

FACT SHEET

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability ('Royal Commission')

The Royal Commission announced 5 April 2019 has been established in response to a series of inquiries and reports demonstrating that people with a disability are more likely to experience violence, abuse, neglect and exploitation, than those without a disability.

The overarching aim of the three-year Royal Commission is to find out what governments, institutions and the community should do to prevent, and better protect, those with disabilities in all settings and contexts. This will naturally involve the investigation of institutions/service providers in the disability sector and their provision of services in the past.

Organisations may be required to report to the Commission and/or appear before the Commission, MHCC encourage all members to think ahead and prepare for such events.

How you can prepare for potential involvement

- Know your organisations history – review previous complaints and incidents and how they were managed
- Evaluate your insurance position to determine to what extent, if any, your insurance policy will cover your involvement in the Royal Commission; for example, is it limited to your appearance at hearings, or does it also cover the cost of responding to a request for information?
- Brief your board to ensure that they are fully aware of what to expect both for the organisation and for themselves
- Organise your external legal team to ensure any preparation work is covered by legal professional privilege
- Ensure you are resourced appropriately to respond to the very significant requests of the Royal Commission for information and documents within very short time periods. Identify documents that may be relevant to the Royal Commissions Terms of Reference and ensure efficient search and collection systems for documents
- Create a designated 'response team', each of whom knows what their specific role is with regards to responding to the Royal Commission
- Organise a strategy workshop to ensure that all the tasks listed above have been allocated to the appropriate people with appropriate deadlines for the completion of the tasks
-

MHCC suggest organisations start doing all the above as soon as possible in order to be adequately prepared.

The Powers of a Royal Commission in investigating disability service providers are to seek:

- Compelling evidence and the production of documents by service providers
- Issuing summons to appear at the hearings
- Making recommendations
- Referring an organisation to a regulatory body or the police for further investigation

This is provided as general information for members. It does not take the place of formal legal advice and any member with concerns about any issue arising out of or related to the Royal Commission is encouraged to seek their own independent legal advice

August 2019