



Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

PRACTICE GUIDELINE 1

Published 22 January 2018

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Part A

Introductory matters

1. This Practice Guideline relates to the conduct of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (“the Royal Commission”). It should be read in conjunction with the *Royal Commissions Act 1902* (Cth) (“the Act”) and the Terms of Reference contained in the Letters Patent establishing the Royal Commission dated 14 December 2017.
2. This Practice Guideline sets out general guidance about the procedures the Royal Commission will follow relating to the conduct of the Royal Commission. 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 persons with information or documents relevant to any of the matters contained in the Terms of Reference.
5. People and organisations 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 ‘Public submissions’ page on the Royal Commission’s website. If you require assistance or are unable to use the online form, please email FSRCenquiries@royalcommission.gov.au to make alternative arrangements. If you are unable to communicate by email, please phone the Royal Commission on 1800 909 826.



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 FSRCSolicitor@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

Initial public hearing

7. The Royal Commission will hold an initial public hearing at 10am on 12 February 2018 in Melbourne. The hearing will be held at Level 6, 11 Exhibition Street in Melbourne.
8. It is not anticipated that any applications for leave to appear will be heard or determined at the initial public hearing. The Royal Commission proposes to issue a further practice guideline in relation to leave to appear.
9. As the Royal Commission determines its program of public hearings, it 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

10. 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 this Practice Guideline modifies those obligations.



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11. The Royal Commission will require that 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.
12. 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 FSRCSolicitor@royalcommission.gov.au prior to production to confirm the Party Codes available for use.
13. 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.
14. Where an electronic copy does not already exist, hard copy material should be scanned and rendered directly to Portable Document Format (PDF) that is machine-readable and word-searchable.
15. 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.
16. Persons required to produce electronic documents should not convert the original electronic documents to paper for the purposes of production.
17. Persons required to produce hard copy documents should produce a copy of the original hard copy documents.



Part F

Confidentiality

18. 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 section 6D(3) of the Act, the following procedure applies.
19. 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 highlighted in light blue highlight, and any page containing confidential information should be marked clearly with the words 'Contains confidential information'.
20. 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.



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21. The Commissioner 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 Commissioner's decision.

Part G

General

22. 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.
23. 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.
24. 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.

Kenneth Hayne
Commissioner

6 February 2018