



## Practice guideline number 2: Production of documents and other material

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### Part A – Introductory matters

1. This Practice Guideline relates to the production and use of documents and other information as part of the work of the Child Safety Commission of Inquiry. It should be read in conjunction with the *Commissions of Inquiry Act 1950* (Qld) and the Terms of Reference contained in the *Commissions of Inquiry Order (No. 1) 2025* made 16 May 2025.
2. The Commissioner may require persons (including individuals, organisations, government departments or agencies) to provide documents to the Commission. This Practice Guideline is designed to facilitate the prompt delivery of documents to the Commission by ensuring that all persons required to produce documents, and the public, are aware of and understand the Commission's procedures for the provision of documents to the Commission and how it will treat such documents.
3. This Practice Guideline and any future practice guidelines may at any time be varied, changed or replaced. The Commissioner may, at any time, dispense with compliance with this Practice Guideline if he considers it appropriate to do so, subject to the Act and the Order.

### Part B – Production of documents

#### Definitions

4. In this Practice Guideline:

**Act** means the *Commissions of Inquiry Act 1950* (Qld).

**Commission** means this Commission of Inquiry into Child Safety pursuant to *Commissions of Inquiry Order (No. 1) 2025*.

**Notice** means a written requirement of the Commissioner that a person produce to the Commission any books, documents, writings and records or property or things in the person's custody or control or give written information to the Commission under section 5(1) of the Act.

**Summons** means a written requirement of the Commissioner that a person attend before the Commission to give evidence, provide information, or answer questions under section 5(1) of the Act.



**Non-Publication Order** means an order, issued by the Commission under section 16 of the Act prohibiting the publication of any evidence before it or the contents of any Document.

**Document** means any information of any description that is recorded, whether in paper or electronic form, and includes, but is not limited to, reports, reviews, board/committee minutes, meeting/attendance notes, manuscript notes, memoranda, circulars, governing/constitutional documents, contract documents, legislation, letters/emails (internal and external), SMS and other instant messages, information from websites, guides/codes of conduct, policy documents/statements, articles, photographs, video and audio recordings, physical evidence, witness statements and their exhibits.

### Procedure for producing documents

5. A person's obligations in relation to the production of Documents, books, writings and/or recordings in response to an exercise of the Commissioner'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.
6. Generally, the Commission will first approach the person with a request for documents (which may include a request for a witness statement to be prepared) pursuant to a written Notice or Summons issued in accordance with section 5(1) of the Act. Before issuing a Notice or Summons, the Commission may, where possible and appropriate to do so, consult with the person on the content of a proposed Notice, including through provision of a draft Notice.
7. Persons producing documents, including their legal representatives, should provide documents requested by the Commission within the time limits specified in the relevant Notice. In the event that an extension of time is sought by the person the subject of the Notice or Summons, an application should be made as soon as possible to [secretariat\\_COICSS@childsafetyinquiry.qld.gov.au](mailto:secretariat_COICSS@childsafetyinquiry.qld.gov.au). Any grant of an extension (including its duration) is at the Commissioner's discretion.
8. Persons producing documents are required to undertake comprehensive, thorough and rigorous searches in response to a Notice or Summons. This includes searches of archived documents within the care and control of the person. Once the person has identified relevant documents in response to a Notice, every care should be taken to ensure that all such documents are preserved in their original form.

### Requirement for electronic documents unless otherwise stated

9. The Commission requires that documents be produced electronically, unless a Notice or Summons 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 Commission.



10. The Commission will maintain an electronic database using the Relativity platform that will contain, among other things, copies of all material produced to the Commission including material produced in response to a Notice, informal request for information or otherwise.
11. Any party who is to produce large volumes of material to the Commission is requested to contact the [secretariat\\_COICSS@childsafetyinquiry.qld.gov.au](mailto:secretariat_COICSS@childsafetyinquiry.qld.gov.au) 24 hours before the due date and time to be provided with a link and instructions on how to upload the requested material to Relativity.
12. 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.
13. 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.
14. 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.
15. Persons required to produce electronic documents should not convert the original electronic documents to paper for the purposes of production.
16. Persons required to produce hard copy documents should produce a copy of the original hard copy documents unless otherwise agreed to by the Commission. Where the original hard copy document is required to be returned to the person on the conclusion of the Commission process, this should be specified clearly in the response to the Notice.
17. The Commission requires that all documents be produced in a clean, native format without any redactions applied, unless Part C applies.
18. The Commission requires that an index be provided detailing the documents provided in response to the Notice.



## Part C – Claims of a reasonable excuse for not complying with a Notice (non-production)

19. The Commission acknowledges that there may be instances where a person required to produce a document wishes to make a claim not to produce all or part of a relevant document for a reasonable excuse (Reasonable Excuse Claim).
20. Reasonable excuse, in relation to any act or omission by a person served with a Notice and/or summoned to attend before the Commission, means an excuse which would excuse an act or omission of a similar nature by a person required to produce documents before a court or a person summoned to attend before a court of law.
21. A Reasonable Excuse Claim may include, but not be limited to:
  - a. Legal professional privilege (subject to any relevant exceptions, including public policy exceptions);
  - b. Parliamentary privilege; and/or
  - c. Public interest immunity.
22. If a person wishes to make a Reasonable Excuse Claim in response to a Notice, the following process is to be observed:
  - a. At the time of or prior to production of documents in response to the Notice, the person is to provide to the Commission an index identifying any documents over which a Reasonable Excuse Claim is made and must state the basis for each claim.
  - b. The Commission will consider whether such documents may assist it to fulfil its terms of reference, such that the document ought to be admitted into evidence, published, cited or otherwise referred to in the course of the Commission.
  - c. If the Commission considers that it may wish to utilise the document, it will notify the person and give an opportunity for the person to provide submissions of no more than two pages in length within a specified timeframe, but no later than 3 business days, in support of the claim for reasonable excuse, or otherwise withdraw the claim.
  - d. Where the Commission does not accept a document as being subject to a Reasonable Excuse Claim, and agreement cannot be reached between the Commission and the person as to how that document should be dealt with, it is open to the Commissioner or the person making the Reasonable Excuse Claim to make an application to the Supreme Court of Queensland for determination and relief.



## Part D – Conditional production despite a reasonable excuse for not complying with a Notice

23. If a person decides to produce a document or information that could properly be the subject of a Reasonable Excuse Claim to the Commission, while continuing to assert the Reasonable Excuse Claim, the following process is to be observed:
- a. At the time of production in response to the Notice, the person will:
    - i. identify any document or information over which a Reasonable Excuse Claim is being made and state the basis for each claim.
    - ii. note that, notwithstanding this Reasonable Excuse Claim, the person is conditionally providing a copy of the document or information to the Commission on the conditions set out in Part D of this Practice Guideline.
  - b. The document or information will be provided in electronic format in accordance with this Practice Guideline, unless is part of the official Cabinet record. In such instances, in accordance with the Cabinet Handbook an authorised paper copy of the document will be produced and issued for provision to the Commission, and Commission staff may not make a copy of an authorised copy of a document but may request further authorised copies, if necessary for its purposes.
  - c. The Commission may only use the document or information to consider whether it may assist the Commission to fulfil its terms of reference but will not otherwise use or disclose the document or information.
  - d. If the Commission considers it may wish to use or disclose the document or information, it will notify the person and give an opportunity for the person to provide submissions of no more than two pages in length within a specified timeframe, but no later than 3 business days, in support of the claim for reasonable excuse, or otherwise withdraw the claim.
  - e. Where appropriate, any use or disclosure will be accompanied by a suitable confidentiality undertaking from the other person as provided for under clause 28 of this Practice Guideline. Such undertaking should include a requirement that the other person notify the Commission of any intended use of the document or information in a public hearing, at which point the person who conditionally produced the document will be provided with an opportunity to make submissions (in a manner the Commission considers appropriate) regarding that intended use or disclosure.
  - f. Where the Commission does not accept a document as being subject to a reasonable excuse, and\or agreement cannot be reached between the Commission and the person as to how that document should be dealt with, it is open to the Commissioner or



the person making the Reasonable Excuse Claim to make application to the Supreme Court of Queensland for determination and relief.

- g. A person is not to be regarded as waiving, or failing to assert, a Reasonable Excuse Claim by the production of a document or information in accordance with this Practice Guideline.

## Part E – Non-Publication Orders

- 24. The Commission may order that any evidence given before it, or the contents of any book, document, writing or record produced at the Commission, shall not be published under s 16 of the Act (a Non-Publication Order).
- 25. Any person may make written submissions to the Commission, at any point, regarding whether the whole or part of a document before the Commission should be published.
- 26. On application by any person, or on its own initiative, the Commission may at any time order that any evidence given before it, or the contents of any book, document, writing or record produced at the Commission, shall not be published under s 16 of the Act (a Non-Publication Order).

## Part F – Disclosure and handling of documents by the Commission

- 27. Documents will be held securely when in the custody of the Commission and will be managed in accordance with the *Public Records Act 2023* (Qld). The Commission will maintain an electronic database that will contain, among other things, copies of all material produced to the Inquiry including material produced in response to a Notice, informal requests for information and all other documents obtained by the Inquiry.
- 28. Any person who produces documents and those granted leave to appear before the Inquiry may be required to sign confidentiality undertakings regarding information received during the course of the Inquiry. All disclosures made to those entities and individuals by the Inquiry will be subject to the undertaking until such time as the document is made public by the Inquiry, if publication occurs.
- 29. At the conclusion of the Inquiry, all documents and information will be transferred to the Queensland Department of Justice (DoJ). DoJ will take custody of and manage those records until they are transferred to Queensland State Archives or destroyed under the relevant retention and disposal schedule.

**Paul Anastassiou**

Commissioner

29 October 2025