

Recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings – Information access and sharing legislative reforms

Rec #	Recommendation – in full	Status	Lead agency	Phase
12.5	<p>1. The Tasmanian Government should</p> <p>a. conduct an audit of allegations arising from</p> <p>i. claims made under the Abuse in State Care Program, the Abuse in State Care Support Service and the National Redress Scheme</p> <p>ii. civil claims in relation to Ashley Youth Detention Centre or the out of home care system</p> <p>iii. complaints regarding Ashley Youth Detention Centre or the out of home care system to identify any current or former staff in government institutions or carers in the out of home care system who are the subject of child abuse allegations, including child sexual abuse</p> <p>b. ensure the names and details of any staff or carers identified by the audit are added to the cross-government register of misconduct (including unsubstantiated allegations) concerning child sexual abuse (Recommendation 20.9)</p> <p>c. ensure all relevant information derived from the audit is provided to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the <i>Child and Youth Safe Organisations Act 2023</i>, disciplinary action is considered, and the current safety of children in institutions prioritised</p> <p>d. require the Department of Justice to</p> <p>i. pass on to the Department for Education, Children and Young People and other relevant departments as a matter of urgency the full details (rather than a summary) of any relevant National Redress Scheme application or claim under any future state redress scheme that the Department of Justice administers</p> <p>ii. make appropriate notifications to Tasmania Police, Child Safety Services, the Registrar of the Registration to Work with Vulnerable People Scheme and the Independent Regulator under the <i>Child and Youth Safe Organisations Act 2023</i> in relation to allegations in National Redress Scheme applications or claims under a future state redress scheme</p> <p>e. advocate at a national level to review the information-sharing framework in the <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> (Cth) and the National Redress Scheme's Operational Manual for Participating Institutions to</p> <p>i. ensure information about current risks to children is reported to police, child protection authorities, authorities responsible for registration to work with children and administrators of reportable conduct schemes in the timeliest manner and by the most appropriate entity</p> <p>ii. identify the most appropriate point in the process for the National Redress Scheme Operator to seek consent from applicants to share information with relevant authorities</p> <p>f. implement systems to enable future monitoring of National Redress Scheme applications, claims under any future state redress scheme and civil claims to identify current staff in government institutions or carers in the out of home care system who are the</p>	In progress	Department of Justice	Phase 2 - 2026

Recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings – Information access and sharing legislative reforms

	<p>subject of child abuse allegations, including by adding relevant information to the recommended register of misconduct concerning child sexual abuse (Recommendation 20.9)</p> <p>g. make appropriate supports available to victim-survivors who disclose abuse at Ashley Youth Detention Centre, including warm referrals, with permission, to sexual assault counsellors who have training and experience in working with victim-survivors of child sexual abuse</p> <p>h. remove any barriers to information sharing that would prevent the implementation of this recommendation.</p>			
17.8	<p>1. The Tasmanian Government should review and reform the operation of the <i>Right to Information Act 2009</i> and the <i>Personal Information Protection Act 2004</i> to ensure victim-survivors of child sexual abuse in institutional contexts can obtain information relating to that abuse. This review should focus on what needs to change to ensure:</p> <p>a. people's rights to obtain information are observed in practice</p> <p>b. this access is as simple, efficient, transparent and trauma-informed as possible.</p> <p>2. The review should consider reforms to the <i>Right to Information Act 2009</i> and the <i>Personal Information Protection Act 2004</i> to:</p> <p>a. include an explicit presumption in favour of disclosure in the <i>Right to Information Act 2009</i> and <i>Personal Information Protection Act 2004</i></p> <p>b. embed the public interest test in specific exemptions in the <i>Right to Information Act 2009</i>, tailored to those exemptions</p> <p>c. streamline the interface between the <i>Right to Information Act 2009</i> and <i>Personal Information Protection Act 2004</i> to overcome what has, by default, become a two-step process to obtain personal information</p> <p>d. require that a personal information custodian under the <i>Personal Information Protection Act 2004</i> 'must provide' rather than 'may provide' personal information upon request from an individual who is the subject of that information, subject to any appropriate exemptions to that requirement</p> <p>e. include a 'reasonableness' test in the <i>Right to Information Act 2009</i> as part of the assessment of whether to withhold personal information relating to a person or third party other than the person making the request for information</p> <p>f. strengthen and streamline internal and external review processes in the <i>Right to Information Act 2009</i> and <i>Personal Information Protection Act 2004</i>, with a focus on options to enforce decisions of the Ombudsman and to apply for review by the Tasmanian Civil and Administrative Tribunal</p> <p>g. provide an automatic fee waiver for right to information applications relating to child sexual abuse made under the <i>Right to Information Act 2009</i> by victim-survivors or a person acting on their behalf.</p> <p>3. The Tasmanian Government should consider centralising management of access to information processes in a specialist unit or department, supported by access to information liaison officers located in government departments and agencies.</p>	In progress	Department of Justice	Phase 2 - 2026

Recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings – Information access and sharing legislative reforms

	<p>4. The Tasmanian Government should provide funding to government departments, agencies and the Ombudsman, as the case may be, to:</p> <ul style="list-style-type: none"> a. ensure access to information requests are processed within statutory timeframes b. speed up external review of right to information decisions c. provide trauma-informed training to the Tasmanian State Service in relation to victim-survivor access to information (Recommendation 19.2). 			
19.7	<p>The Tasmanian Government should review confidentiality and secrecy provisions in Tasmanian legislation, including the <i>Personal Information Protection Act 2004</i>, to identify any specific legislative barriers that hinder the sharing of information necessary to protect the safety and wellbeing of children and young people and remove these barriers.</p>	In progress	Department of Justice	Phase 3 - 2029

*Note – Phases are as recommended by the Commission of Inquiry in its final report.