

Practice Guideline – Public Hearings

Introduction

1. This Practice Guideline provides guidance about how the Royal Commission into Domestic, Family and Sexual Violence (the Commission) will conduct public hearings, and general information about appearing as a witness at a hearing.
2. The Commission may vary, replace or withdraw this Guideline at any time.
3. The Commission will publish other guidelines during the course of its inquiry, including in relation to other ways in which the Commission will obtain information. All guidelines will be available on the Commission's website.

Purpose and Focus of Hearings

4. The focus of the Commission is on the current domestic, family and sexual violence systems in South Australia, and understanding changes that might be needed to those systems. The Commission is not investigating particular incidents of domestic, family or sexual violence.
5. Hearings will not be conducted by the Commission in order to resolve disputes or make factual findings. Their primary purpose is to progress the Commission's inquiry into matters within its Terms of Reference.
6. Hearings will be used by the Commission to obtain evidence relating to specific topics or themes. They will be held to define or clarify key issues, to test ideas or draw out information, or to highlight areas of focus for the Commission's inquiry.
7. Prior to the commencement of each hearing, the Commission will publish a list of topics to be examined, and the witnesses who will give evidence, on each day.
8. The topics and themes will be determined based on information the Commission has received to date. They will relate to only a small proportion of issues that the Commission is considering as part of its inquiry.
9. The Commission will publish on its website a paper entitled 'The Journey So Far', which will outline the work done by the Commission so far to learn about the current domestic, family and sexual violence systems in South Australia, and the themes that are emerging from the information the Commission has received so far.



Viewing of hearings

10. Hearings will not be open for members of the public to physically attend. The Commissioner will determine who may be present at each hearing.
11. Unless otherwise directed by the Commissioner:
 - 11.1. Hearings will be live streamed and access to the live recording will be available on the Commission's website.
 - 11.2. Transcripts of each hearing will be prepared and published on the Commission's website.
 - 11.3. Copies of any exhibits tendered will be published on the Commission's website after the hearing.
12. At the discretion of the Commissioner, the live stream may be stopped at any time during a hearing.
13. If you are a witness and do not wish for your evidence to be live streamed or made available on the Commission's website, please advise the Commission at the earliest opportunity.

Conduct of hearings

14. In accordance with the *Royal Commissions Act 1917*, the conduct of hearings will be at the discretion of the Commissioner. The Commission is not bound by the rules of evidence or procedures of any courts.
15. The form of the hearing may vary depending on the witness or the subject matter.

Witnesses

16. A witness is a person who gives evidence at a hearing of the Commission.
17. The Commission will invite persons to appear voluntarily as a witness at its hearings. The Commissioner may, if necessary, issue a summons requiring the attendance of a person to give evidence at a hearing.
18. The Commission does not intend to allow persons to give evidence at their own request. This is due to the systems and policy focus of the Commission and the limited time available for hearings. People may engage with the Commission in other ways, including by providing a written submission or using the online 'Share with Us' tool.
19. If you are invited or required to appear as a witness, and have not previously provided a written submission, the Commission Secretariat will contact you about the topics to be covered in your evidence.



20. Witnesses may be asked to consider certain materials or information prior to or during their evidence. Where that occurs, those materials may be made available on the Commission's website.
21. Any witness who wishes to be legally represented at the hearing must advise the Commission as soon as possible. The Commissioner will consider each on a case by case basis.

The process of giving evidence

22. The witness will be called to the hearing room to give evidence.
23. An official of the Commission will ask the witness to swear or affirm that the evidence they will give to the Commission will be truthful.
24. Counsel Assisting will then ask the witness questions.
25. If a witness is represented, their representative may seek the Commissioner's permission to examine or cross-examine a witness. No general, open ended examination, cross examination or tender of evidence will be permitted.
26. Witnesses may be called to give evidence as part of a panel. In that case, evidence will be taken in the same way as outlined at paragraphs [23]-[26] above. Counsel Assisting will generally ask each witness particular questions, and may then ask if they wish to provide additional comments about the evidence of the other witnesses on the panel.

Exhibits and documents

27. Subject to direction by the Commissioner, Counsel Assisting will decide which documents will be tendered and when.

Publication and Reporting

28. Under the *Royal Commissions Act 1917*, in certain circumstances the Commissioner may order that evidence given before the Commission is not published.
29. Unless the Commissioner directs otherwise, no filming, audio recording or still photography is permitted during a hearing.
30. The video and audio recording of the live stream, which will be published on the Commission's website, may not be further published without seeking consent. That can be done by contacting the Commission at RoyalCommissionDFSV@sa.gov.au.



31. Anyone wishing to publish information relating to, or otherwise speak publicly about, a hearing or the evidence given at a hearing:
 - 31.1. Must ensure there are no non-publications orders in force relation to the evidence;
and
 - 31.2. Must not claim, suggest or infer in any way that the evidence given by a witness reflects the views of or has been adopted by the Commission.

32. Media must also have regard to and report in accordance with the Commission's Media Guidelines, available on the Commission's [website](#).