



## Fact sheet

### Powers of a Royal Commission

Commonwealth Royal Commissions are public inquiries that are established under *Royal Commissions Act 1902 (Cth)* by appointing Commissioners to conduct an inquiry in accordance with Terms of Reference approved by the Governor-General. In this case the Royal Commission is also expected to be established under relevant State legislation in several jurisdictions. This will allow the Royal Commissioners to act in multiple capacities, performing functions under Commonwealth and State laws.

#### Hearings

A Royal Commission can take evidence in a number of ways for different purposes, including conducting formal hearings. Hearings may either be open or closed, or restricted to a certain class of persons. Evidence given in a closed hearing will not be made publically available and will be used in a way that protects an individual's identity.

Royal Commission can refer information about suspected or alleged crimes to relevant law enforcement authorities or share relevant information with other ongoing inquiries.

Information about hearings and how individuals can participate in the Royal Commission will be made available on its website [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au).

#### Coercive powers

The Royal Commission has broad powers to gather information and assist with its investigations and inquiries. These are sometimes called coercive powers because they can compel an individual to participate in the inquiry.

The Royal Commission has the power to:

- summons witnesses to appear before it and require them to answer questions under oath or affirmation, and
- summons witnesses to produce a document or other material piece of evidence.

If summoned, there are very few grounds on which a person can refuse to give evidence to a Royal Commission.

Failure to comply with a summons issued by a Royal Commission may result in an individual receiving a fine or in some circumstances imprisonment.

In some circumstances a search warrant and/or arrest warrant might be issued if a person fails to comply with a summons.

It is an offence to intentionally provide false or misleading evidence to a Royal Commission or by intentionally insulting or disturbing it.