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THE GOVERNMENT ADMINISTRATION COMMITTEE B INQUIRY MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON THURSDAY 6 AUGUST 2026.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL (No. 61 of 2025)

The Committee met at 3.03 p.m.

Tasmanian Aboriginal Legal Service

CHAIR (Ms Haddad) - Good afternoon and welcome to today's hearing of the House of Assembly Standing Committee on Government Administration B Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025. Thank you both for being here today. Thank you also for your written submission, which we've all had the chance to review.

You've briefly met the Members of the Committee, but we've got Tabatha Badger; Kristie Johnston; myself, Ella Haddad; Jen Butler; and Peter George. Mary and Lil are assisting us from the parliamentary team. We've got a couple of other Members who are away - apologies today.

Could I ask each of to state your name and the capacity in which you're appearing?

Mr TOLPUTT - Lucas Tolputt, and I am here as the Policy and Programs Lead from the Tasmanian Aboriginal Legal Service (TALS).

CHAIR - Thank you.

Ms CARTER - LeeAnne Carter, I'm the Policy and Programs Manager at the Tasmanian Aboriginal Legal Service.

CHAIR - Thank you. Can I confirm that you have received and read the guide sent to you by our Committee Secretary?

WITNESSES - I have.

CHAIR - I'll just remind you from that guide that the hearing is covered by parliamentary privilege, allowing individuals to speak with freedom and without fear of being sued or questioned in any court or place outside of Parliament. The protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of these parliamentary proceedings.

The hearing is public, and the public and the media may be present or observing online. However, if you do wish any aspects of your evidence to be given in private, you can make that request of the Committee at any time and we can move into an *in camera* session that's not publicly broadcast. Can I ask you each to make the statutory declaration that's in front of you?

Mr LUCAS TOLPUTT, POLICY AND PROJECT LEAD and **Ms LEEANNE CARTER**, POLICY AND PROGRAMS MANAGER, TASMANIAN ABORIGINAL LEGAL SERVICE

PUBLIC

(TALS), WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you. We've agreed as a Committee, due to the subject nature of this Inquiry, to also read a short sensitive content statement at the beginning of the sessions:

As a Committee, we recognise that during these hearings we may discuss highly sensitive matters that have deeply impacted the lives of Tasmanians. This may be a trigger for individuals listening to or participating in these proceedings. The Committee recognises this and encourages anyone impacted by the content matter during this hearing to contact services and supports, including the Statewide Sexual Assault Support line on 1800 697 877; 1800 RESPECT, counselling and information support for domestic, family and sexual violence on 1800 737 732; Lifeline Tasmania Helpline on 13 11 14 or via text on 0477 131 114; 13YARN, a 24/7 crisis support for Aboriginal and Torres Strait Islander people, on 13 92 76; QLife support, for members of the LGBTIQ+ community or those who support them, on 1800 184 527; and Kids Helpline, 24/7 support for children and young people aged 5 to 25, on 1800 551 800.

Would either of you like to start with an opening statement?

Mr TOLPUTT - I think we both have a brief one. Before I do get started, I have got a couple of acknowledgements, if that is okay with the Committee.

First, I'd like to acknowledge and pay respect to the traditional and continuing custodians of the lands, seas, skies and waterways on which we stand and work. I'd like to acknowledge and pay respect to our elders, past and present, as we journey towards a brighter future that respects Aboriginal cultures, languages, perspectives and history.

Also, I think it is pertinent that we acknowledge the terrible impact that violent, sexual and other serious offences have on individuals, families and communities, and we acknowledge the strength and resilience of children and adult victim-survivors.

We also should recognise those who did not survive and pay respect to their family and friends.

CHAIR - Thank you.

Mr TOLPUTT - For the sake of the Committee, a brief overview of Tasmanian Aboriginal Legal Service, or TALS, because it does get a bit of a mouthful. We're an Aboriginal and Torres Strait Islander legal service that specialises in criminal, civil and family law. We also operate SiS Tasmania [Support information + Strength Tasmania], which is a family violence prevention and legal service which provides legal and non-legal support services to victim-survivors.

We believe that places us in a unique position to comment on bills, particularly one such as this, as we can strike a balance between the impact and risks to victim-survivors while also turning our mind to the maintaining procedural fairness for perpetrators or offenders as well.

I work primarily as a policy analyst role at TALS and have done so for the last three years. Ultimately, I author a fair majority of our responses to Government. I do note, however,

that our responses are developed in collaboration with members of the Aboriginal community, both internal and external to TALS, and other ACCOs, particularly those that don't have the resources to prepare their own responses. The reason we do that, of course, is to ensure that an opportunity is provided to all Tasmanian Aboriginal peoples to have their voices heard on the issues that impact them.

I have a few other brief points to make, both I guess directly in relation to the Bill and also some broader issues and then I'll hand over to Lee-Anne for her statement.

Once again, thank you to the Committee for the invitation to participate today. I trust that you've all sighted the written submission dated 5 June 2026. I would also just like to note as well that any reference throughout my responses today to Aboriginal peoples is said to encompass Torres Strait Islander peoples as well, once again, to keep things short.

Generally speaking, in regard to the Bill, TALS support mechanisms that look to protect children, victim-survivors and the wider community from harms. We do understand the community protection can evoke strong views and draw differing opinions, especially when it comes to the protection of children.

Equally, we acknowledge that the notion of providing support and rehabilitation services to perpetrators of some of the most nefarious crimes is a divisive subject in the community.

However, despite the emotions of these concepts there, TALS maintain the position that it is the Government's role to ensure that reforms to community protection remain evidence-based, well-developed, and appropriately resourced. Therefore, the question isn't so much around whether we strengthen community protections, it's more so how we do it.

In looking at the Bill, it will fundamentally shift community protection from an offender-focused registration scheme to a community protection framework, which, broadly speaking, and this is very much simplifying, it increases police powers regarding the collection and sharing of information relating to reportable offenders, in addition to expanding power to search, seize and monitor.

While it's agreed these provisions may help mitigate risk, TALS are of the view that surveillance measures alone do not adequately protect people. In fact, the evidence tells us that pairing this with investment and early intervention measures and post-offence rehabilitation is what actually drives behavioural change and subsequently enhances the long-term safety of the community. While the provisions in the Bill are facially neutral, there are some concerns of unattended disproportionate consequences and an exacerbation of existing disadvantage.

Aboriginal peoples have long been disproportionately impacted by expanded police powers and increased surveillance methods, and according to a recent report compiled by the National Justice Project, it remains an endemic problem for Aboriginal peoples and communities today. Aboriginal communities have a complex relationship with the systems put in place to protect them throughout history. This has been driven by historical dispossession, institutionalised control, over-policing and systemic discrimination. This has eroded trust in these mechanisms and thus hindered access to support, which subsequently exacerbates a range of social issues. Ultimately, these issues contribute to the over-representation of Aboriginal peoples across the child safety and justice systems. Just to note, to move from that point, the most recent data still has Aboriginal over-representation in the justice system at a national level

at 37 per cent. In Tasmania, it's closer to 32 to 33 per cent. Aboriginal youths are five to six times more likely to be in detention than non-Aboriginal children in Tasmania. Aboriginal women are over-represented as victim-survivors of sexual and family violence in Australia, and Aboriginal men are overrepresented as perpetrators of those acts.

When looking at child safety data, Aboriginal children are currently 12.1 times more likely to be in out-of-home care. Aboriginal children are eight times more likely to experience physical or emotional abuse. And of Aboriginal youth found to have experienced maltreatment, 8 per cent of those, according to the Australian Institute of Health and Welfare, have been found to be the victim of substantiated sexual abuse.

The reason I'm bringing those up is that it does, I guess, demonstrate that the over-representation through those two systems, and there are connections or a relationship between the two. But it also shows that there's still more work to be done in addressing the core issues behind offending behaviour and the behaviours that this Act seeks to protect above and beyond surveillance.

A couple of other last data points which are relevant, perhaps, to some of the provisions in the Bill: when it comes to digital literacy and access to social media platforms and the like: 41 per cent of Aboriginal peoples around Australia are digitally disadvantaged, to put it that way. Now, the provisions in the Bill do look at expanding surveillance methods around digital footprint. I guess what that highlights is that there is potential for a natural discrimination there, when there is such a large portion of that demographic that are not well educated in the digital landscape.

Beyond that, there's also 40 per cent of Aboriginals have minimal literacy and foundational skills. So, once more, if there are increases to reporting mechanisms, there is potential once more to be a barrier there which prohibits reporting measures being met or understanding what the reporting mechanisms might be.

To finish off, the Committee can support a reversal of the trends that I've spoken to today and help avoid the mistakes of the past by championing meaningful, ongoing consultation with ACCOs and the Aboriginal community to ensure their perspectives are heard with regards to this Bill and those that come in the future.

Additionally, promoting genuine collaboration between ACCOs, the Aboriginal community and the Government during the implementation of the Bill's provisions will further embed Aboriginal perspectives and experiences and uphold self-determination and promote Indigenous data sovereignty and governance principles. A Government commitment to these recommendations can only increase systemic trust, improve community education and drive better compliance and reporting from both those subject to the register and those that it seeks to protect. It'll also uphold cultural safety.

Lastly, meaningful consultation and collaboration ensures that the provisions in the Bill acknowledge and show insight into the perpetuating cycle of disadvantage experienced by Aboriginal peoples and that amendments to the Act contain cultural safeguards that drive equitable outcomes.

CHAIR - Thank you. Go ahead, Lee-Anne. Did you have some more to add?

PUBLIC

Ms CARTER - Thank you. I'd firstly like to pay my respects to the Palawa people and the lands of which we are standing on, and pay my respects to the land, seas and skies and their ancestors and any Aboriginal people in the room today and any Aboriginal people listening, and to our young people who are our future.

Thank you, Chair, and the Members of the Committee, for the opportunity to appear today. My name's Lee-Anne Carter. I'm the Policy and Programs Manager at the Tasmanian Aboriginal Legal Service (TALS), where I've been for four years; prior to that in Victoria for 11. I've worked in Aboriginal community justice area for over 30 years - currently heading up, doing a lot of work around our blueprint, the model of care for young people, working directly with Ashley [Youth Detention Centre].

One of the programs that also comes under my remit is the Aboriginal Wellbeing Program, that is a partnership program between TALS and the Department of Justice. I will speak a little to that later because I think it's significant to this particular legislation because we see the impact of people that aren't complying with their obligations on the other end. We also see the lack of reintegration and rehabilitation issues that exist, particularly when some of the legislation in the conditions or someone's breach, parole, bail, isn't properly explained or perhaps they don't fully comprehend that, whether through disability or through a lack of explanation, as we know quite often, or just being handed paperwork and sort of said, 'You need to rock up once a week, twice a week,' et cetera.

Firstly, as I said, I'd like to thank you for looking at our submission, inviting us along today. I think, to reiterate some of the points just briefly that Lucas has made today, the first thing is, is that TALS does actually support this overarching intent of this Bill. I think you'd see throughout our submission there that protecting children and preventing sexual offending is of fundamental importance, and the outcomes and the recommendations from the Commission of Inquiry has obviously been a driving factor behind why some of these changes - we also appreciate and acknowledge the history behind some of this legislation, such as Daniel's Law, and where some of this stems from as well, to why we're sitting around today. I think our submission is not one of opposition; rather, it's one I'd refer to as refinement. We believe that the Bill's objectives are sound, but it's the effectiveness that will ultimately depend on how it's implemented. Quite often that is the issue that we see. We see this great legislation put up, we see these great recommendations; and then it's implemented, but then there's no consultation and there's no genuine consultation or follow-up or engagement within the implementation process.

I think we have three key terms and themes that underpin our submission. The first one is: any expansion of police powers should be accompanied by a strong safeguard. Safeguards are not barriers, I would argue; rather, they maintain the standard the community expects, and to be able to provide the parameters of that safe implementation, as well as what we're here for today, is to keep people safe, and safe from sexual harm of all types, whether that be a child or whether that be an adult; but we also know that when we are increasing police powers, there tends to be over-policing, implicit bias, racism. We've seen a lot of it: it exists, so there's always a concern. I think Lucas briefly touched on increasing police powers or increasing electronic monitoring. It has been researched and shown that it's not effective.

So, I think what we need to do is not just look at the front end; we also need to look at what's missing, and what's missing is some of the early intervention, the more therapeutic programs that should be existing. Those early-intervention programs, in particular, are

absolutely crucial for teaching everyone about healthy relationships and boundaries from a very, very young age all the way through. Sometimes we know, particularly people with trauma in their backgrounds, don't have that experience. If we look around and we look at how many programs does Tassie have compared to other states, you'd be scrambling around to find one or two particular programs that you could actually engage with in this particular area. So I think there's a massive under-resourcing within that area.

The second point I'd make is: where powers extend to individuals who have been charged but not convicted - this is one of our biggest concerns, because it's important for us that procedural fairness, that privacy and the presumption of innocence, continues to be respected, while still allowing appropriate action to protect children where there is a genuine risk. We know that's always going to be a balance when we come to judicial issues. It's always a challenge. We know that sometimes the court in historical times, it's always geared towards defendants or geared towards particular cohorts of people; but the reality is that there is an imbalance. We understand that there is an imbalance, and it's always a juggle to try and obviously protect the rights of our most vulnerable community members and at the same time ensure the privacy and the safeguards are in place. However, that is where we're at. That is what we need to do in order for this legislation to be implemented properly.

Finally, I'd say that the implementation of the reforms must acknowledge that there is a disproportionate impact within the criminal justice system on Aboriginal people, whether that be through targeting, profiling, police offending; and obviously when we're talking about potentially putting someone who's not legally been found guilty of any offence onto a register and having information collected and that information being dispersed in various ways, even though we know it's through legislative frameworks, there is always a concern. There are bigger concerns and practical concerns, I think, that exist about the potential impact, or the indirect impact of that, that it can actually have on somebody, by being able to be placed on that. When we're talking about that, my lovely colleague over here referred to ACCOs before: for the record, ACCO is referring to Aboriginal Community-Controlled Organisations. They're the organisations within our thing, so that acronym we quite often use is ACCO, but for anyone online that's not aware of that term as well -

Mr GEORGE - Nor was I.

Mr TOLPUTT - Apologies, I didn't clarify that.

Ms CARTER - I think there's a really important aspect when it has been implemented or embedded, that Aboriginal community organisations are consulted throughout that process. We do have data sovereignty. We know that the Government's also a signatory to Closing the Gap and things like that. We know that there are various Aboriginal organisations that work with our data in different ways. They have their own reporting and ways of doing things. I think it's really important that, given the unique circumstances of each of our communities, that there is some genuine engagement, not just rocking up every few months and saying, 'hey, how's it going, how's the implementation', this is what we're doing; actual genuine engagement, which we don't often find occurs, and that's what we hear from a lot of our community members as well.

As I said earlier, one of the programs we do run is the Aboriginal Wellbeing Program. We see what the practical realities of people leaving custody is and, as I said, returning back into community. Whilst the program isn't specific to reportable offenders, it does provide an

important insight as to how people engage or fail to engage with their legal obligations as well; as I said, whether that be through bail, parole, community supervision orders, or things like that as well. We quite often see what the impact is, and we work and engage in support for people who are in custody. We are also aware of the numbers and the breaches and other things that do take place. I think one of the strongest lessons that we've learnt from that work is that people are more likely to comply with legal obligations when they understand them. It sounds simple, but that's as simple as what it's going to be; when they're treated fairly and when they're also feeling culturally safe as well, which is really, really important; it's that culturally safe engagement. With that principle, I believe that it's equally relevant to this legislation, as I've said. We're happy to take many, many questions, I'm sure. Lucas has all the answers.

CHAIR - Thank you so much, that was so informative, both of you. I will open it up to the Committee to go straight to questions. I know I have lots, but I'm sure others do as well. Do you want to start?

Ms BUTLER - Thank you, Chair. I wanted to ask you a question about the proposal within the Bill for there to be restrictions around the disclosing of information relating to an offender. Pull me up if my interpretation is incorrect: my interpretation of the Bill as such is that disclosure to the person who's made the application to see whether or not they are on that register is done through Tas Pol. Has there been consultation through TALS or with the various Aboriginal Community-Controlled Organisations, the ACCOs, on whether or not there could be a better process for them to be able to disclose that information to people who may be Tasmanian Aboriginal people, or Aboriginal people?

Ms CARTER - My understanding is no. My understanding is that has not [happened].

Mr TOLPUTT - No. My understanding is our written submission, and then our appearance today, is the sole consultation so far, and I think Lee-Anne may well be in a better position to speak to this but, obviously, there's an importance in this for those that are on the register and identified as high risk to have certain information collected and, in some circumstances, that information shared to protect children or an otherwise vulnerable person.

We're not so much saying that that shouldn't exist. It's more so kind of extending on what you're alluding to - that there are different layers and complexities, I guess, when collecting information from Aboriginal peoples. There are even different relationship frameworks that don't necessarily fit into I guess like a kinship and so forth that fit into the overarching act or even the amendment Bill. It doesn't fit into that definition. Once again, from the other perspective, an applicant looking to get that information and how those dynamics work in an Aboriginal community could be quite different and haven't necessarily been considered. As an overall point to that specific question, but also to the entire -

CHAIR - Which is where I was going with the next question. What would you recommend for an effective communication for disclosure?

Mr TOLPUTT - Absolutely, that would obviously be ongoing engagement, meaningful engagement and consultation with Aboriginal community members and ACCOs. The Tasmanian state Government itself has prepared and released its own guide to Aboriginal engagement in Tasmania, which outlines those steps, that consultation is one part of what the process can look like. An extension of that is involving them even in co-design of what those procedures can look like and even having some ownership of those procedures and how they're

facilitated. That is something, I guess by looking at that guide, that the Tasmanian Government have acknowledged is important. It's about following through on that commitment of their own words in a sense. They've already acknowledged that that is beneficial to any engagement.

Ms CARTER - I also believe that there hasn't been any consultation in relation to Tas Police approaching community organisations to say, 'Look, we've got this new legislation coming in. How can we work with you?' That's their baseline. There has been none as far as we're aware.

However, I think if we're looking at: what does that model look like - given that there are different communities, you would want to actually be engaging with each of those communities and potentially setting up some protocols.

Ms BUTLER - Culturally appropriate?

Ms CARTER - Yeah. I know in a number of jurisdictions - in particular where I've hands-on worked in dealing with this, where you've got situations like family violence, for example, before I moved over from the mainland, one of the things was they were trying to work out with each of the local police stations, for example, how do we engage with Aboriginal communities when there's issues of family violence? We drew up individual protocols for the police within those particular areas to follow when they were dealing with family violence.

Now, I don't see the difference in relation to being able to have those various protocols specifically in relation to reporting and things like that because historically our people mistrust police.

Mr GEORGE - I wonder why that is?

Ms CARTER - Yeah. The fear is: if you've got a family that's had some interaction or no interaction regardless, but Auntie might have had some interaction, Mum might have had some interaction, Cousin might have, and you want to make a report, I don't believe that that would feel very safe for a lot of people. Even going to the police station, attending the police station, potentially even ringing the police station, because what would that mean? Are they going to come in and they're going to take my kids? Are they're going to take the rest of the kids? Am I going to be blamed for this? So, I think there needs to be some education, some proper-resourced education in relation to reducing potentially any stigma around reporting, things like that. What does it mean if you are reporting? Who can I report to? Having culturally safe people that they can report to within Police.

Ms BUTLER - Language, the way of communicating?

Ms CARTER - Yep, rather than just saying, 'Are you Aboriginal or Torres Strait Islander?', which we know 'tick the box', but it's sort of like, 'okay, why are we ticking a box? Are we ticking a box because we're trying to keep you safe, we're trying to keep them young people safe?' That quite often gets missed in it. It's like it's okay to go in and ask questions, but you've got to go back and say, 'Well, why am I asking the question?'.

You're asking the question because you want to keep someone safe or you want to ensure that someone's reporting and doing the right things. The only way they're going to do that: proper consultation, set up protocols with each of the communities, let the communities tell

them and let them co-design that to say what will work with us and work around it. That's the only way because if you just go and put the legislation in and things like that, it's not going to work. It's not going to be any different to anything else that you put in place there.

Ms JOHNSTON - Thank you very much for your submission and appearance today. I think everyone can agree the intent behind this legislation: we want to keep people safe in our community. There's absolute 100 per cent agreement around that. But I think in our hearings on Tuesday someone described it as a blunt tool to deal with quite a nuanced and complex process in terms of the structure of the legislation.

There are two streams to the legislation in my mind. There's one which sets up the reportable offenders - well, the register is already there, but it sets up some additional requirements around that in terms of what police can report on and require reporting on, who goes on the offender register, and that can include young people. And in another stream are the disclosure processes, so who knows what's on the register and who is on the register.

You've talked a lot in your submissions about it's a responsive measure to incidents, perceived risk but not necessarily nuanced in therapeutic pathways and early intervention. Can you talk a little bit more, particularly when it comes to putting young people on the reportable offenders register? Do you have any suggestions about how the Bill could be amended or strengthened, and whether you do think that young people should be on the reportable offenders register if they have committed an offence in one of the Schedules?

Mr TOLPUTT - I think my interpretation - and I'm happy to be corrected, was that the starting position would not be that young offenders would be automatically on the register. Personally, I'm agreeable to that. I think that for children that are still in a state of, I guess, neurological development and perhaps are offending or acting in a certain way that they don't fully understand the consequences of, to have them on something as significant as a serious offenders register could have significant repercussions for the rest of their lives.

We're certainly in the space of early intervention and education being really key. A lot of vulnerable children have behaved the way they do as they've been exposed to abuse, traumatic experiences themselves. There are a whole range of social determinants which contribute to those behaviours being learned and instilled. Quite simply, the only way to address it is at the earliest point. We're going into a whole different argument there around youth incarceration and how we manage youth offending generally. But all the credible research that's out there tells us that the earlier the contact that someone has with the justice system or is held in a custodial setting, the higher the likelihood that's just going to continue to exacerbate.

If we truly want to change behaviours, there needs to be appropriate well-resourced programs which teach children about healthy behaviours, that teach children about what healthy relationships look like and what they don't look like so that we're hopefully removing the inhibitors of someone developing those types of relationships before it gets to that point. So, I guess it's putting actions in place to stop the behaviours from developing at all, as opposed to responding to them after the fact or after someone has been incarcerated. That also goes for adults as well. Like, if we truly want to make the community a safer place, once again, the research indicates that locking people up simply isn't the answer. Sure, there are serious, high-risk offenders out there, that there needs to be a balance struck between them being - the community having that risk mitigated; but at some point, if they're going to be released into the

community and they haven't had the appropriate mechanisms available to them, then the time they've spent incarcerated hasn't achieved anything.

Ms JOHNSTON - I suppose the statistics you provided earlier showing an over-representation in so many areas would result in, potentially, Aboriginal young people being over-represented on a reportable offenders register, acknowledging it's not a mandated thing.

Mr TOLPUTT - No.

Ms JOHNSTON - But the potential is there -

Mr TOLPUTT - Just by default.

Ms JOHNSTON - by default that they're over-represented in so many of those categories, whether they are victims themselves, engaging -

Mr TOLPUTT - Well, from a - as I said, the over-representation for adults in Australia at the moment sits around 37 per cent. I believe in Tasmania it's a little lower: 32, 33 per cent, still obviously concerning. The youth figures are still worse again: they're closer to 50:50. Now, the disproportionate representation gap is significant from youth, pretty much right through the prime years of people's lives. They only start to kind of plateau and start - for Indigenous and non-Indigenous - start the plateau and kind of meet once you reach 55 and above. So, we're talking about from the youngest age, pretty much the, I guess, golden years of people's lives, that Aboriginal people are significantly over-represented. Obviously, that starts, even at a young age, in the out-of-home care system, where there's over-representation - significant over-representation exists as well. One of the key social determinants of the likelihood of someone coming into contact with the justice system is contact with the out-of-home care system.

Ms CARTER - Child protection.

Ms JOHNSTON - Risk factor and risk factor and risk factor.

Mr TOLPUTT - Exactly. There's various versions of it, but essentially, there is research around the social determinants of incarceration: some have 10, some have eight determinants. On the one that I've focused on, which is the eight social determinants, Aboriginal peoples in Australia are over-represented on every single one. By that sense, simply being - well, actually, being someone who identifies as Aboriginal is one of the social determinants. So, it's a problem that exists. It's far greater, I guess, than an amendment Bill such as the one we're talking about today; but this is, I guess, an example of what we're speaking to today, of how we can really try and head off these behaviours at the earliest point possible.

We've got Aboriginal peoples, in particular - the access to those supports just isn't there. Even youth, generally, the access to those supports isn't there. Then the more entrenched you are in the system, the more vulnerable you become; and the greater the needs are, the less resources are there. So, I guess it's obviously drawing a long bow, when we're talking about a very specific niche part of the legislation, but to really change any behaviours and particularly people developing the most, I guess - that would cause them to perpetrate the most serious of offences, it starts at the earlier stage. As it stands, those support mechanisms just aren't there;

they aren't resourced or funded well enough. Then, as an extension from that, for Aboriginal youths who experience those things at much higher rates, there is a distinct lack of culturally safe and informed supports.

Ms CARTER - Yes, and any of those should obviously follow any of the international conventions for the Rights of the Child, and things like that, to ensure their safety, should they consider that; but they did mention within that 6A that the court would look at the culpability or the rehabilitation options, per se. The difficulty is that if they're going to do that, you need to have the rehabilitation options available to you to begin with.

Ms BADGER - I've got two quick questions, if that's okay: I was wondering, something that we've heard that's of great importance from other witnesses is around youth who might be living independently having access to the disclosures as well, and what that would mean for the Aboriginal youth being able to access that as well and what additional supports would be needed in that space for them as well when they received that information.

Ms CARTER - One of the first steps would be to know it exists. It's a bit like they say there's an unmet need, but the thing is, people don't often know they've got a need to be unmet. A lot of our kids are transient. They are falling through the gaps. There are a lot of kids, young people, that are not getting the support they need, so they're the ones that I'd be most worried about. Education, access, knowledge: there needs to be information put out there in community, so young people are aware that there is this thing that they can report, that there is somewhere where they can actually go to, and who they can go and speak to as well.

Not just the information, but who they can speak to about it, or where they can get more information; that's really key. Obviously hitting up a lot of where young people, even if they are transient, where they are visiting. Are they hanging out at youth hubs, are they going down to the sports centres, all the practical sort of things of where you would want to put that information. Schools, depending if they're school-refusing or whatever, there are so many things. First is information. Young people need the information; but in saying young people need the information, young people should also have the agency within that information.

CHAIR - Are you happy to stay for another three minutes?

Mr TOLPUTT - Absolutely.

Ms BADGER - It's very specific: you've raised concerns in the submission around the proposed section 44(4A), which is the responsibility providing for the commissioner to develop guidelines to be applied in exercising section 15E authority, which is under the disclosure, and you've spoken about how decisions regarding disclosure under that Section 15E would benefit from independent scrutiny; I'm just wondering if, in our short three minutes, you could please talk us through what that independent scrutiny would look like in your minds.

CHAIR - I am going to leave room for a quick question from Peter at the end as well.

Ms CARTER - Independent scrutiny in relation to any data gathering should be overseen independently, for the purpose of potentially looking for the themes and things like that. Is there over-policing? Are there a high number of Aboriginal people within certain areas being placed on this reporting thing? Who's reporting it? Where are these disclosures coming through? The information should be available. If you jump online and you look at how many

people are currently on the register, or something like that, sometimes it's hard to find that data. Now, the data can be de-identified, but how are you collecting it? How's the determination in what information is actually going on there? What's happening with that? Who's been able to access it? We know all police can access the register at any given time, which begs the question: how much training have they had? You've got general protocols and things like that as well.

Mr TOLPUTT - I think it's at risk of sounding like we're drawing on the same answers to different questions, but that, unfortunately, is common, not just, as I said, this Bill, but across nearly every response that we write; that is, that anyone, and in this case the Commissioner, who is charged with the development of a framework around collecting information, disclosing that information and safekeeping of that information, it's just really about consultation with Aboriginal Community-Controlled Organisations and Aboriginal industry or sector experts, one, because it feeds into the notion of self-determination. Aboriginal peoples need to have control over the information that is extracted from them and what is done with that information.

Ms CARTER - And information about them.

Mr TOLPUTT - And information about them. There has been some work done around that in terms of data sovereignty and so forth for Aboriginal peoples. It's not so much saying that that data shouldn't be collected. It's just about, once again, having the right people and the right bodies involved from the outset, i.e., in this case, the Commissioner enlisting the right advice and co-designing that process to ensure that those safeguards are in place and that the self-determination is preserved as well.

Ms CARTER - And they keep the information is safe and people feel that it's culturally safe as well, and it's collected for the right reasons.

Mr GEORGE - We're out of time. Do you want me to write my questions?

CHAIR - Are you happy to keep corresponding?

Mr TOLPUTT - I'm happy to answer it now.

Mr GEORGE - I have a really quick one. You referred to lack of consultation about four times. Would you be aware if there had been consultation over this legislation with any of the other groups that you're not necessarily affiliated with, but you would hear of it?

Ms CARTER - Yes.

Mr GEORGE - You can be pretty confident that none of the Aboriginal representative groups have been consulted?

Ms CARTER - Correct.

Mr TOLPUTT - Relatively confident.

Mr GEORGE - A lot of your submission has more to do with approaches and how to handle things than it has to do with the actual legislation itself. But near the end of your submission, and you refer to it in passing a bit, are the negative and unintended consequences. What I would like to get from you - and it's too late now, but perhaps we could have some

PUBLIC

correspondence on it, is where you see the real threat of unintended consequences: what they are, and what the consequences of those unintended consequences are.

Ms CARTER - We certainly would be happy to -

CHAIR - If you're happy for us to write to you and put some of those questions to you and correspond with us in that way?

Mr TOLPUTT - Please do.

CHAIR - Equally, if there are other things that you think of once you've left the table today that we haven't managed to cover in questions, please continue corresponding with us. We'll continue to do our analysis of the Bill and eventually we'll provide a recommendation back to the Parliament about whether it should be amended or supported, or whatever recommendations we end up making as a result of the evidence we've heard. Please do feel free to continue to be in correspondence with us.

Mr TOLPUTT - Absolutely. And if there's additional unanswered questions because we've spoken too much, feel free to send them through.

I can answer your question but I'll pay it its respect and we will provide a written response.

Mr GEORGE - Thank you for your time. I have great respect for what you do.

Mr TOLPUTT - Thank you very much. Thank you for having us.

CHAIR - Thank you. I remind you that what you've said today at this hearing is protected by parliamentary privilege but once you leave the table, please be aware that privilege does not attach to comments you may make to anyone, including the media, even if it's repeating what you said to us. Do you understand?

WITNESSES - Yes.

CHAIR - Thank you. That was really informative. I wish we had double the time to be able to speak to you both, but we look forward to staying in contact.

The witnesses withdrew.

The Committee suspended at 3.54 p.m.

PUBLIC

The Committee resumed at 3.57 p.m.

Tasmania Legal Aid

CHAIR - Welcome to today's hearing of the House of Assembly Standing Committee on Government Administration B Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025. Thank you for your attendance today. Thank you also for your written submission, which we've all received and had the chance to review.

You probably have met most of the people on the Committee, but I'll briefly introduce us all: Tabatha Badger, Kristie Johnston, I'm Ella Haddad, Jen Butler and Peter George. We're assisted today by Mary de Groot, who you have been corresponding with about appearing at the hearing, and Lil is assisting us on the *Hansard* transcript.

Could I ask each of you in turn just to state your name and the capacity in which you are appearing?

Ms CHANDLER - Margaret Chandler. I'm the Manager of the Safe at Home section, which is providing advice, information, representation to victims of family violence, sometimes children, but mostly adults.

Ms FAWKNER - Julie Fawkner. I'm the Associate Director of Family Law here at Tasmania Legal Aid, which means I oversee all the programs that we run in the family law space, both Commonwealth and state.

Mr DAVEY - I'm Stuart Davey, I'm Acting Associate Director of Criminal Law. I should say I've been acting; this is my second week. I come prepared but I might need to take some questions on notice.

CHAIR - No worries at all. Can I confirm that you've each received and read the guide sent to you by our Committee Secretary?

WITNESSES - Yes.

CHAIR - I'll just remind you that the hearing is covered by parliamentary privilege, allowing you to speak with freedom and without fear of being sued or questioned in any court or place outside of Parliament. This protection is, however, not accorded to you if statements that may be defamatory are repeated or referred to outside these parliamentary proceedings.

This is a public hearing. The public and the media may attend in the room or might be observing online. If at some point during today's hearing you'd prefer any of your evidence to be heard in private, please just make that request of the Committee at the time.

Ms MARGARET CHANDLER, MANAGER - SAFE AT HOME, **Ms JULIE FAWKNER**, ASSOCIATE DIRECTOR - FAMILY LAW, and **Mr STUART DAVEY**, ACTING DIRECTOR - CRIMINAL LAW, TASMANIA LEGAL AID, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you. I invite you to make an opening statement, if you wish.

PUBLIC

Ms FAWKNER - Yes. We thank the Chair and the Committee Members for your invitation to appear here today. I'd like to start with an acknowledgement of country, if I may.

Tasmania Legal Aid acknowledges and pays respect to the Palawa Tasmanian Aboriginal people as the traditional and continuing custodians of the land and waters of Lutruwita/Tasmania, where we live and work. And we thank them for their stewardship of this beautiful part of the world.

TLA is the main provider of legal assistance in Tasmania. In 2024-2025 we were responsible for delivering over 54,000 client services. We are the largest Government-funded legal-assistance service in the state. We are the primary provider of criminal law legal services in Tasmania to both adults and children through our in-house practice and also by funding external private practitioners. We're also the primary provider of family law and family violence response services to adults and children in our family law and family violence programs, which includes being the sole provider of representation of children through our appointment of court-ordered independent children's lawyers - or ICLs, you'll hear us call them, and separate representatives (SR).

We bring the unique perspective of representing both the victim-survivors and perpetrators of sexual abuse. We welcome the opportunity to provide a submission on this Bill, drawing on the experience and expertise of our Criminal Law, Family Law and Safe at Home divisions. Previously, we made a joint submission in January 2025, and we're pleased to see many of our recommendations taken up in the subsequent draft of the Bill. The remaining points that form the basis of our further submission - I'll outline a few of them - and then, of course, you'll have questions in relation to the contents of our submission.

In relation to information-sharing, it's our recommendation that a proactive notification of register entries to entities such as child safety services are important so that then they can pass on that information. It's considered to not go far enough to reactively provide the information or require somebody else to come along and ask that it be provided. Again, you don't know what you don't know. As a state agency responsible for the care and protection of at-risk children, this information is crucial.

Information-sharing measures apply already where child safety services provide a report to the Family Court (FCFCOA), and this information needs to be captured in those notices, and very early on in a matter that is a report that's given and if this register information could come straight in there we think that would be sufficient. And it needs to be timely because often those reports are coming at the early stage in a Family Court proceeding where you're putting in interim arrangements for children at that early stage, and the court case will go on for months, years afterwards but at that early stage, you need as much information as possible to make decisions in the best interests of children.

We know that risks can arise from people being on the register or charged with a reportable offence. They may live with the child, a child may be left unsupervised with them, or they could be exercising any other parental responsibility over a child. So, we see it as an express requirement that as soon as Tasmania Police have the information, or indeed another authorised agency becomes aware, that a reportable offender or a person charged with residing with or caring with a child who's available, then it's passed on.

It then flows that in relation to the mandatory disclosure to parents and guardians, the same principles apply, and we say that the Bill ought to be amended to require notification to both parents, guardians and carers about relevant charges and register entries, not just upon request.

We talk further about inconsistent orders and the current clause which indicates that the most recent order will prevail. We would recommend an automatic review or reconsideration mechanism to avoid risk where later orders that are being made by the court rely on less evidence. We would recommend a similar mechanism modelled after the *Family Law Act's* [Cth] approach, where if two orders conflict, there is that assessment that happens at the latter point.

We then considered the protection from stigma and secondary harm, and that's coming in from our criminal law perspective. We look at the fact that the Bill is introducing offences for misuse and publication, but the definitions are ambiguous. We would like to explore what counts as publication to reduce those risks of vigilantism and undue stigma, especially for charged persons. Then we consider that we need to look at the perception as to whether the proposed publication protections are providing greater support then to the alleged or convicted offender versus a victim-survivor, which is often what we grapple with when we're putting in a submission representing all of those people that require access to justice.

Our focus has been on the safety of children, information-sharing and the practical operation of the legislative framework from the perspective of the reportable offender as well. It is considered that this Bill presents an important opportunity to strengthen child protection and information sharing mechanisms, whilst also ensuring that appropriate safeguards, procedural fairness protections and oversight mechanisms are maintained.

We are happy to take any questions that you have of each of us.

CHAIR - Thank you, Julie. I might start with a question that goes partly to what you said about information-sharing and the conflict, I suppose - that might not be the right word - but the interactions between federal jurisdictions and state jurisdictions in the courts. We heard earlier in the week from another organisation who presented at the Committee and talked about one of the changes in this version of the Bill, which provides that whether or not someone has applied for information can't be used against them under any other Act. That only applies to any other Tasmanian Act, meaning that potentially there could be an avenue for systems abuse because it doesn't apply to Family Court proceedings, if that makes sense. I wondered, from your perspective of dealing with often very complex Family Court matters, whether that potential for systems abuse might be impacted as an unintended consequence of this Bill if someone has or hasn't applied for information under the disclosure scheme part of the Bill? Does that make sense?

Ms FAWKNER - I am just digesting it.

CHAIR - I probably haven't expressed it as clearly as I could have done, but it's just one of the things that when they raised it last week, I thought Legal Aid's perspective on that as a substantial provider of family law representation would be valuable.

Ms FAWKNER - Yes, and I guess often from a practical perspective, you don't get that information, or you're just going about, and the court has nothing that hasn't come through on

our risk forms, or it hasn't come through from affidavits. Sadly, if there is somebody living in the household, the person that's also in the house is wanting to protect that person, and they're not going to put their hand up there either. And so, it is difficult to get the information.

You talk to people within our practice about how did you get that information? Could you subpoena it? You know, are people going to be forthcoming in relation to it.

In terms of a systems abuse perspective, I'm trying to see how that would come across.

Ms JOHNSTON - I had a similar question along the lines of that. I think what they were talking about was where, let's say, I was in the Family Court on a matter around residency and I have a new partner and I haven't made an application to see whether that person, whether the respondent to the family law matter might say, 'Well, you're not a good mother because you haven't inquired'.

CHAIR - You explained it much better than me. We had the same thought.

Ms JOHNSTON - I suppose it goes to - your submissions usefully focused on proactive notification disclosure. Again, we've had the same early in the week distinction between a proactive mechanism, which I think is what the Commission of Inquiry was leading towards in terms of recommendation that there's better information-sharing, particularly amongst Government agencies and the courts and other bodies that come into interaction with children, as opposed to necessarily members of the public being able to notify.

If you could turn your mind to how that might work in terms of a better proactive notification system to put the safety of the child first for those who need to know and potentially whether it might be weaponised in a Family Court matter, because as an applicant, I haven't inquired about everybody in my child's life? Does that make sense?

Ms CHANDLER - There are probably two situations. One where somebody hasn't asked and should have, and one where they haven't asked and there's no particular reason why they would, and somebody's trying to make something out of it.

There are only a couple of approaches. One is to not allow the court to find out whether somebody's asked or not. That would be perhaps unfortunate if you've got somebody who's not being a protective parent and -

CHAIR - That would have other consequences, potentially.

Ms CHANDLER - Although, if there's proactive disclosure, then the sources of information are coming from other places as well -

Ms JOHNSTON - Not the parents, yes.

CHAIR - True. True.

Ms CHANDLER - like child safety, and in those circumstances it would become clear that somebody was not a protective parent. So, it might mop up some of that and just leave the unfounded criticisms.

CHAIR - That's such a good point.

Ms CHANDLER - I would hope -

CHAIR - Proactive disclosure would remove part of that risk, I think.

Ms CHANDLER - Some of it, yes. When you've got somebody who's seeking to abuse systems by criticising somebody for parental stuff that nobody would normally do, without a trigger to make them do it, you would hope that the Federal judicial officers would be educated about the systems and know how they work in Tasmania, then, in terms of what was available to whom and when.

Ms JOHNSTON - Can I then just explore that further: so, a proactive notification - and you talked about notifying parents, caregivers proactively of any disclosure of when a young person is at risk - would you see that operating not in the current proposed disclosure scheme, but as an expansion of the existing proactive - because there is existing proactive disclosure, it's just not well coordinated and not necessarily strategic in how they're doing that, hence why the Commission of Inquiry recommendation. Would that achieve the outcomes that we want to in terms of child safety and community protection as opposed to a disclosure scheme, which is an application-based disclosure, and is there a risk that with an application-based disclosure scheme, there's a perception of community safety and protection because you can apply -

CHAIR - It exists.

Ms JOHNSTON - It exists: whereas a proactive disclosure would actually mean that those who have information are turning their mind to who needs to know this information and making sure that that is shared appropriately. I probably worded that really badly, though.

CHAIR - I understood what you meant.

Ms FAWKNER - I think that's the exact point; that it's someone then making the decision saying, okay, these people need to know and then there's no criticism if you're not making the application and needing to know. I think that's why we support a proactive scheme.

Ms BUTLER - I wrote this question up from reading your submission the other day. Your submission strongly advocates for proactive information sharing. What legislative changes do you consider, as experts in your field, are needed to ensure that child safety services, family law courts and relevant carers are automatically notified when a reportable offender, or a person with a reportable offender charge, has contact with a child?

Ms CHANDLER - So, there is already a mandatory reporting system for risk to children. This can easily use that, if one of the mandatory reporters are police, which they already are, and perhaps the registrar, so that there's a requirement to pass on information when it's received.

Ms BUTLER - So, the legislation's already there, just the practice of following that.

CHAIR - And it needs to apply to this.

Ms CHANDLER - And ensuring that the registrar is one of the parties that's protected when they do disclose, by looking at the *Children, Young Persons and Their Families Act*,

probably. It's probably the - I can't remember off the top of my head, but I think it's the regulations that prescribe the people who can provide mandatory notifications, and that provides some information-sharing protections for them as well.

CHAIR - Can I go to a different part of your submission where you've talked about section 45D, which is one of the sections that creates offences for failing to comply with obligations under the scheme. The previous organisation that appeared at the table just earlier this afternoon, TALS, made some general points around digital literacy, complexity of the justice system, complexity of understanding the complexity of the justice system, but also understanding of individual legal obligations. You've kind of gone to some similar themes in terms of potential unintended consequences with the sections of this Bill that deal with reporting obligations and complying; could you drill down on that a little bit, in terms of your views about what would work better, in terms of making sure there are appropriate disclosure requirements and appropriate penalties for failing to comply with them that don't also act in a counterintuitive way, I suppose is my question.

Ms FAWKNER - Sure. Are you sufficiently across that to -

Mr DAVEY - My reading of this submission on 45D, there's no great issue of it, more the construct of it was replacing - that 45B is already covered by the existing 45D, so in my reading of the Bill, it was pulling existing parts and putting them somewhere else. They're all still there, it was a small point as far as the construction of the amendment.

CHAIR - What about - is that the same paragraph where you talk about the concerns that TLA has about increasing the complexity of the reporting requirements and potential unintentional non-compliance by members of the public? I just wondered if there's anything more that you would like to reflect on in regards to that complexity.

Mr DAVEY - No, that was section 17. No, just that there are already a lot of reporting obligations, and there are obvious points around where someone lives, the car they drive and things like that; but the list became very, very thorough. I think there was one pointed out whether a partner is pregnant. That may be a tricky - at what point does someone become aware, at what point is someone comfortable in sharing that? There's some complexities with that. It's a bit of a balance of how much obligation do we put on to a reportable offender and then also the resources for the person receiving it and what do they do with that.

CHAIR - Receiving the information, yes.

Ms CHANDLER - If I can add, there are already some registration schemes that require the proactive disclosure of information of people who are on the system. Even the organisations themselves have sometimes put up information [about what is required from the person registered] that has turned out not to be correct. Sometimes it's really difficult to tell exactly what to declare and exactly how to declare it. So, the practical things around, is there a form that somebody can fill in, or that somebody can go through with somebody if they can't fill in a form themselves, and make sure that the complete information is submitted; quite often people don't have the knowledge about exactly what it is that they're supposed to be disclosing. So again, their non-compliance is not really super intentional. I mean, there's an obligation, obviously, for them to be aware of that, but it's not surprising if certain pieces of information drop away if people aren't using them a lot.

It's interesting. We did have to raise a situation once where the organisation was asking for more information than it was entitled to with the - because it was saying that you must provide this information or it's a criminal offence. It wasn't. Now, it turned out later that on consideration when that was raised, that was then made a criminal offence not to provide that additional information because it was considered sufficiently important that that information was provided; but if organisations themselves can't interpret it, how can you expect ordinary people to know what to do? Could make it really easy.

Mr GEORGE - Have you had an opportunity to look at the relatively recent Queensland law, the WA law that's been operating since 2012, or perhaps the South Australian domestic violence legislation?

Ms CHANDLER - I have had a look at the South Australian domestic violence legislation, but not specifically, looking at this, very recently.

Mr GEORGE - Okay. Some organisations that we've heard from, I'm putting it very simply, tend to reject this legislation in the sense that it conveys a false sense of security by putting out the very few numbers of perpetrators, whereas, of course, not touching all those perpetrators that are already in the community. Do you have any sense that their concern is that this false sense of security, of disclosing these names, will actually undermine the intent of what the Bill is, which is to make people feel safer?

Ms CHANDLER - I think it's how it's communicated, as to what it can do and what it can't do. You have to be clear about the limitations as well as the benefits of this legislation. If we use the example of family violence, there are certainly victims of family violence who, when they've come in, have said, 'if I had known this was the history, then I wouldn't have started this relationship.' There are some victims who say that and you're not certain that that's what would have happened in the end, but they would have had a chance.

CHAIR - To make that assessment differently.

Ms CHANDLER - Yeah. So, there are circumstances where it is likely to be useful. It is not likely to be useful if it gives anybody the idea that this is a complete guarantee that you've found a winner.

Mr GEORGE - Would legislation at this stage, no matter what amendments we make, have a particularly different impact on the Aboriginal community of Tasmania as opposed to non-Aboriginal?

Ms BUTLER - Generally speaking?

Mr GEORGE - Yes. It's a very great generalisation, I know.

Ms CHANDLER - It's hard to say whether just extrapolating the over-representation numbers will actually happen. I'm not aware of the sexual offending numbers. What I can say is that I am aware that Aboriginal women are disproportionately affected by sexual offending from non-Aboriginal men. If you look at the numbers of family violence offences nationally - I've seen the figures for nationally, large numbers of Aboriginal women are subjected to family violence by non-Aboriginal men and that includes sexual violence. So, there are pros and cons.

Mr GEORGE - We often talk about, when you try to assess legislation, how it might impact the most vulnerable members of the community. Unfortunately, in this case, a lot of the figures show it is members of the Aboriginal community who are the most vulnerable or most subject to it.

Ms CHANDLER - Yes.

Ms BADGER - I apologise. I asked TALS this when I was supposed to ask you. In your submission you talked about the proposed section 44(4A), which is the responsibility providing for the commissioner to develop guidelines to be applied in exercising section 15E of the authority. You stated that you consider that decisions regarding disclosure under section 15E would benefit from independent scrutiny, particularly where disclosure may affect ongoing criminal proceedings or relate to charged persons. Can you talk us through that concern a little bit more, and what independent scrutiny would look like in your minds?

Mr DAVEY - I think I'm really talking to the submission in front of us all. The suggestion here is for such a disclosure to be made by order of a court, so going before a magistrate to weigh up the balance of release - of making this disclosure. It just feels like with the presumption of innocence and the risk to a fair trial, it seems too much of a risk for a Commissioner to be able to make recommendations to make that disclosure.

Ms CHANDLER - There are also consultation mechanisms, such as with the Chief Magistrate, so any proposed rules could be put forward to.

Ms BUTLER - If the Committee accepts only one recommendation, hypothetically, from your submission, what would be the most important change to the Bill?

Ms FAWKNER - I feel like we're all going to give a different answer.

Mr GEORGE - You're allowed to give different answers.

Ms FAWKNER - I would always come in for the information sharing. That proactive sharing of information has been something that I think any chance I have in any submission in any legislative change, that's what we bang on about from a family law perspective.

Mr DAVEY - I support that. I've got a background in family law practice. But I think the police powers, what we've raised around the police powers provision, is something worth exploring.

Ms CHANDLER - Since everybody's got the other roles covered. I'll put my victim hat on. Just some of the policy considerations. We didn't go into a lot of detail in the submission about whether there is a risk of creating greater protections for offenders in some parts of the Bill in relation to disclosures than there are for victims. Victims of family violence often already find that the protection of the offender's privacy is taking precedence over their safety. Wherever you create a special cohort of people that are protected by an offence, it's worth considering: is this an offence that should protect everybody, and is it appropriate for the circumstances?

PUBLIC

There are some things like the definition for the victim relates only to the primary victim. When that person is incapacitated or deceased, which is possible, what happens if it's family or others close to the victim who have suffered psychologically and emotionally impacted in very similar ways? Are they covered by any protections? Are there things to address their needs?

Mr GEORGE - Because the Family Court is a Federal court and then there are state courts, is there difficulty in information sharing across that, or is that pretty smooth?

CHAIR - You could write a PhD about that.

Ms FAWKNER - It is such a big problem. We're all trying to do the same job to protect children and look at what's in their best interest, so why is it so hard for A to talk to B to talk to C. We need a full risk assessment that covers every touchpoint to be able to get that information in a timely manner. Sadly, we see cases that come before the Family Court - I'm sorry, I keep calling it the Family Court but it so fewer words to say, where you're at the pointy end when you're about to make a decision. I think Judge Turnbull had spoken to the Commission of Inquiry about a particular example: about to make a decision and unbeknownst to the mother, you had a perpetrator on the register. How did this not come out in all of the risk assessments and screening and documents that come out? That could have gone a very different way.

Ms CHANDLER - I think that the information sharing from the state to the Commonwealth is working better than the sharing from the Family Law courts to the state. Would you agree?

CHAIR - What about in family violence matters? I've heard anecdotally, outside of scope this Bill, that often family violence matters get a lot of action at the state-level courts, and then once things escalate to the Family Court and you're talking about custody disputes and shared care arrangements, that sometimes there's low visibility of the family violence matters that have happened at the state level.

Ms CHANDLER - What tends to happen is that the family violence often happens first because very often it happens leading up to and immediately after separation. There are matters that keep going and keep going for years, and ones that come to police attention repeatedly over time. Then again, you get some offenders that bounce from victim to victim.

From the state talking to the Commonwealth because of the reporting and the abilities to subpoena, you do get the state information moving up. What there isn't is a mechanism for the Family Court who's amassed all this information over a longer period of time, often quite later, for sharing that back to the state level in terms of their assessment of risk.

Ms JOHNSTON - I'm hung up on the issue of positive notification, the rabbit hole that I've gone down. In response, Judge Turnbull's evidence to the Commission of Inquiry and the problem that was notified then was that that information was not available and so that's hence by positive notification. This Bill though, doesn't seem to address that at all. It would have been reliant on the mother in that case to have made an application.

I suppose going back to Peter's question around the safety and the perception of safety and how the community feels, this Bill puts the onus squarely on potential victims, community members, parents to inquire about all sorts of people in their lives that their young person has

contact with. Whereas a bill that actually looks at positive notification will put the onus on those who have the information to disclose to those who need to know the information in order to keep a young person safe. Is that the difference in terms of what we're seeing here?

Ms FAWKNER - Yeah.

Ms JOHNSTON - Is it Legal Aid's position that that is a better protective mechanism because it would mean that all agencies would be on the same page, including and also community members, parents, caregivers that need to be on the same page? Whereas at the moment under this Bill, it's still entirely possible that one person or two people know information but can't share it with relevant agencies, relevant other people in that young person's life? Am I oversimplifying that?

Ms FAWKNER - No, and I like the way you've explained it because that's exactly what we get in the act.

Ms JOHNSTON - If the intent is to make sure that a young person is safe, knowledge is the key here. This is a constrained mechanism for getting information, whereas a Bill that reflects a better structure around proactive notification would actually mean that everyone who required the information knew the information.

Ms FAWKNER - Yes. And then you're not going to get back to that question of, 'oh, why didn't you make the application?' and adding some negative implication there - systems abuse. It gets rid of all of that.

Ms JOHNSTON - The Bill itself, in terms of disclosure, if you've made an application, you've had a disclosure made, the person you're concerned about is on the register, you're confined in terms of who you can share that information with without committing an offence. If there's a need to share that information with a teacher, another important person in that young person's life who might be also a caregiver, there's a restraint around that without committing an offence. So, it's almost working against what the objective is, unless you could give a nudge and a wink to that person and say, 'How about you make an application too, then we can both know what we - ?'

Ms CHANDLER - 'Look at this form.'

Ms JOHNSTON - Imagine a wink, but then you're reliant on someone not prosecuting you for doing a nudge and a wink to another party.

CHAIR - Yes, you could be committing an offence under the Act by doing that.

CHAIR - The examples that you've raised in the written submissions are very illustrative.

Is there anything that we haven't gone to in our questions or in your statements that you were hoping the Committee would hear today?

Ms CHANDLER - Well, something happened today. I was down at court and said to one of my colleagues, 'Can I go first because I have to go back?' and then she promptly went: 'Right, my experience of the Act at present, which has not really been addressed in the Bill, is that although it sets a maximum time for the order to exist, it doesn't really say what are the

PUBLIC

factors.' And that has resulted in a delay while they had to get reports, which is obviously increasing court time, and also the cost of the reports that they've had to receive when the magistrate has indicated an intention to impose the longest possible period. But there have been other factors that the defence lawyer has considered should mean that a shorter period was sufficient to achieve the objectives. That also goes to Legal Aid resourcing.

Ms FAWKNER - Adjournment. You don't get it done. Adjournment. You come back to court. We need to fund lawyers to turn up to do it.

CHAIR - We've got one of the highest adjournment rates. Are there any other final reflections for any of you three, or any final burning questions from the Committee?

WITNESSES - No.

CHAIR - Thank you so much. That's been really illustrative and very useful information. Hopefully, you'll be happy for us to remain in correspondence with you, if we need to, as we continue to work.

Ms FAWKNER - Absolutely.

CHAIR - Equally, if you think of things after you've left the table today that you wish had come to the Committee's attention, please get back in touch with us through Mary.

Ms FAWKNER - Sure.

CHAIR - I'll just remind you that what you have said to us today at this Committee hearing is protected by parliamentary privilege. Once you leave the table, please be aware that that privilege does not attach to comments you may make to anyone, including the media, even if it's just repeating what you said to us. Do you understand?

WITNESSES - Yes.

CHAIR - Thank you so much.

The witnesses withdrew.

The Committee adjourned at 4.33 p.m.