

Your Protections when giving Evidence to the Disability Royal Commission

Villamanta Disability Rights Legal Service Inc. wants to assist you to share your experience of violence, abuse, neglect or exploitation with the Disability Royal Commission.

The Commission wants to hear your full story and doesn't want you to be worried about anything bad happening because you shared your story.

The Commission has created rules to protect you from any harm or disadvantage.

We've created a Questions and Answers guide to address any concerns about your protections when giving evidence.

Question: *I'm worried that if I give evidence as a witness, they might take away my home, my money or my services. Can they do this?*

Answer: Absolutely not! If someone tries to do this they are committing a crime. If someone takes anything of yours away, or harms you in any way for being a witness, that person may have to pay a fine or even go to jail. If they try to do this, you can contact us or tell the Commission directly and they will contact the police.

Question: *My service provider told me that if I speak at the Commission, they will take away my home and the help I need to live. Can they do this?*

Answer: As above, absolutely not! If your service provider threatens you by telling you that they will take something of yours away for telling your story, then they are breaking the law. Like above, if they have said anything like this to you, tell the Commission, they will contact the police.

Question: *What if I say something bad about myself? Can I get in trouble for that?*

Answer: No. The Commission wants you to speak freely and openly about everything that has happened. You should feel free to say anything you want about what has happened. Nothing you say during the Commission can be used against you.

Question: *I don't want my name or what I say to be told to anyone. Can I avoid that?*

Answer: Yes. You can tell the Commission you don't want anyone to know your name. The things you tell the Commission will also be protected until at least April 2022 (the government may decide to make this longer).

Question: *I don't want anyone else in the room when I tell my story except for the person writing the report. Can I organise this?*

Answer: Yes. The Commission does allow 'private sessions'. However, the Commission does not know how many private sessions will be requested and they may not be able to give them to everyone but you can definitely ask.

Question: *I signed something that says I can't say anything about my service provider. If I say something, can they take my things away?*

Answer: No. If you have signed something like this, you can ask the Royal Commission to issue you with what is called a 'notice to produce' your submission. This means the Commission is asking for your story and as a result nothing you say can be used against you.

If you have any specific concerns you are welcome to call Villamanta Disability Rights Legal Service Inc. or contact the Commission directly.

Notice for Disability Service Providers

It is absolutely inappropriate and a crime to influence, threaten, intimidate or prevent a witness from giving evidence at the Royal Commission.

Under Part 3 of the *Royal Commissions Act*, it is an offence to:

- Bribe a witness;
- Induce a witness to give false evidence;
- Practise fraud or deceit to affect the evidence given by a witness;
- Prevent a witness from giving evidence at the Royal Commission; or
- Cause or inflict any violence, punishment, damage, loss, or disadvantage to any witness.

The commission of any of the above offences has a penalty of 2 years imprisonment.

Therefore, it is strongly advised that any Disability Support Provider stay completely away from the topic of the Royal Commission when talking with people receiving their services.