

# Practice Guideline 1 – General Guidelines

## What is a Royal Commission

1. A Royal Commission is an official inquiry which is set up by the Governor- General of the Commonwealth, or the Governor of a State, issuing what are called Letters Patent to the Royal Commissioner. The Letters Patent contain Terms of Reference which define the scope of the inquiry to be undertaken by the Royal Commission. This Royal Commission was established by Letters Patent issued by the Governor under the *Royal Commissions Act 1917(SA)* (The Royal Commissions Act).
2. Royal Commissions in South Australia have special powers, including the power to compel the production of books, papers, documents and records. A Royal Commission can also gather information in a variety of ways, including receiving submissions from interested parties, undertaking research projects and holding hearings.

## The approach of the Royal Commission into Early Childhood Education and Care

3. In recent years in South Australia, Royal Commissions have taken place to inquire into a problem or to look at when something has gone wrong. This isn't the case for the Royal Commission into Early Childhood Education and Care (the Royal Commission). Instead, this is an opportunity to propose new solutions. This Royal Commission is not looking back at the problems of the past but will hear expert evidence and the views of families to provide advice to the government on delivering a high quality early years system that is fit for the future. The Royal Commission will have an inquisitive, rather than an adversarial approach.

## Guidelines about the conduct of this Royal Commission

4. This Practice Guideline (Guideline) is about the conduct of the Royal Commission. This Guideline should be read together with the Royal Commissions Act and the terms of reference contained in the Letters Patent establishing the Royal Commission.<sup>1</sup>
5. This Guideline sets out general guidance about the practice and procedures of the Royal Commission in conducting its inquiry.

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<sup>1</sup> The Letters Patent for this Royal Commission, containing the terms of reference, are available on the Royal Commission's website at [www.royalcommissionecec.sa.gov.au](http://www.royalcommissionecec.sa.gov.au)



6. The Royal Commission may vary or replace this Guideline at any time as appropriate.
7. The Royal Commission will also publish other guidelines dealing with more specific aspects of the Commission's inquiry, including:
  - a. Conduct of Hearings
  - b. Conduct of Stakeholder Roundtable Sessions.
8. These Guidelines will reflect the approach of this Royal Commission as described at paragraph 3.

### **Communicating with the Royal Commission**

9. Any person wishing to provide the Royal Commission with information relevant to the Commission's terms of reference should follow the procedure set out in paragraph 13, below.
10. Unless otherwise specified, all contact with the Royal Commission regarding this Practice Guideline should be made by email to [RoyalCommissionECEC@sa.gov.au](mailto:RoyalCommissionECEC@sa.gov.au). If you do not have access to email please call 7322 7034.

### **Making a submission to the Royal Commission**

11. The Royal Commission wants to hear from all people and organisations with Information or documents relevant to any of the matters contained in the Terms of Reference.<sup>2</sup>
12. A submission is the main way that people and organisations can provide information to the Royal Commission.
13. Any person who wishes to provide the Royal Commission with information relevant to the Commission's terms of reference should contact the Royal Commission through the online submission page which can be accessed via the Commission's website Royal Commission into Early Childhood Education and Care.
14. The Royal Commission will issue two formal calls for submissions. These will include guiding questions to support the Commission's inquiries. The first call for submissions was issued on 25 November 2022. A further call for submissions will be issued in

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<sup>2</sup> The Terms of Reference can be located on the Commission's website: <https://www.royalcommissionecec.sa.gov.au/what-is-the-royal-commission/about/>



March 2023. Formal submissions to the Royal Commission can be lodged at any time up until 19 May 2023.

15. When received, submissions are carefully considered by the Royal Commission's policy and legal staff and are used to inform the Commission's work. The Commission may contact some individuals or organisations who have made submissions. The Royal Commission will not contact everyone who makes a submission but will ensure that all submissions are recorded and reviewed.
16. If you provide a submission to the Royal Commission, you may be asked to be a witness at a hearing, where you would present your information as evidence. You do not have to be a witness at a hearing if you do not want to.
17. If you provide a submission to the Royal Commission and the Commission determines to call you as a witness at a hearing, you may be asked to provide further information prior to the hearing by way of a written submission or to meet with Counsel Assisting and other Commission staff prior to the hearing.

### **Meetings in relation to Formal Submissions**

18. Individuals or organisations who would like to meet in relation to their written submissions, prior to or following formal submission, are welcome to contact the Royal Commission. Commission staff are available to meet and assist individuals or organisations to clarify what they would like to contribute and how their contribution relates to the Terms of Reference. Commission staff will not debate the merits of any proposed contribution and will not be able to provide any indication as to how the written submission will ultimately be used by the Royal Commission.

### **Confidentiality and Formal Submissions**

19. Formal submissions to Royal Commissions are usually published. For example, the Commission may publish submissions, or excerpts of submissions, in the interim or final reports, as well as on the website. Should you wish for all or part of your written submission to be treated as confidential please indicate this clearly on the submission form and the Commission will consider your request.<sup>3</sup>
20. Notwithstanding any request for confidentiality, the Royal Commission reserves the right to subsequently release and otherwise make use of any written submissions

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<sup>3</sup> Formal submissions are to be uploaded via the Royal Commission website:  
<https://www.royalcommissionecec.sa.gov.au/submissions>



submitted during the course of the Commission, where it deems this to be appropriate. Affected persons or organisations will be contacted prior to any such use or publication.

### **Stakeholder roundtables and public hearings**

21. Consistent with the forward-focused policy mandate approach taken by this Royal Commission, the focus will be on gathering evidence in a way that supports open and constructive dialogue with people working in and on the early childhood education and care system.
22. The Royal Commission will hold a series of stakeholder roundtable sessions with people working in or who are experts on the early childhood education and care sector.
23. The Royal Commission will also hold hearings in January, March and May 2023 (noting these dates may be varied due to circumstances).
24. As the Royal Commission determines its program of stakeholder round table sessions and hearings, details will be published on its website. This will include guiding questions for submissions and the scope and subject matter of hearings.
25. The Royal Commission will publish Guidelines in relation to the conduct of stakeholder roundtable session and hearings (including appearing as a witness).

### **Summons to provide information**

26. As noted above, the Royal Commission has the power to require an individual or organisation to provide information. This includes production by way of books, papers, documents and records. If the Royal Commission wishes to require an individual or organisation to provide it with such material, it will issue a document called a summons.
27. Prior to issuing a summons an official from the Royal Commission may have discussions with an individual or organisation about the sort of information being sought. A written 'request for information' may be issued in the first instance. This is a request for the voluntary provision of information or documents. In some circumstances a summons will also be issued, even where the individual or organisation has indicated that they are willing to provide the information or documents sought voluntarily.





28. If you receive a summons, please address the matters in the Schedule to the Summons by the time and date specified in the Summons. If you cannot respond to the summons by the time and date specified, please contact us at [RoyalCommissionECEC@sa.gov.au](mailto:RoyalCommissionECEC@sa.gov.au).
29. Legislation governs the obligations of persons and organisations who are served with a summons to provide information. Nothing in this practice guideline changes those obligations.

### **Production of documents**

30. The following relates to the production of information to the Royal Commission, whether in answer to a summons or otherwise.
31. Generally, the Royal Commission will require that materials are produced electronically.
32. Requests for information, either by way of an initial request for voluntary production, or by way of a summons, will be accompanied by directions with respect to the electronic provision of those materials to the Royal Commission. If the material being produced exceeds the specified data quantity please contact the Royal Commission to discuss an alternative method of production.
33. Any person seeking to produce documents in hard copy as opposed to electronically should communicate in advance with the Royal Commission.

### **Electronic documents**

34. 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.
35. 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.
36. Persons required to produce electronic documents should not convert the original electronic documents to hard copy for the purposes of production.



## Hard copy documents

37. Where an electronic copy does not already exist, hard copy should be scanned and rendered directly to Portable Document Format (PDF) that is machine-readable and word-searchable.
38. Multiple documents should be scanned as separate PDF files. Please do not scan multiple documents into a single PDF file.
39. If you are unable to scan hard copy documents please contact the Royal Commission.

## Confidentiality

40. If you wish to claim confidentiality over an entire document produced, please clearly mark the document with the word 'confidential' on the on the first page of the document and on all following pages.
41. If you wish to claim confidentiality over particular pages in a document, please clearly mark those pages with the word 'confidential'.
42. If you wish 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.
43. Additionally, 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.
44. In deciding whether or not to publish information that you have identified as confidential, the Royal Commission will consider the public interest in protecting the information identified and balance it against any potential public interest in disclosing that information.

## Privilege or other Immunity

45. In the event you are producing a document where you wish to claim legal professional privilege (LPP) or parliamentary privilege over part of the document please still provide the document and redact the relevant parts of the document over which you wish to make a claim.

