



**Royal Commission
into the Casino
Operator and Licence**

Information guide for witnesses
at public hearings



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What is a hearing?

Hearings are formal proceedings of the Royal Commission into the Casino Operator and Licence (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 public hearings of the Commission are recorded and streamed live on the Commission website.

Hearings

Where practical, 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:

- the Commissioner seated at the front of the hearing room;
- Solicitors and Counsel Assisting the Commission sitting at a table facing the Commissioner and the witness;
- any lawyers acting on behalf of the witness also sitting at a table facing the Commissioner and the witness;
- the witness sitting at the side of the hearing room, so they can be seen easily by the Commissioner and Counsel Assisting the Commission; and
- 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 may also be other people in and around the hearing room, such as security personnel, interpreters, and IT staff. These people are there to help ensure that the hearing runs as smoothly and safely as possible. Media may also be present in these areas.

Due to Covid restrictions, members of the public are not currently allowed in the hearing rooms.

E-hearings

The Commission may hold electronic hearings (e-hearings) using digital technology to connect witnesses to the Commissioner, Solicitors and Counsel Assisting the Commission – similar to a video conference. You will be able to see the Commissioner 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 there 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 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. 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.

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 notice to attend to give evidence at a hearing. If the Commission requires you to appear by issuing a notice to attend to give evidence, it is an offence not to comply with that notice.

Receiving a notice to attend to give evidence

Once you have agreed to give evidence, the Commission will usually issue you with a formal notice to attend and give that evidence. You may receive a notice even if the Commission has invited you to voluntarily give evidence.

If you receive a notice from the Commission, you must comply with the notice. 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 received a notice to attend to give evidence, it is best not to discuss your evidence with anyone apart from your lawyer, counsellor or other support person.

What to expect at a public hearing

The Commission continues to monitor the 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.



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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, the Commission can provide assistance with transport, interpreters, counselling and communication support.

When you take the stand you will be asked to make an oath of affirmation. If you choose an oath you will then be asked to swear on the bible. Please advise the Commission if you would prefer another religious text.

Whether you are giving evidence at a hearing or an e-hearing, Counsel Assisting the Commission will ask you questions about your evidence. The Commissioner may also ask you questions.

Publication of evidence given during a public hearing

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

The Commission may also 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 is not revealed or that certain information must not be published. These directions are called non-publication orders. Evidence which is subject to a non-publication order 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, corporations, and government agencies.

It is up to the Commissioner 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 included in Practice Direction 1 on the Commission website www.rccol.vic.gov.au/practice-directions.



Witness support

Under section 42 of the *Inquiries Act 2014* (Vic), any person who is served with a Notice to Attend to give evidence at a hearing of the Commission is entitled to be paid expenses and allowances in accordance with the prescribed scale set out in the *Inquiries Regulations 2015* (Vic).

Witnesses are entitled to the following expenses:

Loss of Income

A witness who loses income because of attending an inquiry is entitled to reimbursement of the amount of income actually lost in attending the Commission as follows:

- in the case of a witness giving evidence or information in a professional or expert capacity — up to \$300 per hour, but not exceeding \$1500 per day; or
- in any other case — up to \$100 per hour, but not exceeding \$600 per day.

Childcare

A witness who is not engaged in employment or business and who incurs childcare expenses because of attending the Commission is entitled to reimbursement for:

- reasonably incurred childcare expenses; and
- any other expenses (excluding the costs of any travel, meals or accommodation) up to a maximum of \$50 per day.

Meal Allowances

Away Overnight

If a witness is away from home overnight because of attending a hearing of the Commission in Melbourne, they are entitled to the following meal allowances:

- Breakfast \$17.70
- Lunch \$19.75
- Dinner \$34.05
- Up to a maximum of \$71.50 per day.

Same day

If a witness is away from home for part of the day only (that is departing and returning home on the same day), they are entitled to the following meal allowances:

- Breakfast \$12.40
- Lunch \$12.40
- Dinner \$16.50



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- Up to a maximum of \$41.30 per day.

Accommodation Allowances

A witness who is absent from home because of their attendance at the inquiry is entitled to claim reimbursement of the cost of alternative accommodation, up to a maximum of \$150 per night.

Travel Expenses

A witness is entitled to reimbursement for the cost of travel to and from a hearing of the Commission. If a witness uses their own vehicle they are entitled to reimbursement of 18 cents for each kilometre travelled to or from the Commission.

In any other case, a reasonable amount equal to the cost of an economical form of transport, having regard to:

- the distance required to be travelled;
- the time spent travelling;
- whether any income was lost when travelling; and
- any other matter the Commissioner considers relevant.

Process for making a claim for reimbursement

1. The witness should keep records (such as receipts or tax invoices for any out of pocket costs incurred).
2. Collate all records and email contact@rccol.vic.gov.au for a Claim Form, or download the Claim Form from the website <https://www.rccol.vic.gov.au/information-witnesses>
3. Send the completed Claim Form and records to contact@rccol.vic.gov.au or via post
Royal Commission into the Casino Operator and Licence
PO Box 24290
MELBOURNE VIC 3001

Deadline for claiming expenses

A witness claiming expenses under these Regulations is only entitled to reimbursement if the witness submits a claim to the Commission prior to the Commission delivering its final report.

Legal support

Solicitors and Counsel Assisting the Commission help the Commission to gather evidence. 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



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- 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.

[Contacts for free legal assistance](#)

Federation of Community Legal Centres (Vic) Inc.

Phone: 03 9652 1501

Email: administration@fclc.org.au

Website: www.fclc.org.au

Victoria Legal Aid

Phone: 1300 792 387

Website: www.legalaid.vic.gov.au

[Special assistance](#)

Please advise the Commission if you have religious requirements for your hearing.

Interpreters are available for hearings, please advise the Commission if you require this service.

Requests for special assistance should be made to the Commission as soon as practical by emailing contact@rccol.vic.gov.au

Counselling and welfare support

The Commission has counsellors who can provide support to witnesses.

Please email contact@rccol.gov.au if you require this service.

Media

[Hearings](#)

If you are giving evidence at a public 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 order.

Journalists often photograph or film witnesses as they walk in and out of the building's main entrance. It is your choice whether to speak to media or not. If you are concerned about the media, you should inform staff assisting the Commission.



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

[E-Hearings](#)

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

Contact the Commission

[Website](#)

www.rccol.vic.gov.au

[Email](#)

contact@rccol.vic.gov.au

[Mail](#)

Royal Commission into the Casino Operator and Licence
PO Box 24290
MELBOURNE VIC 3001

[Media enquiries](#)

Email: media@rccol.vic.gov.au

Phone: 0408 704 836