



10 May 2018

Media and Stakeholder Advice

The Office of the Children's Commissioner (OCC) has been made aware of a technical error which resulted in the ability to electronically manipulate redacted versions of the two reports ("*Own Initiative Investigation Report into the circumstances surrounding the alleged sexual assault on C1 and services provided to the WF*" and "*Own Initiative Investigation Report into services provided by Territory Families and Carer FC to C2 and C1, C3,C4 and C5*") to potentially disclose the redactions.

The redacted reports were tabled in the Legislative Assembly on 9 May 2018 and subsequently posted on government websites.

The OCC made the decision to heavily redact the reports after serious consideration was given to various matters and prior to tabling them in the Legislative Assembly.

Redaction of the documents was undertaken to protect and safeguard the identity and privacy of the subjects of the reports, as much of the information received in the investigation was acquired using OCC's legislative powers.

In addition, information contained in one of the reports currently forms part of a criminal justice proceeding and the OCC wished to protect the integrity of that process.

Victims of abuse are protected by legislation and through court processes, and the OCC wishes to afford the same protection. The accused is likewise entitled to a fair trial.

The fact that the documents were redacted prior to their provision to the Legislative Assembly is indicative of the serious concerns that the OCC held to uphold the privacy of the subjects of the reports.

Further, the various departments and stakeholders who have provided information confidentially, which comprise the reports and are redacted, are governed by their own legislative restrictions in relation to the release of the information, which must be complied with.

The confidentiality responsibilities of other departments and stakeholders was also a reason for redaction. The OCC has not published that confidential information.

Those who may have manipulated the documents to reveal the reactions, or those who may be intending to, are reminded that the redacted versions of the reports are the only information permitted to be released to the public.



The publication of the redacted information may have legal consequences, which could include prosecution or complaints to regulatory authorities, including for breach of privacy.

The publication of information which was provided to the Legislative Assembly in a redacted form, and promulgated in that form by the Assembly, may also incur sanction from the Assembly.

Recipients of the reports are requested to maintain and respect the confidentiality of the reports in their redacted form.

Although the Children's Commissioner is confident that such a request will be followed by all professional media organisations, to absolutely ensure the confidentiality of the relevant redactions the Commissioner directs any person who has been given the document by the Commissioner (which for the purpose of the direction includes directly from the OCC website, indirectly through its tabling in the Legislative Assembly or from another website) not to disclose (including by transmitting or publishing, publicly or otherwise, in any form) any of the redacted material contained in the two reports named above.

The direction is given pursuant to s 46(2) of the *Children's Commissioner Act* and is subject to criminal sanction for a breach of the direction.