

Royal Commission into Victoria's Mental Health System

Royal Commissions under the Inquiries Act 2014

What is a Royal Commission?

A Royal Commission is the highest form of inquiry into a matter of public importance.

A Royal Commission can be established by Government to inquire into and report on a specific subject identified in its terms of reference.

A Royal Commission is independent from Government, and they are generally required to make recommendations to the Government.

There are three broad categories of issues a Royal Commission may be established to inquire into:

- a past event, focused on preventing similar harm in future (e.g. bushfires)
- improper conduct in a sector/profession, focused on identifying poor behaviour and recommending improvements (e.g. banking)
- addressing a social problem, focused on reform opportunities (e.g. mental health)

How is a Royal Commission established?

A Royal Commission is established under the *Inquiries Act 2014* through the Governor of the State of Victoria, with the advice of the Premier, issuing Letters Patent.

The Letters Patent define the scope of the Royal Commission, including the terms of reference, and the names of the Commissioners.

It may also include directions regarding when the Royal Commission should report on its inquiry, the manner in which the inquiry should be conducted, and any other matters the Governor considers appropriate.

The Royal Commission into Victoria's Mental Health System was established on 22 February 2019 by the Governor of the State of Victoria, Her Excellency the Honourable Linda Dessau.

What happens during a Royal Commission?

Each Royal Commission may conduct its inquiry as it sees fit, subject to usual procedural fairness.

Royal Commissions may gather input and evidence through public submissions, hearings and various consultation processes. The Royal Commission may also require individuals and organisations to provide documents and information.

A Royal Commission reports the findings of its inquiry, and often makes recommendations to government.

What are the powers of a Royal Commission?

The powers of Royal Commissions are set out in Part 2 of the *Inquiries Act 2014*. A Royal Commission has similar powers to a court to compel a person to produce documents or attend before it to give evidence.

A Royal Commission has the power to:

- compel—through a notice to produce—a person to produce documents or things in a specified time and manner
- compel—through a notice to attend—a person to attend the Royal Commission to produce documents or give evidence or both at a specified time and place
- require a person attending an inquiry of the Royal Commission (whether because of a notice to attend or otherwise) to give evidence or answers questions on oath or affirmation
- apply for a warrant to enter and search premises, and take documents or things relevant to the inquiry
- prohibit or restrict the publication of information or evidence
- retain documents and make copies of documents for the purposes of its inquiry
- exclude or expel people from its proceedings.

What happens when a Royal Commission is completed?

A Commission will provide a final report to the Governor of the State of Victoria.

Within 30 days of receiving the report, the Governor is required to provide the report to each House of Parliament or give reasons as to why the full report or parts of the report are unable to be tabled in Parliament.

The Victorian Government has already committed to accepting all the recommendations to be made by the Royal Commission into Victoria's Mental Health System.

Further information

For further information, please contact the Royal Commission Engagement Branch in the Department of Health and Human Services on MHRC@dhhs.vic.gov.au.

The Victorian Government's [Guidelines for appearing before and producing documents to Victorian inquiries \(December 2017\)](#) and [Guidelines for Victorian Government Submissions and Responses to Inquiries \(May 2016\)](#) provide further information on Royal Commissions, including requests for documents and appearing before inquiries.

This fact sheet is not formal legal advice. Please contact your organisation's Legal Services for legal information and advice.

To receive this publication in an accessible format email MHRC@dhhs.vic.gov.au.

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