the applicant leave to appear at the public hearings would assist the Royal Commission in the conduct of the public hearings phase of the Royal Commission's inquiry over and above any written submissions made by the applicant to the Royal Commission.

Please lodge this form with the attached submission by sending it via:

- email to: Jared.Heath@rcfv.com.au; or
- post to: PO Box 535, Flinders Lane VIC 8009.