



PROVIDING INFORMATION TO THE BOARD OF INQUIRY

INFORMATION FOR MEMBERS OF THE PUBLIC

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This document explains how the Board of Inquiry will treat information provided to it. This includes information provided by telephone, email, written submission or in other engagements with the Board of Inquiry, the Chairperson, Counsel Assisting and Board of Inquiry staff.

How the Board of Inquiry will treat information or evidence given at public hearings or private sessions is set out in other documents, including relevant Practice Directions.

WHAT HAPPENS TO THE INFORMATION PROVIDED?

The Board of Inquiry will keep records of the information it receives. The type of record kept will depend on how the information is provided: for example, records may be kept in the form of summary notes, an audio recording and/or a transcript, depending on the circumstances.

Information provided to the Board of Inquiry may inform its work. The Board of Inquiry may decide to make some information it receives public, which means some of it may be uploaded to the Board of Inquiry's website, made available for review at the Board of Inquiry's office and referenced or included in the Board of Inquiry's report.

CAN INFORMATION BE PROVIDED ANONYMOUSLY?

Yes, you can request to provide information anonymously or using a pseudonym (a made up name). The Board of Inquiry will keep a record of your identity, but it will not name or identify you as being the source of any information that it decides to make public (including in its report).

CAN INFORMATION BE PROVIDED CONFIDENTIALLY?

Yes, you can request to provide some or all of your information confidentially. While your information will generally inform the Board of Inquiry's work, the Board of Inquiry will not publish or quote the confidential information (including in its report).

The Board of Inquiry may still be required to disclose confidential information if it is required to do so by law (as discussed further below).

WHAT PROTECTIONS DO YOU HAVE IF YOU PROVIDE INFORMATION?

If you provide information to the Board of Inquiry, you have rights and protections under the *Inquiries Act 2014* (Vic) (**the Act**):

- **You have the protections of a witness in Supreme Court proceedings**

If you give information to the Board of Inquiry you have the same protection and immunity as a witness in Supreme Court proceedings (section 79(4) of the Act). This includes being protected against being sued for defamation or negligence.

- **Your information cannot be used against you**

Any information you give to the Board of Inquiry cannot be admitted as evidence or used against you in any other proceedings, subject to limited exceptions (section 80 of the Act).

- **Others cannot hinder or obstruct your participation in the Board of Inquiry’s proceedings**
It is an offence to intentionally or recklessly engage in conduct that hinders, obstructs or causes a serious disruption to the Board of Inquiry’s proceedings (section 89 of the Act).
- **Your employer cannot take detrimental action against you (including dismissing you)**
If you give information to the Board of Inquiry without breaking the law, your employer cannot threaten or take detrimental action against you (including dismissing you) because you have given that information (section 91(1) of the Act).

You also have responsibilities in providing information to the Board of Inquiry. It is an offence to make a statement or provide information to the Board of Inquiry that is false or misleading (section 90 of the Act).

The Board of Inquiry can require the production of any information that is relevant to the order establishing the Board of Inquiry. It can do this by issuing informal requests (such as letters) or formal requests (such as a notice to produce). A notice to produce is a formal request that requires a person to produce a document or other thing for the Board of Inquiry, subject to certain limitations.

If you have information you want to provide to the Board of Inquiry but are concerned about providing it, please contact the Board of Inquiry to discuss your options.

WHAT HAPPENS TO INFORMATION YOU PROVIDE?

To ensure that all information is properly considered, the Board of Inquiry will keep records of all information that it receives. These records may include notes, audio recordings, transcripts or copies of documents provided to it.

Sharing information with the public

The Board of Inquiry may decide to publish some of the information that it receives, including by uploading it to the Board of Inquiry’s website or by referencing or including it in its report.

Otherwise, the Board of Inquiry will generally not make available to the public any names, addresses, schools, places of employment or other information that identifies, or is likely to lead to the identification of, any victim-survivor or witness unless the appropriate consents have been obtained, the Board of Inquiry is legally required to do so or the Board of Inquiry otherwise considers it necessary or appropriate to do so.

Sharing information in specific circumstances

The Board of Inquiry will seek to manage information that it receives in a way that appropriately protects those who provide it, but there are certain limited circumstances in which it may be necessary or appropriate for the Board of Inquiry to share information with others.

Reporting abuse to the police

The *Crimes Act 1958* (Vic) (**Crimes Act**) requires anyone aged 18 or older who reasonably believes that a sexual offence has been committed in Victoria against a child under the age of 16 by another person aged 18 or older must disclose it to a police officer as soon as it is practicable to do so (section 327). This obligation only applies if the victim of the abuse was aged less than 16 as at 27 October 2014 or subsequently if the offence was committed at a later date.

This obligation is imposed on all members of the general public, including Board of Inquiry staff.

A person does not, however, have to disclose it if they (among other reasons):

- have a ‘reasonable excuse’, for example if the person fears for another person’s safety (other than the person believed to have committed the offence) if they were to disclose the information to police or the person believes that the information has already been disclosed to police by

someone else and they have no further information to provide;

- received the information from the victim (directly or indirectly), the victim was aged 16 years or older at the time of providing the information, and the victim requested that the information not be disclosed;
- obtained the information when they were a child; or
- obtained the information solely through the public domain.

The Board of Inquiry may be subject to other legal requirements to disclose information.

It may also be necessary or appropriate for the Board of Inquiry to disclose information if there is a risk to the safety, health or wellbeing of another person.

The Board of Inquiry will seek to consider the safety, health or wellbeing of victim-survivors, witnesses and other persons who provide information to it. Generally, the Board of Inquiry will not report abuse if it fears for another person's safety in doing so (other than the alleged perpetrator).

The Board of Inquiry will seek to consult with victim-survivors to confirm whether they want to report the abuse to a police officer. The Board of Inquiry will seek to respect how victim-survivors want information about the abuse to be managed or disclosed.

Disclosure to other persons

The Board of Inquiry may disclose information acquired during its inquiry to any person or body if it considers that the information is relevant to the performance of the functions of that person or body and it is appropriate to disclose that information (section 84(1) of the Act).

Before disclosing information, the Board of Inquiry may redact or remove any names, addresses, schools, places of employment or other information that identifies, or is likely to lead to the identification of, any victim-survivor or witness.

The Board of Inquiry will seek to respect how victim-survivors want information about them to be managed or disclosed.

The information provided in this document is not legal advice. Please seek your own legal information if required.

Providing information to the Board of Inquiry 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 Board of Inquiry's website www.beaumarisinquiry.vic.gov.au.