

## Fact Sheet

### Commissions of Inquiry Amendment (Private Sessions Information) Bill 2025

The Tasmanian Government is committed to implementing reforms to assist victim-survivors of child sexual abuse, including by removing or reducing legal or administrative barriers where possible.

The draft Bill has been developed to support this commitment, the purpose of which is to remove barriers to individuals accessing the information they provided to or for a private session with the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (the Commission).

#### **What is a private session?**

Private sessions are confidential meetings where people can share their experiences with a Commission of Inquiry. These sessions are not 'evidence' for a Commission, but a protected way that a Commission can learn about a matter.

The Commission held more than 120 private sessions across 2021 – 2023, which they described in their Final Report as 'sessions with Commissioners'.

Private sessions were first introduced by the Commonwealth for the purposes of the *Royal Commission into Institutional Responses to Child Sexual Abuse* in 2013 to allow people to share some of their most confidential experiences.

The strict confidentiality and protections around private sessions are designed to encourage people to engage with a Commission and to provide a forum that is less formal or intimidating.

#### **What does the Bill do?**

Currently, the records of a private session cannot be provided back to the participant of a private session with the Commission – unless they, and any person they spoke or wrote about, consent to that information being disclosed.

This poses a significant barrier for people who are trying to access their own information that they provided to the Commission. People could have mentioned the names or actions of a number of different people, over many years, when sharing their experiences.

The Bill proposes to address this records issue, by making the following amendments to the *Commissions of Inquiry Act 1995*:

#### **New exception 19C(2)(da)**

Clause 4 of the Bill introduces the new subsection 19C(2)(da), which expands on the current list of exceptions provided for in section 19C(2) to the offence relating to a person recording, using or disclosing private sessions information provided for in section 19C(1).

The new subsection 19C(2)(da) operates to ensure that private sessions information can be disclosed back to the person who gave the information, without needing to obtaining the consent of each person referred to in the information.

To account for the possibility where a private session could be held with more than one participant, the Bill provides additional protections.

To ensure that any potential co-participant's identity is protected, the Bill requires the co-participant to consent to the disclosure. If they do not consent, their identity will be redacted.

This will provide a balance between protecting a co-participants identity, and ensuring that participants can receive a full record of their engagement in a private session – including any statements or information made available to them.

### Retrospectivity

Clause 2 of the Bill ensures that these amendments apply retrospectively to the records of the Commission, as well as any future Tasmanian Commission of Inquiry.

Retrospective application is explicitly provided for from 1 March 2021. This was the date of commencement of the *Justice Miscellaneous (Commissions of Inquiry) Act 2021*, which introduced private sessions into the Act prior to the establishment of the Commission on 15 March 2021.

This means that private sessions in the context of a Commission of Inquiry did not exist in Tasmanian law prior to 1 March 2021.