

Staff FAQs

How can I get more information about the Royal Commission?

Information about the Royal Commission is available on their website at the following [link](#).

As the Royal Commission has now commenced the Government remains completely independent of the process and your inquiries should be forwarded to the Royal Commission directly. The Royal Commission website allows for all interested parties to subscribe to their mailing list [here](#).

Submissions can now be made to the Royal Commission website either through an [online form](#) or a paper version can be downloaded via this [link](#) and mailed to:

GPO Box 3273, Sydney NSW 2001.

If you have any issues making a submission or you would like the submission form posted to you, then you can ring the Royal Commission on 1800 329 095 between 09:00 and 19:00 AEST Monday to Friday, excluding public holidays.

Impact on the work of the Department

What is the role of DVA's Royal Commission Taskforce?

A dedicated DVA Royal Commission Taskforce has been established and funded to support DVA's work to respond to and support the Royal Commission. This will include, for example:

- working with business areas to prepare responses to requests from the Royal Commission to produce DVA records and provide other evidence;
- preparing DVA submissions to the Royal Commission;
- attending and monitoring hearings;
- supporting DVA participation in roundtable discussions; and
- supporting DVA witnesses giving evidence before the Royal Commission; and

The Taskforce will also coordinate support to ensure that any DVA staff who may be required to give evidence to the Royal Commission, or are otherwise impacted, receive the appropriate information and support.

Will my workload be affected by the Royal Commission?

From time to time, there will be a need for staff to support the DVA Royal Commission Taskforce. If this situation arises in your team, your manager will look at the workload across the team and ensure that reasonable adjustments are made.

The senior leadership group will seek additional resources to support affected areas as required.

What will happen to the information that has already been provided to the Interim National Commissioner for Defence and Veteran Suicide Prevention through the Requests for Information (RFIs)?

The Royal Commission will be able to exercise compulsory powers under the *Royal Commissions Act 1902* (Cth) to compel any individual, agency or organisation to produce documents or information to it.

This means the Royal Commission will be able to request copies of responses and documents that DVA has already provided to the Interim National Commissioner from DVA or the Interim National Commissioner.

The Government intends that the Royal Commission and the National Commissioner for Defence and Veteran Suicide Prevention will operate in a complementary way to achieve meaningful, long term change.

What is a Notice to Give (NTG)?

A NTG is a notice utilised by a Royal Commission (RC) to obtain specific information typically in the form of responses to questions from the Department.

These notices may include a list of specified individuals or groups who are required to provide responses, including statements and responses to questions about policies, programs or events. The Department is legally obligated to comply with NTGs and provide responses and information where possible to the RC by a specific date.

What is a Notice to Produce (NTP)?

A NTP is a notice utilised by a Royal Commission (RC) to obtain any document or information specified in the NTP.

Documents that are requested can include client files, internal emails or other materials held by the Department. The Department is legally obligated to comply with NTPs and provide all requested documents where possible to the RC by a specific date.

How will the Royal Commission work be balanced with current priorities and workloads?

A DVA Royal Commission Taskforce has been established to ensure that DVA can focus on supporting veterans and their families during the course of the Royal Commission. This team is led by Traci-Ann Byrnes, First Assistant Secretary.

As formal notices and other requests come into DVA, the Taskforce will internally coordinate and manage the preparation of responses and collation of documents to be produced. This will require prompt and comprehensive input and support from different business areas.

Is there some work we will stop progressing in order to support the Royal Commission?

The aim of establishing a dedicated DVA Taskforce to support the Royal Commission is to ensure that our core business continues. This includes processing claims promptly, continuing all our veterans' mental health and wellbeing programs, service delivery and transformation initiatives.

The Taskforce and senior management will work hard to ensure that the requirements of the Royal Commission are handled as efficiently as possible.

Hearings, Private Sessions and Witnesses

How does a Royal Commission gather evidence, and conduct private sessions and public hearings?

A Royal Commission is an investigation process to gather evidence and information in order to make findings and recommendations about the issues identified in the Terms of Reference.

The process of gathering evidence and information can occur in a variety of ways. Typically, the Royal Commission will hold public and private hearings to gather evidence to assist in its

investigation. People who volunteer or who are compelled to give evidence at those hearings are called witnesses.

Although a Royal Commission operates within a legal framework, it is not a court and does not resolve legal disputes or make determinations on the legal rights or liabilities of persons. Though it looks a lot like a court and hearings are usually held in a court room with judges, lawyers and barristers, a Royal Commission's sole function is to investigate, collect information and provide recommendations to governments and institutions.

Royal Commission hearings are much more flexible than courts. They are not bound by rules of evidence, witnesses can be directly questioned by Commissioners and procedures can be relaxed to accommodate the needs of witnesses.

It is important to appreciate that the Royal Commission will receive a vast amount of evidence and information. Some of the information received may suggest or allege some form of wrongdoing on the part of individuals. A Royal Commission will not usually comment on whether an allegation is true or false or if someone is guilty or innocent. That is a function for the courts. However, it is not uncommon for a Royal Commission to pass evidence on to police in order to assist a criminal investigation where relevant and appropriate to do so.

Private Sessions

Private sessions are usually reserved for witnesses that provide evidence directly to a Royal Commission in their personal capacity. For example, it is possible that this Royal Commission may allow serving ADF members, veterans and their families to give evidence (to tell their story) in private. The Royal Commission will have procedures in place to decide which of those witnesses will go on to provide their evidence in a public hearing.

This process provides individuals the opportunity to share their story in a protected and supportive environment. There are certain protections under the Royal Commissions Act 1902 (*Cth*) for this process and for the information obtained as part of that process.

Public Hearings

Being a public inquiry, a Royal Commission will hold public hearings. Each hearing will often have one key focus. For example, a hearing can focus on a specific program, a certain institution, a particular policy issue or concentrate on a systemic issue raised during private sessions. This means that people called to give evidence (to be a witness before the Royal Commission) are likely to include current serving ADF members, veterans, families, APS staff and other interested parties.

Public hearings of a Royal Commission are usually recorded and streamed live through the Royal Commission's website. Royal Commissions will often make transcripts of its hearings available on its website. The infrastructure of a Royal Commission varies and will impact on how hearings are held.

Witnesses

Who can be called to give evidence?

Anybody can be called to give evidence at a Royal Commission. Of relevance to DVA, the Royal Commission is likely to identify witnesses within DVA who can explain policy, programs and decisions, and provide appropriate context for documents and information produced to the Royal Commission. In previous Royal Commissions, this has generally been SES staff.

People outside the APS can also be called to give evidence. Where appropriate, certain protections are available for witnesses giving evidence to Royal Commissions, such as protecting a witness' identity.

Can I be called in regard to an individual case?

In previous Royal Commissions, government witnesses have mostly been SES personnel.

However, any member of staff can be called as a witness to the Royal Commission to talk about their involvement in a particular area of DVA business or in a particular case. Through the Taskforce, DVA will support DVA witnesses to contribute to the Royal Commission's work, making sure that anybody who is called to give evidence is well prepared and supported throughout the process.

What about people who have left the Department? Can they be called as witnesses?

Yes. DVA will support these witnesses through the process, just as we will support current DVA staff.

Can I be held accountable?

Generally speaking, Royal Commissions seek to understand the systemic factors that contribute to an issue, and make findings and recommendations at that level. Royal Commissions do not exercise judicial power, including determining the civil or criminal liability of a person.

The Royal Commissions Act gives the Royal Commission the power to communicate to certain authorities (for example the Australian Federal Police or a State or Territory police force) information or evidence collected during the inquiry that relates or may relate to a breach of a Commonwealth, State or Territory law for which a person could be liable for a criminal or civil penalty.

However, statements made by a witness cannot be used against the witness in any subsequent civil or criminal proceedings unless it is to prove an offence under the *Royal Commissions Act 1902* (Cth)

All APS staff are required to adhere to the APS Values and Code of Conduct. This is the case for all work undertaken in the course of APS employment and does not change in the context of a Royal Commission.

I'm concerned about giving evidence. Will I get support?

Yes. The Taskforce will make sure that any DVA staff who are called to give evidence or appear before the Royal Commission, are well prepared and supported throughout the process. Further information will be provided regarding support and assistance shortly. If you have any specific concerns or questions in the meantime, please email the Royal Commission Taskforce.

Publicity FAQs**Royal Commissions can create concern in the community and sometimes negative media. How will we deal with this?**

If you are feeling the impact of negative media or community concerns, please talk to your supervisor or reach out for support.

Should you or your immediate family need support, please call our Employee Assistance Program (EAP) on 1300 360 364. Non-APS staff can access EAP services from their company or labour hire provider where applicable.

Further consideration is being given to dedicated training and support options for staff as relevant.