



PROVIDING INFORMATION TO THE COMMISSION

Information for public sector employees and officers

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This document provides general information to Tasmanian public sector employees and officers (state servants) about giving information 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 given at public hearings will be provided separately.

CAN STATE SERVANTS PARTICIPATE?

Yes. Tasmanian state servants have an important role to play in providing relevant information to the Commission.

The Commission is working with the Tasmanian Government to ensure state servants are able to provide all relevant information to the Commission and state servants are encouraged to do so.

Providing information at the Commission's request

The Commission can 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.

While state servants are subject to an obligation to maintain appropriate confidentiality, if the Commission issues a state servant with a Notice to Produce, then producing a document or preparing a statement in response to that Notice to Produce is not a breach of that obligation.

The Tasmanian Government will provide further information to state servants on how to comply with Notices to Produce.

Providing information voluntarily

State servants are able to voluntarily share information about their experiences with the Commission.

If a state servant has information about their experiences which they want to provide to the Commission but is worried about providing it, they should contact the Commission to discuss their options.

Further information is also available on the Commission's website in the document titled [Providing Information to the Commission: Information for members of the public.](#)



WHAT PROTECTIONS DO STATE SERVANTS HAVE IF THEY PROVIDE INFORMATION TO THE COMMISSION?

If you provide information to the Commission, you 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 also 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 afforded 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 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.