

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: 1.9

Question No. SBE15/074

Senator Bilyk asked the following question at the hearing on 20 October 2015:

1. Has the Trade Union Royal Commission developed any formal guidelines, etc, for Dyson Heydon, Counsel Assisting or Solicitors Assisting on the rules of procedural fairness?

If so- can a copy of those guidelines, etc, please be provided?

The answer to the honourable senator's question is as follows:

The *Royal Commissions Act 1902* sets out the legislative basis for Commonwealth Royal Commissions and provides the legal framework for the conduct of the Commission's work including provisions for the hearings, the calling and examination of witnesses, and the issuing of summonses and notices to produce documents or things.

Complementing this, the Commission has issued Practice Directions dealing with specific matters such as the examination and cross-examination of witnesses, the making of submissions and obligations on parties with access to the electronic Court Book (eCB).

The Commission's principal Practice Direction is Practice Direction 1, which was issued by the Commissioner on 26 March 2014. Practice Direction 2 provides for a variation of some of the procedures in Practice Direction 1 regarding cross-examination of witnesses, and was issued on 23 May 2014. These Practice Directions are available on the Commission's website at: <http://www.tradeunionroyalcommission.gov.au/Pages/PracticeDirections.aspx>.