

**DRAFT SECOND READING SPEECH**  
**HON ELISE ARCHER MP**

*Justice Miscellaneous (Independent Review Amendments) Bill 2022*

*\*check Hansard for delivery\**

Mr Speaker, I move that the Bill now be read a second time.

The Tasmanian Government does not condone any form or types of bullying or harassment in any workplace, and requires all Members and Ministerial staff to abide by standards of conduct necessary to ensure the integrity and ethical standards expected of a staff member in their role.

Our Government acknowledges that when it comes to preventing and dealing with workplace discrimination, workplace sexual harassment and workplace bullying, we must lead by example.

Any required changes to culture start with everybody accepting there is a need for change. It also requires all Members in this place to accept and acknowledge our duty as community leaders and that we share common values when it comes to promoting a positive and supportive culture.

This is why last year the Premier called for an independent review to be conducted on the practices and procedures of Parliament, Ministerial and electorate office workplaces.

The focus of this important review is to identify any gaps and potential improvements in existing policies and procedures, including complaint mechanisms, frameworks, and any cultural and structural barriers to reporting this conduct. This will ensure we have best practice policies and procedures in place to firstly, prevent or, if necessary, support and work through concerns should they arise.

In July 2021, the Premier, in consultation with Members of both Houses of Parliament, appointed Ms Sarah Bolt, Tasmania's Anti-Discrimination Commissioner, as the Independent Reviewer for the Independent Review into Parliamentary Practices and Procedures to Support Workplace Culture (the Review).

Importantly, Ms Bolt has said she is undertaking the Review under safe and supportive conditions to ensure trust and foster open engagement.

In order to support and strengthen this work, Ms Bolt has identified the need for discrete legislative amendments to ensure that every single staff member, former staff member or any other individual who wishes to make a submission to, or participate in, the Review can do so safely and confident in the knowledge that their privacy will be respected and they cannot be personally identified through participation in the Review.

Accordingly, this Bill contains important amendments to the Archives Act 1983 and the Right to Information Act 2009 to achieve that aim.

The changes outlined in this Bill are limited to the purpose of the Review, which aim to ensure that protections apply to prevent the inappropriate disclosure of information received in confidence by the Independent Reviewer, and to ensure the long term protection of the privacy of participants who have contributed to the Review.

Mr Speaker, I will now speak to the specific amendments contained in the Bill.

### ***Archives Act 1983***

Firstly, the Bill inserts a new section 16A into the *Archives Act 1983* which prohibits the State Archivist from making a record part of the Review that has been deposited with the Archives office available for inspection by members of the public for a period of 75 years after the record came into existence.

The 75 year prohibition on inspection of Review records deposited in the Archives Office aligns with the current maximum period that a State record can be a closed record under the Archives Act. The amendments to the Archives Act will provide participants with confidence that the information provided by them to inform the Review will be kept confidential for the maximum period of time available under the Archives Act.

The Bill specifies that the provisions inserted into the Archives Act prohibit records or information being made publicly available, including records created between the commencement of the Review on 27 July 2021 and commencement of the new section 16A. This ensures coverage of any information or responses made by participants received to date. This prohibition is strictly limited to Review records that are held by the State Archivist only.

The Bill also provides for an offence penalty of a maximum of 10 penalty units, in the event an Independent Review record is disclosed or inspected prior to the expiry of the 75 year period prohibition imposed on a relevant record. This penalty provision is consistent with existing penalties in the Archives Act that apply where a record's contents has been disclosed or divulged, contrary to a condition imposed under the Act.

### ***Right to Information Act 2009***

Mr Speaker, the Bill also inserts a new subsection (3) in section 6 of the *Right to Information Act 2009* (the RTI Act) to provide that information for the purposes of the Review is exempt from the disclosure requirements under the Act.

Importantly, the amendments in this Bill exempting all Review information from the operation of the RTI Act will only apply to information provided, or brought into existence, for the purposes of the Review.

The amendment does not seek to prevent members of the public from the right to obtain other information from the Government, Ministers or public authorities that they would otherwise be entitled to under the RTI Act.

In addition, any Review information, regardless of when it was provided, is exempt from future RTI applications. The Bill also clarifies that any application for Review information made before the commencement date is invalid.

Mr Speaker, this is not the first time such protections have been put in place, with similar disclosure exemptions put in place to support the important work of the current Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

In addition, in preparing the Bill my Department noted the similar protections put in place by the Australian Government to strengthen the confidentiality of information provided under the recent Independent Review into Commonwealth Parliamentary Workplaces.

Targeted stakeholder consultation has been undertaken, including providing the Committee Members with a draft version of the Bill for consideration and comment. I believe this to be an important step to ensure that the Committee, comprising Members of both Houses, that has been established to support the work of the Reviewer could be across the proposed changes to assist them with any work they will undertake to lead the implementation of any accepted recommendations upon the Review's completion.

I am pleased to advise that my Department has also worked closely with key stakeholders in the development of this Bill, including the Independent Reviewer and the State Archivist, who have indicated strong support for the approach taken with the amendments.

Mr Speaker, this is an important Bill that supports the work currently underway, which is why I have prioritised its progression through Parliament at the earliest opportunity.

Our Government recognises that due to the unique sensitivity of the information that may arise during the course of the Review, it is important that participants have the confidence they need to be able to come forward and share their stories with complete confidence that their experiences or personal information will not be released for public consumption.

Mr Speaker, I commend this Bill to the House.