



Do you want to name a person or organisation?

This factsheet will help you understand the law and your options if you want to name a person or organisation in your submission or private session with the Royal Commission into Defence and Veteran Suicide (the Royal Commission).

Can I name a person or organisation?

Possibly.

Naming a person or organisation to a royal commission is not itself an offence. However, there is legislation that prohibits the sharing of certain information, including:

- Information that identifies members of certain sectors of the public service
- Information relating to the defences of the Commonwealth
- Information that could damage the security of Australia

If you name an individual or organisation to the Royal Commission, and this legislation applies, you could be guilty of an offence. A lawyer from the Defence and Veterans Legal Service can talk to you more about this.

Will the Royal Commission tell the person or organisation what I have said?

If you ask for your information to be kept confidential, the Royal Commission will not tell the person or organisation that you have named them.

If you ask for your submission to be published, the Royal Commission may need to inform the person or organisation as a matter of fairness.

Will anyone be able to read what I have said?

Whilst the Royal Commission is running:

- If you ask the Royal Commission to keep your submission private, it will not be published.
- If you ask the Royal Commission to publish your submission, anyone may be able to read your submission.
- The Royal Commission can share your information, including your submission, with law enforcement.

After the Royal Commission ends, all records can be accessed by law enforcement. Some records can also be accessed by subpoena or under Freedom of Information legislation.

Can I be sued for defamation?

Defamation can occur when a person communicates information to at least one other person, and that communication harms the reputation of an identifiable third party.

If you share information with the Royal Commission about a third party, and the information identifies them and could damage their reputation, they could attempt to sue you for defamation.

There are legal protections and defences to defamation that are specifically available when you share information with a royal commission. A lawyer from the Defence and Veterans Legal Service can talk to you about these.

Could I experience payback if anyone finds out I have named them?

You might be worried that an individual or organisation may attempt to cause you harm if you name them. You might be worried that they will:

- disadvantage you; or
- punish or charge you; or
- prejudice you in your employment.

This can be an offence and there are steps that can be taken to protect you. Contact us to discuss how to protect yourself when you share information with the Royal Commission.

Can I name the individuals or organisations on social media?

You should be cautious about sharing any information on social media. If you share information on social media, you will not have any of the protections that are available when you share information with the Royal Commission. You may also be committing an offence if publishing the information is prohibited by legislation.

Who can I contact if I have more questions?

Call us on 1800 33 1800 for free legal advice.

The Defence and Veterans Legal Service is independent and separate from the Royal Commission, the Department of Defence, and the Department of Veterans' Affairs. Any conversation between you and a lawyer will be confidential and protected by legal privilege.