

OPEN LETTER TO THE ATTORNEY-GENERAL,
THE HON. CHRISTIAN PORTER MP

8 September 2020

We call upon the Attorney-General to introduce legislation into the Australian Parliament to protect the confidentiality of information given to The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Disability Royal Commission is expected to run for 3 years. However, it has now run for over a year without adequate legislation in place to protect the confidentiality of submissions beyond the life of the Royal Commission.

As it stands, a person providing information can only be guaranteed confidentiality after the Royal Commission concludes if their information was provided in a private hearing. If people make a written submission, it will currently only be confidential until the end of the Royal Commission.

We support the calls made in February this year by the Hon. Ronald Sackville AO QC, Chair of the Disability Royal Commission, for the Australian Government to amend the *Royal Commissions Act 1902* (the Act) to extend the same privacy protections that were available under the Act for the Royal Commission into Institutional Responses into Child Sexual Abuse to our Disability Royal Commission.

Following calls from the Chair of the Disability Royal Commission, People with Disability Australia wrote to the Attorney General on 21 May this year asking for the Act to be amended. The Attorney-General's Department replied on 8 July 2020 explaining: "The Australian Government is carefully considering the legislative amendments sought ...". They indicated that "[a] decision by the Government will be made shortly."

However, almost two months later, people with disability are still waiting for the Australian Government to bring forward amendments to the Act. We had hoped this would occur in the August sitting of Parliament.

Many people with disability, who want to come forward to the Royal Commission with information regarding distressing and traumatic incidents of violence, abuse, neglect and/or exploitation, including incidents that may be happening in the present, need certainty that information given in confidence remains confidential after the Royal Commission has concluded. We know that people with disability may need to give information and evidence in confidence to protect themselves from repercussions from the system they are dependent upon for supports. People in these situations may not be able

to access support to participate in a private hearing, or may choose not to, preferring to give information in confidential submission form only.

If we are not able to provide information to the Disability Royal Commission in complete confidence, there is a risk that the most severe cases of systemic abuse and neglect will not be exposed. It is vital to the success of the Royal Commission that the appropriate changes to the legislation are made as soon as possible.

We call upon the Attorney-General to prioritise introducing legislation into the Federal Parliament to extend the same privacy protections, that were provided to people making submissions to the Child Sexual Abuse Royal Commission.

We call upon all members of Federal Parliament to support the calls for a bill to amend the Royal Commission Act to protect the confidentiality of people's submissions beyond the life of the Royal Commission and to pass such legislation as a matter of urgency.

Yours sincerely,

- Australian Federation of Disability Organisations
- Children and Young People with Disability Australia
- Disability Advocacy Network Australia
- First Peoples Disability Network
- Inclusion Australia
- National Ethnic Disability Council
- People with Disability Australia
- Women with Disabilities Australia

For further information, please contact Romola Hollywood, Director Policy and Advocacy at People with Disability Australia, on romolah@pwd.org.au or 0431 998 273.

