



PRACTICE GUIDELINE 1

GENERAL GUIDANCE

Part A

Introductory matters

1. This Practice Guideline relates to the conduct of the Royal Commission into Aged Care Quality and Safety (**Royal Commission**). It should be read in conjunction with the *Royal Commissions Act 1902* (Cth) (**Act**) and the terms of reference contained in the Letters Patent establishing the Royal Commission dated 6 December 2018.
2. This Practice Guideline sets out general guidance about the procedures the Royal Commission will follow. Further practice guidelines may be published in due course.
3. Where the Royal Commission thinks it appropriate, this Practice Guideline and any future practice guidelines may at any time be varied, changed or replaced.

Part B

Providing information

4. The Royal Commission invites submissions from all people and organisations with information or documents relevant to any of the matters contained in the terms of reference.
5. People¹ who wish to provide the Royal Commission with information relevant to the Royal Commission's terms of reference should contact the Royal Commission through the [online submission page](#), which can be accessed at the 'Submissions' page on the Royal Commission's website. If you require assistance or are unable to use the online form, please email ACRCnotices@royalcommission.gov.au to make alternative arrangements. If you are unable to communicate by email, please phone the Royal Commission on 1800 960 711 (between 8:00am-8:00pm AEDT Monday-Friday except on public holidays), or write to us at GPO Box 1151 Adelaide SA 5001.

¹ A reference to a 'person' or 'people' in this Practice Guideline includes a body politic or body corporate as well as an individual.

Part C

Method of communication with the Royal Commission

6. Any person wishing to provide the Royal Commission with information relevant to the Royal Commission's terms of reference should follow the procedure set out in paragraph 5 above. All contact with the Royal Commission regarding this Practice Guideline should be made by email to ACRCnotices@royalcommission.gov.au. The Royal Commission will assume that all communications from the Royal Commission to another person may be directed to the email address or postal address from which that person's communication to the Royal Commission was received, unless that person has specified another email address or postal address as their contact.

Part D

Hearings

7. The Royal Commission will hold a preliminary hearing on 18 January 2019. The hearing will be held at Court Room 11, Roma Mitchell Commonwealth Law Courts Building, 3 Angas Street, Adelaide, South Australia.
8. No witnesses will be called at the preliminary hearing and no applications for leave to appear will be heard or determined.
9. The Royal Commission has issued Practice Guideline 3 in relation to leave to appear and witnesses at later hearings.
10. As the Royal Commission determines its program of public hearings, the program will be published on its website and in the media. Details of upcoming public hearings will include the scope of the hearings.

Part E

Production of documents

11. The following relates to the production of documents to the Royal Commission, whether in answer to a Summons, a Notice to Produce or otherwise. A person's obligations in relation to the production of documents in response to an exercise of the Royal Commission's powers under the Act are governed by the Act, other legislation and the general law, and nothing in the Practice Guidelines modifies those obligations.
12. The Royal Commission will require documents be produced electronically, unless a Summons or Notice to Produce specifies that hard copy documents are required to be produced. Any person seeking to produce documents in hard copy format should communicate in advance with the Royal Commission.

13. Persons producing large numbers of electronic documents should refer to the Royal Commission's [Document Management Protocol](#). Persons producing documents in accordance with the Document Management Protocol should contact the Royal Commission at ACRCnotices@royalcommission.gov.au prior to production to confirm the Party Codes available for use. Persons who have concerns about complying with the Document Management Protocol should contact the Royal Commission at ACRCnotices@royalcommission.gov.au.
14. In circumstances where persons are producing only a small number of electronic documents and do not propose to use a document management database, all electronic documents should be produced electronically in their original format. That is, in the file format in which they exist on the system or systems of the person producing the documents. For example, Microsoft Outlook emails are to be produced as .msg files and Microsoft Word documents are to be produced as .doc or .docx files.
15. Where an electronic copy does not already exist, hard copy material should be scanned and rendered directly to Portable Document Format (PDF). Such renderings should be machine-readable and word-searchable.
16. Persons producing electronic documents must ensure they produce all parts of the document. For example, where the electronic file is an email chain, all parts of that chain should be produced, and where the electronic file is an email with an attachment, both the email and its attachment should be produced.
17. Persons required to produce electronic documents should not convert the original electronic documents to paper for the purposes of production.
18. Persons required to produce hard copy documents should produce a *copy* of the original hard copy document, unless specifically required to produce the original document.

Part F

Production of information and statements in writing

19. The following relates to the production of information and statements in writing to the Royal Commission in answer to a 'Notice to Give Information' or a 'Statement in Writing'.²
A person's obligations in relation to the production of information or a statement in writing in response to an exercise of the Royal Commission's powers under the Act are governed by the Act, other legislation and the general law, and nothing in this Practice Guideline modifies those obligations.

20. This Part should be read together with Practice Guideline 4 and Practice Guideline 5.
21. Where the Royal Commission requires information or a statement in written form a notice will be issued. A person who receives a notice is to address the matters detailed in the Schedule to the notice by the time and date specified in the notice.
22. The Royal Commission will require information and statements in writing to be produced electronically, unless a notice specifies that a hard copy is required to be produced. Any person seeking to produce in hard copy format should communicate in advance with the Royal Commission.

Part G

Confidentiality

23. Where a person wishes to claim confidentiality in respect of any information or documents provided to the Royal Commission, and wishes to apply for a direction to be made pursuant to s 6D(3) of the Act, the following procedure applies.
24. The person should clearly denote the pages, or the part of the page, containing information or documents over which confidentiality is claimed in the following way as applicable:
 - a. Where a person is producing documents pursuant to the Document Management Protocol, they should follow the procedures in the Document Management Protocol for the designation of confidential information.
 - b. In all other cases:
 - i. where confidentiality is claimed over an entire document, the document should be marked clearly with the word 'Confidential' on the first page of the document and all following pages;
 - ii. where confidentiality is claimed over particular pages in a document, those pages should be marked clearly with the word 'Confidential'; and
 - iii. where confidentiality is claimed over part of a page or particular words or phrases in a document, the relevant parts of the page or words or phrases in the document should be identified to the Royal Commission.

² See s 2(3C) of the Act.

25. The person should provide an accompanying note stating with particularity:
 - a. the basis for the claim of confidentiality and the direction sought; and
 - b. to whom confidentiality is said to be owed.
26. The Commissioners will:
 - a. maintain confidentiality over the subject matter of the application pending the determination of the application;
 - b. decide the application on the papers or notify the person or their representative if a hearing is required prior to such a decision being made; and
 - c. notify the person or their representative in writing of the decision.

Part H

General

27. A transcript of each public hearing will be placed on the Royal Commission's website as soon as possible after it becomes available, subject to any order of the Royal Commission to the contrary.
28. Media Guidelines for public hearings will be published on the Royal Commission's website. Members of the media should refer to those guidelines for further information on publication and access to evidence.
29. Nothing in this Practice Guideline should be taken as limiting the Royal Commission's powers, whether at the request of any person or on the Royal Commission's own initiative, to treat any material or information as confidential and to take any steps in respect of the preservation of such confidentiality.

The Honourable Richard Tracey AM RFD QC
Commissioners

Ms Lynelle Briggs AO

17 January 2019