



PROVIDING INFORMATION TO THE COMMISSION

Information for members of the public

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This document informs members of the public about the treatment of information they give to the Commission, including information provided by telephone, email, written submission or in consultations with the Commissioners and Commission staff.

Details about the treatment of information or evidence given at public hearings or at private sessions, will be provided separately.

WHAT PROTECTIONS DOES A PERSON HAVE IF THEY PROVIDE INFORMATION?

The Commission will respect the wishes of any person who wants to provide information privately to the Commission:

- **You can request anonymity**
You can request that your information be provided anonymously or under a pseudonym. The Commission will keep a record of your identity, but it will not name or identify you as being the source of any information that it decides to make public (including in its final report).
- **You can request confidentiality**
You can request that all or some of your information be provided confidentially. While your information may inform the Commission's work, the Commission will not publish confidential information or quote from it in its final report.

The Commission may still be required to disclose confidential information to police if it is required to do so by law (as discussed further below).

If you provide information to the Commission, you also have rights and protections under the *Commissions of Inquiry Act 1995* (Tas) (the Act):

- **Your employer cannot prejudice or dismiss you**
It is an offence for your employer to prejudice your employment or dismiss you because you give evidence or produce any document or thing to the Commission (or because of the content of that evidence, document or thing) (s 33(3) of the Act).
- **Others cannot try to prevent you from providing information to the Commission**
It is an offence for a person to intentionally prevent, or try to prevent, you from producing any document or thing to the Commission (s 33(1) of the Act).



- **Others cannot punish you or cause you damage, loss or disadvantage because you provide information to the Commission**

It is an offence for a person to punish you or cause you loss, damage or disadvantage because you give evidence or produce any document or thing to the Commission (or because of the content of that evidence, document or thing) (s 33(2) of the Act).

The evidence that a person provides to the Commission is not admissible in subsequent legal proceedings, except in very limited circumstances (s 21 of the Act). If you appear before the Commission, you will be given the same protections and immunities as a witness who appears before the Supreme Court (ss 8(5), 19B(2) of the Act). This includes being protected against defamation and negligence actions.

The Commission can also seek, receive or require the production of any information that is relevant to the Order establishing the Commission. It can do so by issuing informal requests (such as letters) or formal requests (such as Notices to Produce). A Notice to Produce is a formal request that requires a person to produce a document or prepare a statement for the Commission, subject to certain limitations.

If you have information you want to provide to the Commission but are worried about providing it, please contact the Commission to discuss your options.

WHAT HAPPENS TO INFORMATION THAT IS PROVIDED?

To ensure that all information is properly considered, the Commission will keep records of all information that it receives. These records may include notes, audio recordings, transcripts or copies of documents provided to it.

Sharing information with the public

The Commission may decide to publish some of the information that it receives, including by uploading it to the Commission's website or by referencing or including it in its final report.

The Commission will *not* make available to the public any names, addresses, schools, places of employment or other information that identifies, or is likely to lead to the identification of, any child, victim-survivor or witness unless the appropriate consents have been obtained or the Commission is otherwise legally required to do so.

Sharing information in specific circumstances

The Commission will seek to manage information that it receives in a way that appropriately protects those who provide it, but there are certain limited circumstances in which it may be necessary or appropriate for the Commission to share information with others.

Reporting abuse to the police

The *Criminal Code Act 1924* (Tas) requires anyone who reasonably believes that an abuse offence has been committed against a child to disclose it to a police officer (s 105A of the Criminal Code). This obligation is imposed on all members of the general public, including the Commission's staff.

A person does not, however, have to disclose information if:

- they have a 'reasonable excuse' not to do so, for example, if they fear that reporting the abuse would endanger the safety of a person other than the alleged perpetrator, such as a child



- the victim is now over the age of 18 and does not wish it to be reported, or
- the abuse has already been reported to an appropriate body, for example, the police.

The Commission's approach will always be to consider the safety and preference of children, victim-survivors, witnesses and other persons who provide information. The Commission will not report abuse if it fears that it would endanger any of these people (other than the alleged perpetrator).

The Commission will seek to consult with victim-survivors to confirm whether they want to report the abuse to a police officer. The Commission will seek to respect how victim-survivors want information about the abuse to be managed or disclosed.

Other permitted recipients

The Commission may share certain information with specific permitted recipients if the Commission considers it appropriate to do so (s 34A of the Act). For example, the Commission may share information with the Director of Public Prosecutions to assist with any relevant criminal prosecution.

Before disclosing information, the Commission may redact or remove any names, addresses, schools, places of employment or other information that identifies, or is likely to lead to the identification of, any child, victim-survivor or witness.

The information provided in this document is not legal advice. Please seek your own legal information if required.

Providing information to the Commission may be difficult, confronting and upsetting for some people. If you need to talk to someone, support is available from the services listed on the Commission's website.