PRACTICE GUIDELINE 1

GENERAL GUIDANCE

Part A

Introductory matters

1. This Practice Guideline (Guideline) is about the conduct of concurrent Royal Commissions into Violence, Abuse, Neglect and Exploitation of People with Disability established under Letters Patent of the Commonwealth and relevant States (collectively, the Royal Commission). This Guideline should be read together with the Royal Commissions Act 1902 (Cth), the relevant State Acts and the terms of reference contained in the Letters Patent.

2. This Guideline sets out general guidance about the procedures the Royal Commission will follow. Further practice guidelines dealing with more specific issues (for example, the conduct of hearings) will be published in due course.

3. This Guideline and any future practice guidelines may be varied or replaced at any time as the Royal Commission thinks appropriate.

4. If you would like help dealing with the Royal Commission, please:
   a. call us on 1800 517 199 (between 9:00am-5:00pm AEDT Monday-Friday except on public holidays); or
   b. email us at DRCenquiries@royalcommission.gov.au; or
   c. write to us at GPO Box 1422 Brisbane QLD 4001.

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1 Letters Patent dated: 4 April 2019 (Cth), 17 April 2019 (NSW), 20 May 2019 (Tas), 4 June 2019 (Vic), 20 June 2019 (SA), 27 June 2019 (Qld) and 20 August 2019 (WA).

2 The relevant State Acts establishing the Royal Commission include the Royal Commissions Act 1923 (NSW), Commissions of Inquiry Act 1950 (Qld), Royal Commissions Act 1917 (SA), Commissions of Inquiry Act 1995 (Tas), Inquiries Act 2014 (Vic) and Royal Commissions Act 1968 (WA).


4 If you would like to use the National Relay Service to call us, please phone 133 677.
Part B
Definitions
5. The Royal Commission has defined a number of key words used in the terms of reference. The following definitions are intended to guide people with disability, stakeholders, and other interested parties in their dealings with us, including when making submissions, responding to requests or notices to produce documents, providing information, and participating in our hearings and consultations:

violence and abuse include assault, sexual assault, constraints, restrictive practices (physical and chemical), forced treatments, forced interventions, humiliation and harassment, financial and economic abuse and significant violations of privacy and dignity on a systemic or individual basis.

neglect includes physical and emotional neglect, passive neglect and wilful deprivation. Neglect can be a single significant incident or a systemic issue that involves depriving a person with disability of the basic necessities of life such as food, drink, shelter, access, mobility, clothing, education, medical care and treatment.

exploitation means the improper use of another person or the improper use of or withholding of another person’s assets, labour, employment or resources including taking physical, sexual, financial or economic advantage.

Part C
Providing information and submissions
6. 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.\(^5\)

7. If you would like to provide the Royal Commission with a submission please contact us through the Submissions page\(^6\) on our website.\(^7\) An Easy Read version of the form is also available on the website. If you need help or would prefer not to use the online form, please

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\(^7\) The Royal Commission’s website is available at https://disability.royalcommission.gov.au/Pages/default.aspx.
email DRCenquiries@royalcommission.gov.au to let us know. If you are unable to or do not want to communicate by email, please:

a. call us on 1800 517 199 (between 9:00am-5:00pm AEDT Monday-Friday except on public holidays);\(^8\) or

b. write to us at GPO Box 1422 Brisbane QLD 4001.

8. Please tell the Royal Commission if you are, or a person you are assisting is:

a. in a situation where it may be difficult to provide a submission, information or documents to the Royal Commission, for example if you are living in a place where there is no trusted person available to help you;

b. a First Nations Person and would like assistance to provide a submission, information or documents to the Royal Commission;

c. from a culturally or linguistically diverse background and would like assistance to provide a submission, information or documents to the Royal Commission;

d. in a juvenile justice detention centre, correctional centre or other secure residential facility and would like assistance to provide a submission, information or documents to the Royal Commission;

e. interested in talking to the Royal Commission together with other people you know who have had similar experiences; and/or

f. concerned, for any other reason, about providing the Royal Commission with a submission, information or documents.

9. Please tell the Royal Commission if you have, or a person you are assisting has, provided any information or statements to another inquiry or been a witness before another inquiry, and if so:

a. provide the Royal Commission with the material provided to that other inquiry; or

b. authorise the Royal Commission to ask the other inquiry for that material.

10. Please tell the Royal Commission if you have previously signed a confidentiality agreement but you would like to tell us about your experience.

\(^8\) If you would like to use the National Relay Service to call us, please phone 133 677.
11. If you want to make a confidential submission, please contact the Royal Commission so that we can refer you to the legal advisory service.

12. The Royal Commission can give information provided to it to law enforcement bodies. Generally, we will ask you to agree to information you have provided being given to law enforcement bodies. We will only disclose information that you provide without first discussing the matter with you if the Chair of the Royal Commission believes that disclosure is necessary to prevent harm to any person. A list of the bodies to which we can communicate information is set out in s 6P of the Royal Commissions Act 1962 (Cth).

Part D
How to communicate with the Royal Commission

13. The Royal Commission will communicate with you in the way that bests suits you. Please tell us about any supports that you need.

14. Please tell the Royal Commission if you would like to have a support person communicate with us for you or have that support person included in your communications with us (whether over the telephone, in writing or other forms of communication).

15. The Royal Commission will communicate with you using the email address or postal address from which you communicated with us. Please let us know if you would like us to use a different email address or postal address.

Part E
Confidentiality

16. If you want to make a confidential submission please contact the Royal Commission so that we can refer you to the legal advisory service.

17. Please tell the Royal Commission if you have previously signed a confidentiality agreement but you would like to tell us about your experience.
18. If you want to claim confidentiality over documents or parts of documents you provide to the Royal Commission, please clearly identify the document(s), the pages, or part(s) of the page(s), containing the confidential information in the following way (as applicable):

   a. If you are producing documents in accordance with the Document Management Protocol, set out in Part 4 of the Document Production Guideline, you should follow the procedures set out in that Protocol for the identification of confidential information.

   b. In all other cases:

      i. if you want to claim confidentiality over an entire document, please clearly mark the document with the word ‘Confidential’ on the first page of the document and on all following pages;

      ii. if you want to claim confidentiality over particular pages in a document, please clearly mark those pages with the word ‘Confidential’; and

      iii. if you want to claim confidentiality over part of a page or particular words or phrases in a document, please clearly identify the relevant parts of the page or words or phrases as confidential.

19. If you need any help marking your document(s) as confidential, please:

   a. call us on 1800 517 199 (between 9:00am-5:00pm AEDT Monday-Friday except on public holidays); or

   b. email us at DRCenquiries@royalcommission.gov.au; or

   c. write to us at GPO Box 1422 Brisbane QLD 4001.

20. If you want to claim confidentiality over a document or parts of a document, please provide an accompanying note stating:

   a. why the relevant information or document is confidential;

   b. whether the confidential information is yours or someone else’s, and, if it is someone else’s, who that other person or entity is; and

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9 The Royal Commission will separately publish the Document Production Guideline.

10 If you would like to use the National Relay Service to call us, please phone 133 677.
c. that you would like the Royal Commission to make a direction under the relevant legislation to keep the information or document in question confidential.

21. In deciding whether to grant your claim for confidentiality, the Royal Commission will consider whether the public interest in revealing the information is outweighed by the public interest in not publishing the information.

22. The Royal Commission will:
   a. treat the information or document as confidential until it decides your application for a confidentiality direction;
   b. decide the application based on the material you have provided, or tell you or your representative if we want to hear from you or any other person before we make our decision; and
   c. notify you or your representative in writing of its decision.

23. Nothing in this practice guideline should be understood as limiting the Royal Commission’s powers, whether at the request of any person or on our own initiative, to treat any submission, information or document as confidential, and to take any steps to keep such submissions, information or documents confidential.

Part F
Production of documents

Introduction

24. This Part applies if you are required to provide documents to the Royal Commission (whether in answer to a Summons or a Notice to Produce) or are voluntarily providing documents.

25. The Royal Commission has published a Document Production Guideline, which provides further detail about producing documents to the Royal Commission.

26. If you need help producing documents or need help with the Document Production Guideline, please email DRCnotices@royalcommission.gov.au. If you are unable to or do not want to communicate by email, please:
a. call us on 1800 517 199[^11] (between 9:00am-5:00pm AEDT Monday-Friday except on public holidays); or

b. write to us at GPO Box 1422 Brisbane QLD 4001.

27. Obligations in relation to the production of documents in response to a Summons or a Notice to Produce are governed by the relevant legislation and the general law. Nothing in the practice guidelines or the Document Production Guideline changes those obligations.

28. Generally, the Royal Commission would prefer that documents are produced electronically. If you are required to produce documents that you hold electronically (for example, on a computer or electronic storage device, such as a hard drive or USB) please do not print the documents for the purposes of production.

29. The Royal Commission has published information about what happens if you accidentally provide legally privileged documents to it in Part 2 of the Document Production Guideline.

If you are producing documents electronically

30. If you are producing electronic documents, please produce all parts of the document. For example, where the electronic file is an email chain, please produce all parts of that chain, and where the electronic file is an email with an attachment, please produce both the email and its attachment.

31. Unless the Royal Commission has asked you to, or agreed that you may, produce electronic documents in another way, please produce your electronic documents by uploading them to the Royal Commission’s file sharing platform.[^12]

32. If you are unable to or prefer not to use the file sharing platform, and the Royal Commission has asked you to, or has agreed that you may, please produce your documents on a hard drive, USB, CD or DVD (or similar electronic media). Please deliver your documents in the relevant format to an address nominated by the Royal Commission. If you do not know where to deliver your electronic documents, please contact the Royal Commission using any of the methods set out in paragraph 26 above to confirm the correct address.

[^11]: If you would like to use the National Relay Service to call us, please phone 133 677.

[^12]: The Royal Commission will provide instructions about how to access and upload files to the secure file sharing platform. If you have not received these instructions, and want to provide files using this platform, please email DRCnotices@royalcommission.gov.au.
33. If you have encrypted the electronic documents you are producing in any way, please use the same password or encryption code for all protected files and/or electronic media.

*If you are producing documents electronically but do not have access to a document management database*

34. You should only produce documents in accordance with paragraph 35 if:

   a. you *do not* have access to a document management database (for example, Ringtail or Relativity); and

   b. the Royal Commission has asked you to, or agreed that you may produce electronic documents in another way.

35. If you are producing electronic documents and you do not have access to a document management database (for example, Ringtail or Relativity), please produce all electronic documents in their original or native format. For example, Microsoft Outlook emails should be produced as .msg files and Microsoft Word documents should be produced as .doc or .docx files.

*If you are producing documents using a document management database*

36. If you have access to a document management database (for example, Ringtail or Relativity), please refer to Part 4 of the Document Production Guideline.

*If you are producing hard copy documents*

37. If you have hard copy documents to produce, if possible, please scan those documents to Portable Document Format (PDF) for production to the Royal Commission. PDF documents should be machine-readable and word-searchable.

38. If you are unable to scan hard copy documents and you would like to produce documents in hard copy format, please contact the Royal Commission by:

   a. calling us on 1800 517 199\(^{13}\) (between 9:00am-5:00pm AEDT Monday-Friday except on public holidays); or

   b. emailing us at [DRCenquiries@royalcommission.gov.au](mailto:DRCenquiries@royalcommission.gov.au); or

   c. writing to us at GPO Box 1422 Brisbane QLD 4001.

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\(^{13}\) If you would like to use the National Relay Service to call us, please phone 133 677.
39. You should produce a copy of the hard copy document unless the Royal Commission specifically asks you to produce an original document.

Part G

Production of information and statements in response to a notice

40. Part G is about producing information and statements to the Royal Commission when responding to a notice to give information or to provide a statement. Obligations relating to producing information or a statement in response to a Notice to Produce or Summons are governed by the relevant legislation and the general law. Nothing in the practice guidelines changes those obligations.

41. The Royal Commission will issue a notice to you if it requires you to produce information or a statement. If you receive a notice, please address the matters detailed in the Schedule to the notice by the time and date specified in the notice. If you cannot respond to the notice by the time and date specified in the notice, please contact us by any method set out in paragraph 38 above.

42. The Royal Commission will generally require information and statements to be produced electronically. A notice will specify if you are required to produce a hard copy or other format. We may require statements to be produced in accessible form(s).

43. The Royal Commission will issue further practice guidelines about witness statements, including about receiving statements in other formats.

Part H

Private sessions

44. The Royal Commissions Act 1902 (Cth) has been amended to authorise the Royal Commission to hold private sessions. Please tell us if you would like to share your experience (relevant to any of the matters contained in the terms of reference)\(^\text{14}\) with the Royal Commission in a private session. A private session will be less formal than a public hearing.

45. The Royal Commission will issue a further practice guideline about how private sessions will be conducted.

Part I
Hearings
46. The Royal Commission will hold an opening hearing on 16 September 2019. The hearing will be held at the Brisbane Convention and Exhibition Centre, Cnr Merivale and Glenelg Streets, South Bank Brisbane, Queensland.

47. No witnesses will be called at the opening hearing and no applications for leave to appear will be heard or determined.

48. The Royal Commission will issue further practice guidelines about the conduct of later hearings and witnesses.

49. The details, subject matter and scope of upcoming public hearings will be published on the Royal Commission’s website and in the media.

Part J
Publication of transcripts
50. The Royal Commission will publish a transcript of each public hearing on our website as soon as possible after the transcript becomes available, subject to any order of the Royal Commission to the contrary.\(^{15}\)

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\(^{15}\) Transcripts will also be available in accessible form.
Part K

Media Guidelines

51. The Royal Commission will publish Media Guidelines for public hearings on its website. Members of the media should refer to those guidelines for further information on publication and access to evidence.

[Signature]

The Honourable Ronald Sackville AO QC
Chair

Date Issued: 12 September 2019