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**THE GOVERNMENT ADMINISTRATION COMMITTEE B INQUIRY MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON MONDAY 3 AUGUST 2026**

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

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**The Committee met at 9.04 a.m.**

## **The Morcombe Foundation**

**CHAIR** (Ms Haddad) - Thank you very much 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 Mr and Mrs Morcombe very much for your attendance today. You've met the Members of the committee: Kristie Johnston; Jen Butler; myself, Ella Haddad; and Peter George; and Tabatha Badger is joining us online. Could I ask each of you to state your name and the capacity in which you are appearing before the Committee?

**Mr BRUCE MORCOMBE**, FOUNDER, AND **Ms DENISE MORCOMBE**, FOUNDER, THE MORCOMBE FOUNDATION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

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

**Mr MORCOMBE** - Yes, we have, yes.

**CHAIR** - Just to remind you of some of the details of that guide, the hearing is covered by parliamentary privilege, which allows you to speak with freedom without fear of being sued or questioned in any court or any place outside of Parliament. The protection is not accorded to statements that you make that may be considered defamatory and are repeated or referred to you outside of these parliamentary proceedings. The hearing is public, so the public and the media may be present or observing online. If during today's hearing you feel like any of the evidence that you want to provide to the Committee, you'd like to do that in a private setting, you can make that request at the time and we'll go into what's called an *in camera* hearing where the broadcast stops and you can give evidence to us in private if that's something that's more comfortable for you.

The Committee has agreed to also just share sensitive content information at the start of today's session because we'll be hearing from people throughout the day, so I'll quickly do that now. The committee recognises 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 encourages anyone impacted by the content matter during this hearing to contact services and supports such as SASS on 1800 697 877; 1800RESPECT, counselling and information support for domestic, family and sexual violence on 1800 737 732; Lifeline Tasmania on 13 11 14 or via text 0477 131 114; 13 YARN, 24/7 crisis support for Aboriginal and Torres Strait Islander people on 13 92 76, support for members of the LGBTQIA+ community and all those who support

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them on 1800 184 527; and Kids Helpline, 24/7 support for children and young people aged 5 to 25 years on 1800 551 800.

Thank you for bearing with us through those formalities. First of all, before I open to the committee, I just want to thank you both sincerely for making your time available to us today. I know what an absolute tragedy was faced by your family. I want to recognise the incredible work that you've done in the wake of that tragedy, not just here in Tasmania, but throughout the whole country, through education programs and the advocacy that you do. Thank you very much for putting yourselves through that in the hopes that nothing like that ever happens to another family.

Thank you also for your written submission. We've all received and read that submission. So, I guess we'll just go over to you and see if you'd like to start with any opening statement of any kind.

**Ms MORCOMBE** - Good morning, Chair and Committee. Our son, 13-year-old Daniel Morcombe, was abducted and murdered on the 7th of December 2003. For almost eight years he was listed as a missing person suspected of being murdered. Daniel's police investigation became one of the largest in Australia's history.

Brett Peter Cowan, a twice-convicted child sex offender, was found guilty of murdering Daniel and sentenced to life in jail.

In May 2005, the Daniel Morcombe Foundation was established as Daniel's lasting legacy. It has three main aims: to educate children at no cost on ways to stay safe across Australia; to support child victims of crime; and to support those left behind when someone is missing, particularly a child. The Daniel Morcombe Foundation has grown to be nationally recognised as a leading not-for-profit child safety organisation, particularly in the primary prevention space. Its advocacy work has contributed to the child protection across Australia. Day for Daniel is the largest child safety awareness activity in Australia with over two million people participating.

As the parents of Daniel and founders of the Foundation, we have pushed for a public accessible sex offender register for more than 15 years.

On June the 30th 2026, the Queensland Government released statistical data relating to the first six months of Daniel's Law operating in Queensland. Granted, the law in Queensland is a three-tiered system and the Tasmanian bill we're discussing is a two-tiered; the fundamentals are very, very close, so I believe they are very relevant.

Since launching the website on December the 31st 2025, the Daniel's Law Queensland website has recorded:

- 381,591 website visits.
- 44,472 locality search applications submitted - this is the Tier not included in this Bill for Tasmania.
- 202 parent and guardian disclosure applications submitted.
- 14 reportable offenders identified through parent and guardian disclosure searches.

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- Three offenders charged for allegedly breaching their reporting obligations.

Queensland Deputy Police Commissioner Cheryl Scanlon said:

In just six months, Daniel's Law has transformed the child safeguarding landscape, making it easier for the whole community to help protect children.

Child protection is the strongest when police and community work together. Daniel's Law is strengthening that partnership by giving Queenslanders practical tools to play an active role in protecting children.

A similar three-tier model like this has been in operation in Western Australia for more than a decade. Our observations and conclusions are that it continues to operate trouble-free and be highly effective in both Western Australia and Queensland. Initial public concerns in some sectors of those states, which were nominated in media reports prior to passing of this legislation, was very much misguided. I specifically refer to a rise in vigilantism and the identifying of sexual assault victims. This is absolutely not supported by the facts.

The two-tier Bill before the Tasmanian Parliament is similar to other states, but without the option of a location search. We believe it is measured in its approach yet still provides the tools necessary for parents and carers to improve the safety of children in their care. It also assists the community to ultimately feel safer and, importantly, believe it significantly acts as a deterrent against future offending.

First and foremost, the bill puts the protection of children ahead of the right of offenders. It also addresses the possibility of vigilantism. Finally, we know that Daniel's Law is going to help keep Tasmanian children safer because the community and police will be working together. Thank you.

**CHAIR** - Thank you so much. Thank you also for the information you've provided in your written submission.

I guess one of the things that you've highlighted, one of the big differences, is the difference between the three-tier system and the two-tier system. I just wondered if there's anything additionally that you'd like to elaborate on about the difference between those three-tier systems operating and what's proposed.

**Mr MORCOMBE** - Fundamentally, the Tier that is not included in the Tasmanian Bill has proven, as Denise mentioned, with nearly 45,000 location searches in the first six months, a popular tool to engage that website and look for locality searches, which is convicted paedophiles within a geographical area of where they reside. To our knowledge, it has not had any vigilantism as a result of that. So, it's 45,000 searches and zero impacts negatively for community-minded people in the community there. It certainly has not identified any child sexual historic crime victims out there that may be in the community. So, it has been a win.

We think Tasmania's two-tiered system is fine and will do the purpose by providing the public with additional tools to not only feel safer but to be safer for their children, because they can still apply or search under Tier 1 and Tier 2. It's just a locality search, which in Queensland

was not name, address, photograph, historic crime, noted. It's, we understand, photograph of convicted paedophiles within that geographical area. So, it doesn't use their name and certainly does not identify a physical street address where they may reside.

Some sections in Queensland have said, 'We want to know more,' but, again, it's measured. It was a balanced approach in Queensland, and it has had, to our knowledge, zero negative impact on the community. Because it's not rolled out in Tasmania, or planned to be rolled out here, obviously it's perhaps an opportunity missed maybe, but it's not to say there can't be amendments at another date. But first and foremost, we'd love to see Daniel's Law rolled out in the two-tier format we have presented to the Parliament now.

**Ms JOHNSTON** - Thank you so much for coming today, and as Ella said, I really appreciate your advocacy in this area out of an incredible tragedy, a very sad tragedy.

I'm really keen to explore a bit more about that tier system and just trying to understand the differences, and I think you quoted at the start there 45,000 for location searches within six months. Then you also had some figures there around parents and carers who made a different kind of search. What were the figures again?

**Ms MORCOMBE** - It was 202 parent and guardian disclosure applications submitted.

**Ms JOHNSTON** - Is that something similar to what we're looking at here in our legislation in terms of the kind of structure? So, the parent and guardian disclosure applications - what's the criteria in Queensland around that?

**Mr MORCOMBE** - Pretty much the same, yes. That's for parents and carers that have unsupervised access to the children in their care. They can apply online, and the Police Commissioner in Queensland - and I understand that's the same here - would have ultimate authority to say, 'yes, we can provide that' or, in certain circumstances, perhaps decline, but we're not aware of any of those and probably we would not be aware anyway. But interestingly, just reading those numbers, 14 of those 202 applications identified people that did have historic crimes offending against children. So that's 7 per cent, which is, I think, significantly high. But that's probably a weighted sample, in that I imagine that you would make application if you have suspicion about somebody or there's a new relationship or something like that. And you're perhaps a single parent or a grandparent that may want to be sure and look after the kids as well. But yes, 202 physical applications, I think, is a significant number, but not a ridiculous number. You know, it's very manageable in terms of work capacity for the police et cetera.

**Ms JOHNSTON** - So, in those circumstances, the person applying would have to have the name of the person they were inquiring about, so it might be a new partner, as you said, or someone who had unsupervised access to a child, so a babysitter or a tutor or someone like that?

**Mr MORCOMBE** - That's right, and there's significant systems in place to make sure that the person making application does live there and have justified reason in making that, so it's not as though you're spying on maybe your work colleague or something. The misuse of the legislation is perceived as an issue, but the safeguards in place in Queensland and in Tasmania we think are more than adequate in making sure that there is no misuse of that.

**Ms JOHNSTON** - One of the things you said in your opening statements was that the benefit of laws like this, from your perspective, is that it provides a community with the tools to be able to help each other, and help police, in keeping children safe. That's the important information-sharing that a location search might give. How do the laws in Queensland operate in terms of those disclosure applications, in terms of the information you get back? So, I might make an application about my babysitter, for instance, and I find that there's information on the register. How do those disclosure laws impact my ability to then share the information to another partner, another family member, another parent at the school, or the soccer team, or whatever it might be. How do they work in Queensland?

**Mr MORCOMBE** - It's a very simple process and a commonsense process, such as the amendments that were included in this draft Bill, which was: you can disclose to the other parent, which, let's face it, makes sense, but to broadcast it more broadly is deemed a misuse of that information. So, that's the way we understand it functions in Queensland and, we understand, the legislation is drafted in Tasmania. Again, it's a commonsense approach, and in the six months, we have significant statistics there, and a wonderful sample for Tasmania to say: we understand the processes because we have that model that's functioning across in the mainland, which is very transferable in terms of numbers and what have you. We understand there has been only one, and that was within maybe the first two weeks, three weeks, it was very -

**Ms MORCOMBE** - It might have been the first day, even.

**Mr MORCOMBE** - May have been - Denise is suggesting first day.

**Mr GEORGE** - One what, sorry?

**Mr MORCOMBE** - That was a vigilante slur on somebody.

**Mr GEORGE** - Right.

**Mr MORCOMBE** - So, one would suspect, I don't know that person or the details intimately, but someone had an axe to grind with somebody, and as soon as they had the ability to substantiate, maybe, their suspicions, they broadcast - I believe it might have been through social media - that that person did indeed have a history of offending against children. That is one sample, very early on within the first few days of that being rolled out, and the next, over six months now, zero. So, it has not been an ongoing issue, but that person was identified, I think within hours if not days, and that became a police matter which went through the courts and justice was served. There have been no other cases, to my knowledge, in Queensland: zero.

**Ms BUTLER** - On that, that was around what my next question was going to be: what are the penalties for parents or guardians, carers that have that information disclosed to them, if they do broadcast that information, what are the legal implications for them? Can you guide us through what that looks like legally?

**Mr MORCOMBE** - I'm probably not an expert in that level of detail -

**Ms BUTLER** - Just generally.

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**Mr MORCOMBE** - But there are significant fines, monetary fines, as well as jail terms if it's taken through the court, and the judge hands down his findings and -

**Ms MORCOMBE** - We probably need to find out the answer for that one.

**Mr MORCOMBE** - Yes, but again, there's significant safeguards, and clearly that is evident by - there was one case very early that was dealt with, and I believe that he was fined quite a substantial amount, but no jail sentence at that time. So, that was a physical example, and there has been no repeat offending by him, or anybody else for that matter. So I think the deterrent effect is sufficient.

**Ms BUTLER** - And do you know if there's any limitations around sharing information with, say, young people? If you've got a parent who has this information provided to them, or guardian, carer, responsible person, if they then say to their children, oh look, I have this information, and don't go near this person? Or, I don't want you to be in that person's environment, or around that person, et cetera, and the child then passes that information over to other young children; so where, where does it sit then, because that's a natural instinct probably for most parents to kind of warn their children.

**Mr MORCOMBE** - It would be. Again, it hasn't raised its head as an issue in Queensland. I'm not aware of any hiccups in that area at all.

**Ms BUTLER** - Yes.

**Mr MORCOMBE** - And naturally, children use social media far more than adults may do, a statistic - I'm sure that is the case. So, if there were cases like that, it would become a problem -

**Ms BUTLER** - Yes.

**Mr MORCOMBE** - and awash the system. It just has not raised its head in Queensland. So, whatever safeguards there are there are adequate.

**Ms BUTLER** - Yes, okay.

**Ms MORCOMBE** - I haven't heard of any cases at all.

**Mr MORCOMBE** - We're not aware of any issues at all. So, I'm unsure of the penalties involved, but again, I think common sense would prevail -

**Ms BUTLER** - You would hope so.

**Mr MORCOMBE** - in that if you were a parent, and you found that information about, perhaps, your new contact, who did have babysitting duties or whatever, there's no dramas in talking to your children, or children in your care, about any concerns you may have. I think that's just a fluid conversation. I think it's healthy, without scaring them.

**Ms BUTLER** - It's then that sharing of the information with other people.

**Mr MORCOMBE** - Yes, that's right.

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**Ms BUTLER** - That's the next step, isn't it, that's grey?

**Mr MORCOMBE** - Again, I don't have any information of a negative effect there. It just hasn't raised its head as a problem.

**CHAIR** - Can I ask a question kind of adjacent to that, I guess: one of the things that's in the proposed Tasmanian bill is the ability for children to make their own investigations as well. Does Queensland's system have that?

**Ms MORCOMBE** - No, we don't have that. That came up, I think, through public -

**Mr MORCOMBE** - That was one of the amendments.

**Ms MORCOMBE** - That was one of the amendments around January [2026].

**Mr MORCOMBE** - When we were aware of that amendment, we thought, oh, that makes sense. I think that's a tweak that is something positive, that younger but responsible children can make -

**CHAIR** - Can make their own application -

**Mr MORCOMBE** - I think that's worthy. In answer to your question: I'm unsure if Queensland have it. If they don't, maybe they should look at it. I think it's a good suggestion, for sure.

**Ms MORCOMBE** - I don't believe Queensland have that.

**Mr GEORGE** - There's an issue, though, isn't there here? Younger people don't have the same experience or necessary capacity to be able to manage information of that sort.

**Ms MORCOMBE** - I think the amendment in the Tasmanian one was for younger children sort of living in care, if they may have a suspicion, they're able to put in an application, which I think is a good thing.

**CHAIR** - This might not be something that you'd like to comment on, but in terms of how children that make an application might receive the information back, there's been some of the people who've made submissions to the Bill have made points about who's best placed to share that information with a young person. Is there anything you'd like to share? Do you have any view about who might be the right kind of body to provide that information to a young person making their own application?

**Ms MORCOMBE** - Maybe someone from the police should speak to the child privately.

**Ms BUTLER** - We have other submissions that suggest that if there was an opportunity for a trained specialist, someone that has expertise in working with younger people, that may have an expertise that, say, police may not have in that area -

**Mr MORCOMBE** - Yes, I would imagine police -

**Ms BUTLER** - or a psychologist or a counsellor or someone with that trained -

**Ms MORCOMBE** - Trained counsellor might be -

**Mr MORCOMBE** - I tend to think that perhaps Tasmania Police would be an excellent point of reference there, and should they, through their qualified opinion, think that child needs additional care, being a counsellor of some sort, that -

**Ms BUTLER** - Make the call.

**Mr MORCOMBE** - they provide that, or one of the community services that's out there, they ensure that the safety of that person is paramount for sure; but I would think Tasmania Police is probably the first point of call to provide that information, and based on their judgment, yes, some of the other services which do an excellent job are provided with those details and look to assist.

**Ms BUTLER** - Just to switch, Chair, if that's all right? I just want to commend you for the work with your education program as well. That has been very successful for young people, but also for older people in the community so they can get an understanding of signs and things to look for, et cetera. Can you talk a little bit more about the education program and how your education program may be able to assist with the Tasmanian legislation?

**Mr MORCOMBE** - Well, certainly over the course of 20 years at the Daniel Morcombe Foundation, we have always provided free educational resources to anyone that wishes to access them. Obviously in more recent times, the last decade, most notably, our resources are all free and online; so, access by whoever wishes to. We've increased our resources, primarily and historically, resources - just with being not-for-profit, your budget's limited, but spending within our means to provide a worthy resource. We targeted typically the seven- to eight-year-old children, so primary school age. But as they grew and demand increased and the public feedback was, this is great, have you got something for maybe the early learners or lower primary and then, of course, adolescents as well. In recent years, we've had upper and lower primary school resources, and in the last five or six years, material available for preschoolers. So, really, for a two-year old to a five-year old, as well as parents and carers and grandparents as well. Earlier this year, 10 February [2026], we launched two videos for adolescents, so 13- to 15-year-old, particularly targeting that.

So, really, from two to 15 we have resources available, and we are deep in producing and some are finished, some are early stages, but they'll be launched in the next two or three months, particularly on Day for Daniel, 30 October this year, we'll have new resources. But the common message from a two-year-old through to a 15-year-old are three key words: recognise, react, report. So recognise potential danger, whether that would be in the real world, the physical world, or the online world, which obviously youngsters are more engaged with these days than historically. Recognise potential danger, largely through your body clues, so if you sense something's not right, you get the gut feeling, butterflies in the tummy, you shake, those sorts of things, recognise them. You need to respond and do something about that. So remove yourself from that particular point of issue. If that's online, take a screenshot, turn your computer off and don't continue conversations.

If it's in the physical world, well, remove yourself at the earliest possible time from that physical danger. So, if you're in a room with a predator or a changeroom or whatever it may

be, that can sometimes be difficult, but at the earliest possible time, remove yourself as quickly as you can. Run and scream if you have to, if it's in a park or some public place perhaps, but remove yourself to a safe location.

And importantly, report. Report to a trusted adult, so it could be mum, dad, it could be a grandparent, certainly your school teacher. Police are absolutely first class in that area. Report and, of course, the Kids Helpline and other support services as well.

But they're the three key words: recognise the danger, whether you're, you know, a three-year-old or indeed a 12- or 13-year-old, recognise that dangers do exist. You don't want to be alarmist, but be aware of that and always have a safety plan: where would I go? Like, if you're a youngster, perhaps a school-age person at a bus stop, you don't want to be fearful of every vehicle and every car that drives past or perhaps even stops to let a youngster off or appears to be waiting to pick somebody up at the end of school, but I would have a look at them while I'm waiting there, and as you do, they're scrolling through their social posts and whatever for the day, I would have one eye on them and one eye perhaps on your phone and also thinking. where's a safe location if this turns into something traumatic? So always be on the front foot.

Have a safety plan, but most importantly, if you are worried about a particular vehicle or a conversation or something you've been attracted to online and maybe you've sent somebody a photo and you think, well, that person's not the person I thought it was. I thought that was a 13-year-old boy or girl and they were my friend, but it turned out to be somebody far older and they've tricked me into a position of blackmail.

It's never the youngster's fault, so we want them to report that to the right person. It could be the school teacher, could be to mum, but certainly to the police or the Australian Centre to Counter Child Exploitation (ACCCE). There are many groups.

**CHAIR** - Can I ask a quick question and then I'll pass to Mr George and I know Ms Badger had a question online too. It maybe is a little bit unrelated, but your description just then of recognising, learning those signs and recognising signs, do you think or do you have any view about the Commonwealth Government's decision to ban social media use for children under 16 and whether that might reduce some of the risk of that online danger.

**Mr MORCOMBE** - I have no doubt.

**Ms MORCOMBE** - We worked - our engagement with Bravehearts, with the Government, to get their social media for under-16s ban. It hasn't been 100 per cent, of course. We also have another project that you might not know about that's called Bright Futures, and we've had that one for about six years now. That one is on harmful sexual behaviours for pre-teens: so, the guys and the girls in the office go out and train the teachers, police officers, frontline workers, about harmful sexual behaviours.

**Mr MORCOMBE** - Recognising and responding to harmful sexual behaviours. So, while the proposed Bill in Tasmania provides additional tools, it's not the silver bullet; we all know that. It was never addressed like that in Queensland and other places and it won't be in Tasmania, should it succeed. It's about a suite of packages. But certainly, in our circumstances, Cowan was identified, and we've spoken to some of his former teachers back in the day, so obviously in the 1970s, I suppose, that after Cowan's court case did make contact with Denise and I, and several of them actually identified harmful sexual behaviour that Cowan had shown

in the playground and in the classroom that troubled them as teachers, and they never forgot that. But back in the 1970s, perhaps the 1980s, it wasn't - there were no strategies, there were no courses. It wasn't something that perhaps could assist that young person.

That's one of the reasons the foundation keeps renewing itself. And for six years and, fortunately, going forward again, we are expanding our Bright Futures program, which is early intervention of young people showing signs of harmful sexual behaviour, to correct that behaviour so they do not - no-one wants another Cowan. Certainly in the media, there have been a number of educators in the early years childcare sector that have been, like, monsters. So, if we can correct that behaviour at nine, 10 or 12 years old, when they're first displaying it, that's a win for them, and thank goodness it won't cause, or it won't have the need, to repair perhaps a 100 lives, and Daniel's circumstances won't be repeated.

**Ms MORCOMBE** - Cowan used to walk around in the playground with an erection, and the teachers didn't know what to do, and he turned out to be a twice-convicted sex offender before he'd murdered Daniel. If he'd been caught earlier and sentenced for longer, we wouldn't be sitting here today.

**Mr MORCOMBE** - And Brett Cowan did give evidence at Daniel's coronial inquest, and we weren't privy to it, but it was read out in court, his history of offending. And that started, by his own admissions, when Cowan was nine and continued, you know, to 10 and 11 and far beyond, so it escalated in its severity. And our harmful sexual behaviour program, our Bright Futures, does identify that there are significant numbers of children that show signs, but they naturally grow out of it or it's corrected. So, fortunately, not everyone turns into the monster that he was, but should he have received early intervention, perhaps the world would be a different place today.

But everything we can do to improve the health of our youngsters and identify these patterns of behaviour of offending, because peer on peer is more common than people imagine. It's often suggested that it's a senior - typically, the statistics would show male persons that offend against children, but peer on peer is a significant percentage. So, it's perhaps school-aged kids offending against other school-aged kids, brother and sister, and their neighbours, that sort of thing, that's significant.

**CHAIR** - Peter?

**Mr GEORGE** - I will cede to Ms Badger first.

**CHAIR** - Tabatha, online.

**Mr GEORGE** - If she had her question, questions then?

**Ms BADGER** - Yes, absolutely: and I just wanted to echo the comments of thanks from my colleagues, Bruce and Denise. Thank you very much for being with us again today, and your ongoing work. I was just wondering in terms of the work that you're doing at a federal level, in proposing that scheme around childcare centres, how do you see that coexisting with what's proposed before us in this Tasmanian system? Or what further amendments would we be expecting, if what you're proposing were to be successful at a national level?

**Mr MORCOMBE** -Yes. Really, the media reports over the last couple of days were quite interesting. We did draft a letter with the federal Opposition Leader and his staff, approximately one week ago, and that was co-signed by our ourselves and childcare sector representatives and the Opposition Leader, and that was, we understand, presented to the Prime Minister, or his staff, late last week. And it was really appealing, at a commonsense level, that we think it's worthy to consider a register of predatory behaviour by adults; these are people that have been charged with child sexual offences against children, and that register become a national register.

You don't have the border issue of state by state and territories, of course, so communications is non-existent; it just becomes a national register, so that mums and dads, parents and carers, have the ability in the privacy of their own home, at their own discretion, to check whether a sex offender within the childcare sector was working at a particular location, at a particular time, and whether their child, somebody in their care, was indeed at that particular early learning centre at that time. So, we thought it was a good idea, in that it reduces the anxiety on that parent or carer, because some of these are not a crime that happened in recent memory, so, six months ago or last year; they're historic crimes, perhaps 10 or 15 years ago. So, they can say, 'oh, that particular childcare centre, oh, that's terrible, that's when my child was there', but that child may be 12 or indeed 17 years old now, so their ability to recount exactly the years, we think the register will improve that, reduce anxiety: 'no, my child was not at that particular centre', or, 'yes, my child was there, I wonder whether that particular person offended against my child.' So, that could generate obviously further police investigation, or indeed generate a conversation with that young person as to whether they are withholding a conversation that needs to be said.

How that particular register would work: we were really just floating an idea, and we don't have any particular structure on that, other than we think it's a good idea. We actually think that knowledge is the key to keeping our kids safe, most definitely knowledge and education. It's not always the big stick. It's knowledge and education: and how it would run parallel with the proposed law in Tasmania? Well, because we don't have a particular structure on that suggestion, I'm unsure; but at the end of the day, a register is good for Tasmania, because they will be able to look at convicted sex offenders in your state. So, if you are a single parent, for argument's sake, and you have found the new love of your life, you will have the ability, and I would recommend everybody - it's not a case of I'm spying on my new partner, take that away, that argument is rubbish - you're looking after your kids. So, I would encourage everyone: you're not spying; you're being responsible. Check on your kids, go to the register, make an application: does this person have a history of offending against children? We all know that this register only contains convicted sex offenders. So, you may well be a sex offender that has never been caught, or never been found guilty, we know that; but it does generate a conversation, it makes us all a little sharper, a little more aware, to look after our kids and hold those conversations with our children and with our new partners as well. How those would run parallel, sorry, I don't have the data on that. I'm really only here as Daniel's dad offering suggestions to keep Aussie kids safe.

**CHAIR** - Tabatha, did you have any further questions?

**Ms BADGER** - No, that definitely covered - thanks very much for the explanation, that was great.

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**Mr GEORGE** - It seems to me, there are a number of tensions in this Bill. One of which is, if I've got the second reading correct on this: that someone charged with a reportable offence can also be searched and disclosed, despite the fact that they haven't been convicted, which is - puts it into tension with the presumption of innocence until proven guilty. So, what's your approach to that?

**Mr MORCOMBE** - Well, I'm unsure of how that is applied in the Tasmanian draft legislation. So again, I'm not an expert in that particular area. If that is the case, I probably would object because everyone is presumed innocent until proven guilty. That's the Westminster system, that's what we in Australia operate under, even though we're different states and territories. So, I was unaware of that, but if somebody's charged, would they be on the register -

**Mr GEORGE** - If I've got it right, the Commissioner will also have the ability to advise an employer or prospective employer of a charged person, that that person has been charged with a reportable offence, and to provide the details of that offence. The commission will have the same ability in relation to any parent, guardian, or carer of a child, with whom the person has reportable contact.

**Mr MORCOMBE** - Yes. You probably need someone more an expert of the drafting of that legislation, which I imagine are probably due to sit later today.

**Mr GEORGE** - Okay.

**Mr MORCOMBE** - Yes, no, I wouldn't be an expert. It's not our area, really, no.

**Mr GEORGE** - Okay. It would seem to me that this Bill is very much based on the Western Australian Bill, from what I've been able to see.

**Mr MORCOMBE** - Yes.

**Mr GEORGE** - I think there's another tension here, when if a parent or someone who's concerned for a child that may be exposed, searches and finds information about a particular offender who has been convicted; where does the ability to share that information begin and end, because, for instance, if you happen to know that you might have explored your child minder, babysitter, or teacher, I suppose, for that matter, then those parents, those concerned individuals, will have a much wider community to share that with. For instance, I would want to let my neighbours know; I might want to let the school know. Do you know where the - I mean we will be speaking to the WA Police soon about this; but what are your views about the ability, or the inability - in fact there are penalties for sharing it too widely, aren't there?

**Ms MORCOMBE** - Sure.

**Mr GEORGE** - I think it's two years in WA?

**Ms MORCOMBE** - I believe that, I know with the Queensland Police, if someone has put a search in for, say, a teacher or a coach, and the police then get a red flag that someone's been searching that person -

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**Mr GEORGE** - Right.

**Ms MORCOMBE** - they will actually go and speak to that person and say, well you cannot be a coach or a teacher, because you've been -

**Mr MORCOMBE** - They wouldn't pass the working with children –

**Ms MORCOMBE** - They wouldn't be allowed.

**Mr GEORGE** - Right. So, that then lies with the police, rather than with the person who made the initial inquiry.

**Mr MORCOMBE** - Yes. Definitely, because it is a police matter.

**Ms MORCOMBE** - Because the police get a red flag, apparently, and they go knocking on that person's door.

**Mr GEORGE** - Okay, and the last question I want to ask is: none of these laws work if there isn't sufficient regulatory oversight. You know, it isn't actually sort of put into - the law is not put into practice correctly and well by the institutions to whom the responsibility is given, the police, for instance.

So I'm wondering if you have looked at - I think the West Australian website is a new website, I think they've updated it and I haven't seen the Queensland one. Do you have any views about those websites and how useful they are? Having been through this yourselves for so many years, how useful are those websites to parents with concerns, or people with concerns, and how effective are they?

**Mr MORCOMBE** - Probably in the first month, so we're talking January of this year, specifically in Queensland with Daniel's Law, a number of people, particularly the public, thought Daniel's Law was an arm of the Daniel Morcombe Foundation, which it absolutely is not. It's the Queensland Government and, in particular, Queensland Police. So, they were making comment to us, about the insufficient information that they were hoping to find. So, perhaps that's a good thing, you know, in that they may have had sufficient suspicions on people within their cycle of life, whether it's at work or neighbours or family I suppose, and they were unable to gain access to that information, or indeed who, in terms of in Queensland, not in Tasmania, but the location search they were identifying, they were a little frustrated in the insufficient information they were hoping to find. They wanted physical addresses and history of offending et cetera. So, as I said earlier, it is just supplying images of convicted paedophiles that live in their general geographical location; it doesn't give names, et cetera. They were wanting names. So, you know, that was measured in Queensland and, as I said, I think it works incredibly well up there. That's certainly all the feedback we get from the public, from the media, from politicians, that it's going very well.

Just really to underline two significant points that have raised their head in Queensland, in other jurisdictions and in Tasmania. The possibility of identifying child sex victims - victims of abuse. There have been zero cases in Queensland in six and now seven months of this, and my understanding in nearly 10 years in WA, zero. So, to float the argument that it will increase and cause harm to victims of crime of child sexual abuse - whether that's in recent past or, you know, historic crimes of perhaps decades ago - it is just an absolute non-event. It has not

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happened in those two jurisdictions, zero is my understanding. And, as I said, in terms of vigilantism, which we're all concerned about - and that includes us - we didn't want someone's letterbox being kicked over or a graffitied car; it's totally unhelpful to our argument that, you know, these people need to be rehabilitated. If they are continuing in their workplace and leading good lives after their offending, that's a good thing. But, the public still have a right to know if they have unsupervised access to their kids.

**Mr GEORGE** - I was wondering though, the WA law, of course, is a lot more mature and they've had a lot more experience. So I'm just going back to, have you looked recently at the updated, I think it's updated, website?

**Mr MORCOMBE** - No.

**Mr GEORGE** - Oh, okay, fine. I'll deal with that with the police themselves.

**Mr MORCOMBE** - I couldn't comment because I haven't had a look.

**Ms MORCOMBE** - I know one thing with the Queensland locality search, if I live in a suburb, say of Maroochydore, I can't go and look at Nambour or the Gold Coast or Hervey Bay.

**CHAIR** - No, it has to be within your area.

**Ms MORCOMBE** - I have to prove that I live in -

**Mr GEORGE** - It has to be your location?

**Ms MORCOMBE** - It has to be my location and you have to prove with your utility bills and your licence where you actually live.

**Mr GEORGE** - It's going to be a bit different in Tasmania, I suspect, such a small state.

**Ms MORCOMBE** - You don't have that search though.

**CHAIR** - No, that's the part we don't have.

**Mr GEORGE** - We don't have that search, that's right.

**CHAIR** - We've gone a little bit over time, but it's been such -

**Mr GEORGE** - Oh, sorry.

**CHAIR** - No, don't apologise. It's been so insightful to hear from you both. I think, hopefully, you've felt very much from all of the Committee Members that we're very grateful for you sharing your experience -

**Mr GEORGE** - Thank you.

**Ms BUTLER** - Thank you.

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**CHAIR** - your personal experience, but also all of the work that you've done across the country since the tragedy that your family experienced. Sorry we've gone a bit over, but it's been a really valuable conversation. Thank you.

I'll just read the concluding statement that I'm required to. Thank you for your appearance, which we've said, and just to remind you that what you've said to us here today is protected by parliamentary privilege, but once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said to us. Do you understand that?

**Mr MORCOMBE** - It's been a good experience. Thank you. Hopefully we've helped.

**The witnesses withdrew.**

**The Committee suspended at 9.56 a.m.**

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**The Committee resumed at 10.03 a.m.**

## **Bravehearts**

**CHAIR** - Thank you very much and welcome to today's hearing of the House of Assembly Standing Committee on Government Administration B into the Community Protection (Offender Reporting) Amendment Bill 2025 (No. 61). Thank you for your appearance here today. I think you know most of the people on the Committee: Kristie Johnston, Jen Butler, myself Ella Haddad, Peter George. Tabatha Badger is also a Member and may be appearing online at some point during your time here with us today.

Could I ask you just to please state your name and the capacity in which you are appearing today?

**Ms GEALE** - Yes, Alison Geale, and I'm the CEO of Bravehearts.

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

**Ms GEALE** - Yes, I have.

**CHAIR** - Thank you. I'll just introduce our Committee Secretary, Mary, who's here assisting at the table today, and Terry, who is assisting us on Hansard. I'll just remind you of the pertinent parts of that Committee guide, which are that this hearing is covered by parliamentary privilege, allowing you to speak with freedom, without fear of being sued or questioned in any court or place outside of Parliament. This protection is not afforded to you if statements that may be defamatory are repeated or referred to by you outside of these parliamentary proceedings. The hearing is public. The public and the media may be present or observing online. Should you wish for any aspects of your evidence to be heard in private, please just make that request of the Committee and we can move into an *in camera* session. Could I ask you to make the statutory declaration before you on that card?

**Ms ALISON GEALE**, CEO, BRAVEHEARTS, WAS CALLED, TOOK THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you. As a Committee, we've agreed just to give a short content warning at the beginning of each of our sessions. I did a longer one at the beginning of the day, but I'll just reiterate that, as a Committee, we recognise that during these hearings we may discuss highly sensitive matters that have deeply impacted the lives of Tasmanians, which may be a trigger for individuals listening to or participating in these proceedings. The Committee encourages anyone impacted by the content matter during this hearing to contact the services and supports that I read at the start of the day, but the information can also be found on our Committee's website, at the Parliament of Tasmania website, and available from the Committee Secretary here in the room today.

With those formalities done, can I ask, would you like to begin with an opening statement?

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**Ms GEALE** - Yes, I will. Good morning, Chair and Committee Members, and thank you for the opportunity to appear today on behalf of Bravehearts and, importantly, those who we support through our therapeutic and support services.

Braveheart's mission is to provide a coordinated and holistic approach to the prevention and treatment of child sexual abuse, and all of our work is singularly focused on this vision. So, that work involves therapeutic counselling for children and their non-offending family members who have been impacted by child sexual abuse.

We have harmful sexual behaviours programs. We have two: one is a community referral program and the other one is funded by Queensland Government through restorative justice and is for counselling both the young person who is at risk of displaying harmful, or is engaging in harmful, sexual behaviours, and the young child of whom those behaviours are being perpetrated on. So, that is designed to rehabilitate. Those programs are called Turning Corners. We have a children's education program called Ditto's Keep Safe Adventure Program, and for approximately 15 years that's been in Tasmanian schools.

**CHAIR** - My kids experienced that program.

**Ms GEALE** - Yes, and Tasmania is a great success story for that personal safety education, which is very, very important. We also have advocacy, lobbying, research, and we also provide adult training to child-facing organisations on Child Safe Standards - both the national Child Safe Standards and those that are aligned with each of the states.

Our vision is that communities all work together - communities - ecosystems work together to protect children from child sexual abuse. So, I see this opportunity as very much aligned to that vision.

Bravehearts supports the Community Protection (Offender Reporting) Amendment Bill 2025 and its overarching objectives of strengthening Tasmania's child protection framework. Our support is grounded in three key principles.

First, child safety must remain the paramount consideration. Children deserve a system that identifies, assesses and manages risk where possible before harm occurs, not simply after abuse has taken place. We therefore support measures that improve offender monitoring, information-sharing, and the ability of decision-makers to take preventative action where a risk to children exists.

Secondly, we support the proposed disclosure scheme as a controlled and targeted child protection measure. However, we wish to be clear that Bravehearts does not view disclosure as a standalone solution. A disclosure scheme should be understood as one tool within a broader safeguarding framework. As we know, many people who sexually abuse children are not convicted, and therefore may not appear on a register. For that reason, child safety must continue to rely on prevention, education, organisational safeguarding, parental vigilance and, importantly, community awareness.

Thirdly, we support a balanced approach that combines accountability, monitoring and rehabilitation. Effective child protection is not achieved through a single intervention. It requires strong information sharing, appropriate supervision of offenders and evidence-based

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treatment programs, early intervention initiatives, and community education that empowers both children and adults to recognise and respond to risk.

As the Committee will have seen from the various submissions, there is heated and broad agreement across the stakeholders that children must be better protected, and that information-sharing can play an important role. The key differences between those submissions largely relate to how disclosure schemes should operate, what safeguards should apply and how children and young people who engage in harmful sexual behaviour should be treated.

I welcome the discussion on those issues and would particularly welcome any questions regarding the role of a controlled disclosure scheme, safeguarding against unintended circumstances, and the needs of children and young people within that reporting framework, rehabilitation and reintegration pathways, and the importance of ensuring that this bill forms part of a comprehensive child protection strategy, rather than being viewed as the entire solution. Thank you and I look forward to assisting the Committee in the deliberations today. Thank you.

**CHAIR** - Thank you so much for that.

**Ms GEALE** - My pleasure.

**CHAIR** - Who'd like to open up?

**Ms JOHNSTON** - I'm happy to. Thank you so much for your time today, Alison. I really appreciate it, and you said it really well in your opening statement there: that this is just one tool of many tools that need to be used in order to protect children, and in your submission you referred to how important it is, with a disclosure scheme, that there is education material that goes alongside any disclosure or non-disclosure, because someone might make an application and there's nothing to disclose. Can you talk a little bit more about how that needs to be rolled out, and what you've seen in other jurisdictions where a parent or a guardian or a carer makes an application for disclosure? Either there's information that has been disclosed, there's something to know, or there isn't, how their education material works hand-in-hand to support the person who has a concern about a young person in their care, or another person who has care of that child, and how that should be rolled out, and if there's any kind of framework that needs to be put around that, in a legislative sense, rather than just a 'we hope that those resources are there'.

**Ms GEALE** - Yes, I certainly think that there should be some mandated inclusions around educating the public. I can't speak to the specifics of what might happen when someone goes to use the scheme, but I can talk very confidently on the absence of community awareness when it comes to - let me rephrase that - it's not community awareness; everyone is aware. It's only if it impacts them that they then act. So, I can't talk to what might have happened with the release of the WA - or how much I have seen in terms of public education around the Queensland scheme. It would be that I might have seen more media utilising the very powerful - and I thank them for their presentation today of Bruce and Denise.

So, I think mandating it, and this is where, for the Committee, the consideration of costs would be that it would absolutely require a mandatory public education, walking them through what each aspect means, because we know even in the work that we do each and every day - so our education teams know how to take a disclosure - but at the moment, because it is

very - it's a very serious thing, they have checklists and refer to them, because they want to make sure they get that right, and because this is information that's, in most cases, heinous and people - heinous, sorry - and people don't want to hear it. So, I think unless someone is impacted, it's more about what to do, step by step, than it is about awareness. We're all aware of it. It's in the news cycle every day.

**Ms JOHNSTON** - So, those kind of mandatory processes you're talking about, obviously there's two sort of streams, if you like. There's the stream of mandatory processes: if that disclosure reveals that's a person who has been in contact with a young person, and that might trigger a whole set of circumstances around policing and investigation, and then also, how do you support the person you've disclosed to, and the young person impacted by that disclosure?

**Ms GEALE** - Yes.

**Ms JOHNSTON** - Then there's also the stream, I suppose, where there hasn't - there's nothing to disclose. That the person you've inquired about isn't on the register, but in our situation in Tasmania, there's a reason for suspicion; why you're looking to see if that person is disclosed. So, there needs to be some sort of mandatory processes that - it seems to me - around what do you do in that circumstance, if there's a concern raised; how do you treat that concern? What investigations are undertaken? Just because the person's not registered means they may not have been caught offending yet. How do you do that? So what's your sort of view, in terms of how that can be best captured, and is that, as I said before, something that needs to be in legislation, or are we sufficient just to rely that on police manuals or guidelines or department guidelines?

**Ms GEALE** - I think, if you can, I think a guideline is best practice, it is encouraged, and that is where it falls short because then it depends on who applies that, in what measure and where. So, I think where you can mandate something, the crime is at such a level that it would warrant that, and I feel that the best way to educate the public about that is a simple, scenario-based, 'when you are using the scheme this, this and this', make it very clear that 'this and this and this is what it means' -

**Ms BUTLER** - Like a manual, almost.

**Ms GEALE** - Exactly. Tasmania has a reportable conduct scheme for people in child-facing organisations, we don't have a crystal ball, we don't have the ability to see into the darkness of someone who may be committing these crimes; but linking that information sharing that was spoken about previously, if you have a reportable conduct scheme, you have a national register that, at this point, isn't for public access, but it is for those people who are child-facing, and we know that perpetrators work in child-facing environments, and as a country we've been alerted to that. The short answer is there probably isn't one, but I would feel that whatever you could mandate, you would, rather than encourage or demonstrate as, you know, best practice because that, as a country, is where we have let children down, because, as it is, the left hand and the right hand don't talk to each other. So where possible, mandate what it looks like to use that system, and the behaviours, and what is at risk signing, you know, you have signed off, that you will incur penalties up to two years if you tell. 'Who can I tell? Who can't I tell? What can I do with that information?' Clarity, I think, is key, and simple: simple and clear.

**Ms BUTLER** - Absolutely. Just subsequent to the previous questioning, discussions around information sharing: in your experience in Tasmania, we know from evidence provided

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to this Committee that, for example, child protection may not have the same information as, say, the courts or, say, police, and we have a real issue with that sharing of information. Could you give us some examples of, in your professional expertise, some areas, maybe globally, where they're particularly good at sharing information, and what the benefits have been in those examples? It's a big question, I know.

**Ms GEALE** - It is a big question, so I will answer broadly if I could. I think our federated model doesn't help us when it comes to child protection, because that is then replicated within a state. So you have many - all of the things that relate to children are, pretty much outside of the Family Court, governed by a state government, and those, you can see where children can slip through, and you're balancing wanting people to be with their parents - you know, if you've got out-of-home care, you want to return kids to the home; you're balancing a system where the reportable conduct might not link, or it may in this state, with the working with children and vulnerable peoples check, but I have seen from the Queensland perspective that the Blue Card wasn't the safety measure, because it needed a really strong reportable conduct scheme, it needed to have consequence.

So I think a lack of consequence, not just someone to blame, but a system to repair, or a pathway to repair, is what - is the analysis that's required. So if you look at any case in Tasmania, or anything that might have happened in the Commission of Inquiry [into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings], and work back from that, that I think is where the answer - but it's certainly not assisted by the fact that we have this federated model that works against us, and people can move around, and I understand there's going to be a national register, but if you don't work in those child-facing organisations, you won't be a part of that.

**Ms BUTLER** - Is there a particular place, even on a global level, a country that is best practice - that has actually done a really good job within this information sharing model?

**Ms GEALE** - Not at 100 per cent, no.

**Ms BUTLER** - So, it's difficult?

**Ms GEALE** - Yes, because you have, I learnt - this is slightly off-brief - but the Netherlands has very strong child protection laws, child protection policies, child protection pathways, yet some very outdated family laws. So, everything needs to kind of work - not kind of, it needs to work together. And that, in order for it to be - because we are designed that treatment and prevention are separate, and they're really not, often one has to come at the cost of the other. Particularly for victim/survivors; they are, rightly, taken on a journey of what working toward prevention means, not at the expense of treatment for them. But it has been set up that way right across the country.

So, I think that anywhere - see in Tasmania, for example, Ditto is in every school, but we don't do any counselling support in Tasmania - SASS and other organisations do a fine job. So, what you have to have is organisations like the Daniel Morcombe Foundation, Bravehearts, that are really committed to collaboration. And, if that's what the environment might look like for NFPs [not-for-profits], I think it's the same for government departments. I think they - everybody keeps their house in order.

**CHAIR** - And works together.

**Ms GEALE** - Because the problem at the end is so big that you can kind of shift blame. I'm speaking freely here, but that's what happens. It relies on individuals to be collaborative. So, the short answer is no.

**Ms BUTLER** - And secrecy and misinformation and finding those gaps is probably an environment where the predators actually - you know, they look for that.

**Ms GEALE** - They rely on that. They are, of the criminal types, enormously manipulative and far more dedicated. Our systems almost can't match. They're very dedicated to their outcome, so they have been able to operate well. And, in a country like Australia, which is progressive and a peer in so many other ways to so many other countries, those kinds of crimes - that's front-page news. It's terrible.

**CHAIR** - I'm really interested in what you said about our systems generally treating treatment and prevention as separate things, but really they need to be seen as - I don't want to put words in your mouth, but they need to be seen as two parts of the system, working collaboratively. I just wonder if you can expand a little bit on the harmful sexual behaviour program that you mentioned at the beginning, the one that's got a restorative justice approach, if there's anything extra that you'd like us to hear about how that operates and what we might be able to learn from it.

**Ms GEALE** - So, it is - the therapeutic angle is based on a Circles of Support framework, the CoSA framework, and it is centred around - and I'm going to kind of do the easy-read version here. So, every child is assessed using different assessment tools and the impact of their time with us is measured at the end of their sessions, no matter how long they are, culminate in - because sometimes you might have two children from the same family, so that has considerations, where you might have a victim or a child that's been impacted on, so there's a separation requirement. It centres on the young person who is at risk of, or is engaging in, harmful social behaviours. They are talking to themselves or writing a letter to themselves as part of their mandatory treatment at the end of it. So, it is not designed, not every young person that comes through is seen as a mini paedophile, you know. It's not about 'I'm a paedophile in training'. In fact, some of the factors that lead to this kind of behaviour, including pornography consumption - that's one, but it's a misnomer to say that's the only one. It can be experiencing trauma or witnessing family and domestic violence. There can be a number of different triggers. The [QLD] Government restorative justice program is designed to get those two - the children and family to conference.

**CHAIR** - Okay.

**Ms GEALE** - That is the outcome that is required there. Of course, for us as a therapeutic support service, what would be fantastic if you can have a client for life.

**CHAIR** - Okay.

**Ms GEALE** - Checking in to see what's happening post-, you know, six months, one year. So that's very difficult, but funding doesn't allow that. So, it's really hard to capture that.

**CHAIR** - Okay.

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**Ms GEALE** - So, what we have is very committed therapists who do that anyway.

**CHAIR** - Wow, that's incredible - unfunded capacity.

**Ms GEALE** - As best we can. But, that's a resource, and you'll find that in any of the states that are providing those treatment models.

**CHAIR** - For young people displaying harmful sexual behaviour and then into adulthood?

**Ms GEALE** - Yes. So, when the program started nine years ago and it was very small, and, the one for me, which - I believe one is no better than the other, but the community one is really important because anyone can refer, including self-referral.

**CHAIR** - I see, that is really important.

**Ms GEALE** - So, it can be schools, it can be - and one of the elements that's missing around a lot of holistic programs is frontline hospital staff. We've seen with modern slavery changes that it's these frontline workers - I'm married to a retired lifelong school teacher, who at teachers college was not told about harmful sexual behaviours. Taking it as far back to primary, as you possibly can -

**CHAIR** - Early intervention or early knowledge across the board.

**Ms GEALE** - Correct. And there was, you know - when we're teaching children about anatomically correct body parts, a lot of the resistance to that came from the shame, secrecy, and silence around parents going back to their own education at that time, of which it wasn't said.

**CHAIR** - It wasn't contemporary.

**Ms GEALE** - Correct. So, the legislative requirements are really underpinned by societal change as much as the systemic change that's required. I don't know if I've answered your question. I might have just talked, my apologies.

**CHAIR** - No, it's really interesting to hear about the program and the importance of the government one -

**Ms GEALE** - It's very good.

**CHAIR** - and the community self-referral one.

**Ms GEALE** - Yes, so they're different; one is a fee-for-service, and one is -

**CHAIR** - A government-funded -

**Ms GEALE** - for children that are already known to child safety.

**Mr GEORGE** - Thanks Chair. Thank you for your cogent submission. I have a few questions, but I'll try to keep it as quickly as possible. Can I ask your view of the provision

within this Act for disclosure of names of people who have been charged with offences but not yet convicted?

**Ms GEALE** - Yes, you can, and it's very much like Braveheart's view on the youth element of the disclosure scheme. So, I believe - absolutely, we believe you are innocent until proven guilty and I believe in procedural fairness. I think there are elements for consideration when it comes to the type of crime, the prevalence - I know it can be a case of creating exceptions. But again, if you go to - well, Bruce and Denise talked about Cowan - but, when we're dealing with offenders, there is a very, very, high level of evidentiary benchmarking that needs to happen to get a conviction. It is a crime that has a very low conviction rate, or prosecutive success rate anyway.

So, when you aren't able to investigate the depth or the detail of the crimes - because they vary. For example, in the harmful sexual behaviours spectrum of offending, you have expected sexual behaviours. So, educating frontline staff, including teachers, et cetera, on what they are, you can go from one thing here to something that you could absolutely not imagine. Now, someone could be accused, accused, accused at this scale, and I feel that that warrants investigation. I don't think it should be an automatic inclusion. I think that it should warrant investigation, and there should be some benchmarking on what that might look like. But procedural fairness has to happen.

**Mr GEORGE** - A couple of other things. You talked about education. Do you think, considering - there's public education, which you're talking about. Do you think there has been sufficient education in terms of how the police will manage disclosure, or do you think that that warrants a lot more investigation, education?

**Ms GEALE** - I think it would probably warrant more investigation. I think that there would be varying levels of application to best practice, and that would depend on a number of factors, mostly the individual. That's why I'm very excited about something being mandated, because you can't get to B unless you've done A, and I feel that - I can give an example, that Bravehearts undertook a large national campaign on grooming, because on any of the different arms or elements of child sexual abuse or child sexual exploitation, grooming is present in some form or fashion. We learned we had unprecedented hits to our website after this commercial was played nationally. And if, on an average month, we might get 600 hits to the website, there was 13,000 with the search word 'grooming resource'.

**CHAIR** - Gosh. That's incredible.

**Ms GEALE** - It is incredible, and it was an enormously confronting campaign, but I'm happy to share it with the Committee at a later date. Because people - not just what to look for, more importantly, they didn't know what to do. So, if we have an adult, if they had an 'adult ick' about a person in their adult friendship group, not someone working with kids, what do they do?

And we do know that professionals can also, whether it's police or frontline workers, they can also be groomed. So, what happens when you're groomed in a professional sense, and even as a police officer, you are witnessing such horrific crimes constantly that you can be numb to it and you develop your own scale of this is good, bad or middle behaviour. So, I'm all for as much education for our frontline people, including -

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**Mr GEORGE** - So, some sort of specific management training and maybe some particular section of the police to handle something of this nature?

**Ms GEALE** - I think so. Yes. I noted the previous - when Bruce and Denise were talking about people within the police, and I thought about where you can - I think I wrote 'less fragmentation is better'. If we have another - if you have it within the police and you know that may be another department within there that's doing that kind of family liaison.

**CHAIR** - Needs to be connected to the whole system.

**Ms GEALE** - Yes. But if you create another department, that's another thing outside of the police, we have even more fragmentation on an already fragmented - and no accountability.

**CHAIR** - That certainly came through very strongly in the Commission of Inquiry findings.

**Ms GEALE** - Who's responsible.

**CHAIR** - The importance of defragmentation - if that's a word, I don't know if it is.

**Ms GEALE** - Yeah, and different benchmarking for child safety and then for - so we know from the recent childcare cases that the behaviours that were reported on by the workers in those centres did not meet the evidentiary benchmarks police needed for charging. So, they're not aligned. And that's not the fault of the police, so, going even into that granular level. With the Queensland - just going back to their scheme - with regard to penalties, they can vary from three years' imprisonment to up to 10 if you were physically harassing someone who's been named. So, it's quite serious. They've really tackled that aspect of vigilante 'pitchforks'.

**Mr GEORGE** - This can't inform the actual legislation, I know, but I'm interested to know whether you think there is - having had a look at, perhaps, the Western Australian website -

**Ms GEALE** - I haven't, actually, my apologies.

**Mr GEORGE** - Oh, okay. Or the Queensland one?

**Ms GEALE** - I've seen the Queensland one.

**Mr GEORGE** - Right, so you wouldn't have a view, in that case, whether there's a global best practice for helping people. I'm thinking about the education, helping people through, the knowledge that - you don't have a view about how this public-facing information campaign can work on a website, then?

**Ms GEALE** - It could - I don't, but that doesn't mean that it can't be in the one place.

**Mr GEORGE** - No, but you don't have a view of that?

**Ms GEALE** - I'm probably viewing it through the prism of how Bravehearts would look at things holistically and what is on our own website, and we try and capture reasonably, without having too much information, any kind of inquiry that may - the thing is that you have

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to house a lot of information in a very simplistic fashion. It's like a 'choose your own adventure': are you a parent? Are you making a disclosure? Would you like to learn more about this? Et cetera.

**Ms BUTLER** - It's a hard question. I'm probably asking for expertise in drafting legislation, which isn't really your level of expertise here today, but is there a possibility that the Community Protection (Offender Reporting) Bill may contain too much instrument, and it could be more beneficial to have two separate bills? One bill could deal with the public disclosure scheme and our educating and how agencies may work together better, whether it be across the state or across the country, and then a different bill would deal with having a publicly accessible disclosure scheme. Are they two separate issues, do you believe, that could actually be undermining each other by all being within the same bill, or do you think that there's the capacity there to have two separate bills? Does that make sense?

**Ms GEALE** - For clarification, you're talking about adding in the public being able to access the -

**Ms BUTLER** - Oh, well, once they've requested it, they can have access to whether or not someone has actually a background, and whether they have been convicted or charged. But do you think that the two, that the Bill could be broken into two, as such?

**Ms GEALE** - It could probably be broken into 10, when you think about all of the - but again, I think more fragmentation is probably not the answer, I think if there's an opportunity to, again, as you've noted, my level of expertise is not on legislative matters, however, I feel that there is opportunity. For example, with this being a two-tier, I recommend a two-tier. I think the two-tier system as a controlled measure is good, and probably including an evaluation of that, and an impact assessment over a period of time would probably inform the next steps.

**CHAIR** - So a built-in review clause?

**Ms GEALE** - I think. Yes, I had some notes on that, but I did have a couple of things about the youth disclosure. I think if maybe after the review, it may be a broader legislative change and it may split. The octopus has many arms with this, and I think because this is an opportunity to make material change, you may find people like me in front of you saying 'we need to mandate education, because this is the' - at the very least, a pretty rigorous frontline and public and below-the-line education on what it is and more importantly, what it isn't, would be before I would split it, yes.

**Ms JOHNSTON** - Can I just follow on from that line of questioning, and certainly, because we've seen a number of iterations of this Bill now, and certainly I appreciate everyone who's provided feedback in the consultations for various iterations, including to this Committee; and, as Jen said, there are sort of two distinct streams, if you like, within the Bill. There's the reportable offenders register, and who goes on that, and what information needs to be reported upon, and how you monitor offenders; and then, sort of, bolted on, is also the disclosure scheme for the members of the community to be able to access the information.

One of my concerns around that is all the level of detail you really want to see in a good disclosure scheme that provides those supports and the referral pathways, and all those kind of things, are maybe diluted, because it's trying to be captured in one entire bill which is dealing

with many moving parts, if that makes sense. My question, I suppose, was in relation to young people, and I think you said you had a few notes around young people: a couple of things, in terms of, if a young person has a disclosure provided to them, they've applied as an independent young person, to see this person within their care that - or association that might be on the offenders register, how that information is presented; but also touching back to your work around harmful sexual behaviours, a young person being on the register and reportable offending, how you see that relates. I know that a number of submissions - we've seen some very different views about whether a young person should be included on -

**Ms GEALE** - Yes, I feel that I might be the only one who's saying yes to that, like in terms of - I've read the other submissions, and I think I can only speak on - well, first of all, I don't believe it should be an automatic inclusion. So, I feel that there would need to be a lot of work put around what that - if a court is going to make that decision, what does that framework look like, and I've got quite a number of those inclusions, if I could share those.

**Ms JOHNSTON** - Yes, please.

**Ms GEALE** - So, it should only occur after a rigorous, evidence-based assessment demonstrates that registration is necessary. So, over the nine years that Turning Corners has been in operation, the offending profile - sorry, the offences, have become almost unimaginable compared to what they were nine years ago. I have been at Bravehearts this month for eight years, and what was considered a harmful sexual behaviour and what is happening right now is moving at a rate of knots.

**CHAIR** - Gosh, that's scary.

**Mr GEORGE** - Sorry, can I just quickly ask: is that because you think it's getting worse, or because it's now more reported?

**Ms GEALE** - It's getting worse.

**Mr GEORGE** - Okay.

**Ms GEALE** - The behaviours are getting worse.

**Mr GEORGE** - Sorry, go on.

**Ms GEALE** - Yes, they are, like a like a tsunami. And, you know, I feel like this might need some co-design with some youths, too. That might be an important part of what a framework might look like, because we're all not in the age bracket. I know that sounds strange, but it's an important measure. So, I've just got some factors that I think - they're short - that the court could consider, and I'm happy to formalise them and submit that to the Committee: the nature and seriousness of the behaviour and what is an agreed scale of that; whether coercion, force, manipulation or exploitation occurred; the age difference between the parties; and is there risk of future harm. The paramount endeavour of our Turning Corners program is to prevent any more future harming.

**CHAIR** - Offending, yes.

**Ms GEALE** - Yes, correct. Does the child currently present an identifiable and ongoing risk, and we have children in our program that do, as much as an adult might - they absolutely do. So they should consider: the current risk level; the nature of the risk; who's at risk, and can that be managed by the individuals around the child; is there any trauma history; what is the developmental maturity of the child; do they have any neurodivergence, are they neurodiverse, sorry, or do they have any disabilities; what is the likelihood of responsiveness to treatment, if any has already been given, and is that evidenced; and I would suggest that they shouldn't be registered without an expert risk assessment being done, which can be done by a psychologist, psychiatrist, et cetera, or harmful sexual behaviour specialists, youth justice assessments, et cetera; so, quite a rigorous checklist or framework rather than an automatic inclusion, and what their family and support environment is like, and what are the potential impacts of registration for them in the future regarding employment, housing, et cetera. So, lots of considerations, but they could - that is a relatively sensible framework for a court to make a decision on, rather than an automatic inclusion for a child.

**Ms JOHNSTON** - So obviously we're doing a bill inquiry. So, we're looking at specific provisions of the Bill, and 6A deals with consideration of orders relating to child offenders. You've given us a really detailed, and I think really pertinent, list of things that the court should be considering before making an order. It's not - none of that's mentioned here, other than 'the unreasonable risk of committing a reportable offence in the future.' Obviously that's one of the factors, but you've talked about a number of different factors there. Is that something you'd like to see included specifically in the Bill, that the court must take into consideration those range of factors, and also, you know, we're talking about very young people here, so, you know, 10 onwards in age, the opportunity to have - if they are on the register, because they might have a number of those factors, whether they continue to be on the register for any length of time, if they've engaged in a program for instance, or a treatment program, you know, restorative justice principles and all those kind of things; is that something you'd like to see included in the Bill, that you think would give more confidence to the register being a meaningful register?

**Ms GEALE** - I think so. And the two that I didn't mention were shorter or different registration periods, and perhaps different frameworks for a 10-year-old and a 17-year-old because that's different. So, they have to be age appropriate. Also, maybe the right to apply for removal, if all of those - and we're talking about a child here - if all of those are met.

**Ms JOHNSTON** - Yes, because your best hope is that for young a person, 10, is identified as having harmful sexual behaviours. They're going through the system. You would hope that they're engaging programs and treatments, so by the time they get to 17, we've got a young person who understands respectful, appropriate behaviours, and is no longer posing a risk to themselves or anyone else in the community, and to continue them on a register beyond that potentially brings them back into a sphere that you don't want them to be in.

**Ms GEALE** - Yes, because also depending on how intersected and interrelated and - coexisting is the wrong word here, I'm having a moment of aphasia, I'm trying to find the right word - integrated, perhaps, all these registers are, if you're a person who is looking to employ a young person in an environment where there are other young people and you are actually - you can't do an adequate risk assessment, because if you have a young person over here who you're about to tick off and employ, but they're on - and that's where it gets a bit tricky, because they might have access to see that that young person is on that register, but I mean, I have seen high levels of offending from some young people.

**Mr GEORGE** - Well, I just wanted to take up Kristie's point, it's great. I'm wondering whether you would see, not only in the legislation, actually nominating risk factors that a judge - let's face it, judges are mostly old like me, so may not be really fully aware of what is happening amongst youth, particularly when it comes to predatory practices and so on, but would you see mandatory or legislated ongoing assessment in a way of - what I'm trying to think of is protecting a child from carrying, sort of, essentially, the scars of something that may have been juvenile behaviour out of - from which they would grow out, eventually. I don't know whether they do or not, but I assume they do.

**Ms GEALE** - I think it would be difficult to mandate that from a resource perspective. I think it would depend, all the cases are so different and so there's no-one - you could, for a period of time, I think that - especially if you wanted to tie it to shorter registration periods. Well, what does that mean, and the trade-off of that, is that there is a check-in and assessment period over a certain period of time, or certainly to apply for the right to remove. You might, in those two circumstances, if they were mandated, they could come with then ensuing reviews and assessments.

**Mr GEORGE** - Which might rely on what programs a child has been through and obviously what psychiatric assessments?

**Ms GEALE** - Yes.

**CHAIR** - That's useful. Was there anything that you haven't gone to in the questions that we've asked that you really would like us to hear?

**Ms GEALE** - May I just check some of my notes?

**CHAIR** - Yeah, of course.

**Ms GEALE** - I really focused on where there might be - oh yes, there's just a couple of other - I've said here the Bill has an opportunity to collect data, it does provide significant powers to do that, but little guidance on how that data should be analysed to improve some child protection outcomes. I've said develop a child safety risk assessment framework that could include police intelligence, child safety, court orders, corrections, school notifications, family violence concerns and disclosure scheme information, and that would move it from offender monitoring to a predictive risk management.

**CHAIR** - Do you think that would sit most logically in with police or with child safety service, something more collaborative, or something standalone?

**Ms GEALE** - As loathed as I am to suggest it's another, I think - your question is around who owns that and the collection of that. Maybe child safety? Maybe I'll take that on notice, just in a Tasmanian landscape. I haven't thought -

**CHAIR** - I'd like to suggest as well, if you are comfortable with providing the Committee any further written information or if you're happy for us to write to you and ask further questions, we would love the opportunity to do that.

**Ms GEALE** - Yes.

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**CHAIR** - Because we've gone a little bit over time now and our next group will be joining us.

**Ms GEALE** - Oh, my apologies.

**CHAIR** - No, don't apologise. This has been such useful information and we're very grateful to hear it as a Committee, but I don't want us to miss out as a Committee, and the Parliament to miss out, on the extra information that you might have to share.

**Ms GEALE** - Of course.

**CHAIR** - So, if I could suggest, if you're happy to write to us via the secretariat and, equally, when we come to our report writing stage, if you're happy for us to come back to you with any further insights that I think would be useful from Bravehearts, we'd be grateful for that opportunity.

**Ms GEALE** - Yes. Fantastic. Yeah, there's a couple of things, but now your thought about who would do that has got me thinking, 'Alison,' because I've got a harmful sexual behaviour panel and now I'm thinking 'Right, so who would do that?' So, that moves that from the practical.

**CHAIR** - It needs to be integrated, doesn't it? That's something that's come out really clearly, not just in our Commission of Inquiry but the Royal Commission federally as well, that so many of these things need to be connected and have the systems in place to work collaboratively if they're not in the same place.

**Ms GEALE** - Yes, and I threw out the answer of child safety, but again, they're overburdened as it is. I think that would just need some thought. But there's an opportunity for an Australian first, which I think is really fantastic, which does take into consideration the concerns of parents, that does take into consideration the human rights aspect, but doesn't come at the cost of children's rights to safety and does address the fact that no matter how we measure or monitor what we do, that the statistics for this crime are terrifying for this country, for this state. So, whatever can be done will be fantastic and I really thank the Committee for the time today.

**Mr GEORGE** - Thank you very much.

**CHAIR** - Thank you so much for giving us your time. We're the grateful ones. Thank you again and in advance for the extra information that you'll provide. I'll just remind you - there's a closing statement to just remind you that what you've said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that privilege is not attached to any comments you may make to anyone, including the media, even if you're repeating what you said to us. Does that make sense?

**Ms GEALE** - Yes, it does.

**CHAIR** - Thank you.

**The witness withdrew.**

# **PUBLIC**

**The Committee suspended at 10.54 a.m.**

# PUBLIC

**The Committee resumed at 11.09 a.m.**

## **Tasmanian Family and Sexual Violence Alliance**

**CHAIR** - Good morning and welcome to today's hearing of the House of Assembly Standing Committee on Government Administration B Inquiry into Community Protection (Offender Reporting) Amendment Bill 2025. Thank you for your attendance and for your written submission as well. I'll just briefly introduce the Members of the Committee: You've met me, I'm Ella Haddad, the Chair; Tabatha Badger, as Member for Lyons; Kristie Johnston, Member for Clark; Jen Butler, Member for Lyons; and Peter George, Member for Franklin. We've got a few apologies for the Committee today as well. Could I ask you, please, just to state your name and the capacity in which you are appearing today?

**Ms ASQUITH** - My name is Nicole Asquith and I am the Policy and Research Officer for the Tasmanian Family and Sexual Violence Alliance (the Alliance).

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

**Ms ASQUITH** - Yes.

**CHAIR** - I'll just introduce again, Mary, our Committee Secretary, who's at the table assisting us today, and you might see Terry at the end of the table, who's assisting us from the Hansard team.

I'll just remind you of some of those pertinent parts of the Committee guide, which is 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 not accorded to statements that you make that may be defamatory and are repeated or referred to by you outside the parliamentary proceedings of today's hearing. The hearing is public. The public and the media may be present. There's nobody in the room from the public right now, but there may be people observing online. If at some point you would like any of the aspects of your evidence to be heard in private, please just make that request of the Committee and we can move into an *in camera* hearing.

**Ms NICOLE ASQUITH**, POLICY AND RESEARCH OFFICER, TASMANIAN FAMILY AND SEXUAL VIOLENCE ALLIANCE, WAS CALLED, TOOK THE STATUTORY DECLARATION AND WAS EXAMINED via TEAMS.

We've also agreed as a Committee just to read a short content warning at the beginning of each session and I read a longer one at the beginning of the day, and that is that, 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 and the committee encourages anyone impacted by the content matter during this hearing to contact the services and supports that I referred to at the beginning of the day and all those relevant contacts can be found on our committee webpage and are available in the room today from our Committee Secretary.

That's all of the formalities dealt with. Can I just invite you if you would like to make an opening statement?

**Ms ASQUITH** - Thank you and thank you Members for allowing me to join online from the unceded ancestral lands of the Nuenonne people of Lunawuni. I pay my respects to elders past and acknowledge and thank the Palawa people who continue to care for country in their absence.

Thank you for the opportunity to talk with you about this Bill. When it was first drafted, the Alliance did not exist as an independent peak organisation, so this is our first opportunity as an organisation to respond to the second draft of this Bill. We recognise the importance for some victim/survivors to have such a scheme, particularly the disclosure components of the scheme, but we also recognise that there are some organisational members of the Alliance that are deeply concerned about the way in which this scheme has been developed and the approach taken. I refer the Committee to our specialist sexual violence services, who are giving evidence later this afternoon about how this would impact on those frontline services and how they support victim/survivors through this process.

I think one of the main concerns from our members around the Bill is that it seems to prioritise tertiary responses to offending as opposed to the primary prevention of child sexual abuse, which, of course, was at the centre of the Commission of Inquiry and we are concerned that we continue to have really critical specialist services in relation to sexual violence still underfunded for that prevention work. We need a lot more resourcing into the sector to ensure that we put a block on the intergenerational transmission of dangerous attitudes and behaviours. We need to prioritise prevention now, so that your children and grandchildren do not need to seek a disclosure sometime in the future.

We have four main concerns around the Bill and I know from my colleagues in our member services that these are issues that were raised in the first drafting of the Bill and continue to be a concern. Those are: the context of the disclosure scheme; reporting orders for children and young people; disclosure of information to affected children and the inclusion of sex workers as possible reportable offenders in some circumstances.

The disclosure scheme is, I would suggest, a popular approach to preventing child sexual abuse by recidivist offenders. It is something that is often in the public space as 'the answer'. We suggest that a public disclosure scheme may, in fact, create an unfounded sense of security both for individual victim-survivors and their protective parents and the community at large. There are so few sexual offenders that actually get to the point that the matters against them are proven in court and receive a custodial sentence. We're only looking at about 7 to 10 per cent of sexual offenders that would actually be on this register that would be subject to a disclosure. Of those, all but 20 per cent are already known to the victim/survivor and their protective parent. There is a very limited capacity for this disclosure scheme to, in fact, change the lived experiences of victim/survivors.

We need to be thinking, perhaps, that the strategy that has been undertaken by the South Australian Government in regards to domestic violence disclosures may be a better model for us to implement in regards to the disclosure of childhood sexual abuse offending. In that model, the disclosure not only prompts a disclosure of a particular offender, but it instigates a wraparound support and primary prevention and secondary prevention process for the victim/survivor and their protective parents and their families. This means that, as opposed to the bill as it is, where a trauma-informed police officer may disclose and that's it, it actually wraps around that victim/survivor, it engages in safety planning, provides information around

how to engage in healthy relationships - what are the red flags, all of those sorts of things. I think that model is a much better approach because it sees public disclosure schemes as an early intervention opportunity, but it actually allows those victim/survivors to be supported through the process.

The second major concern, of course, that we have is in relation to the inclusion of children and young people on the reportable offender register and the disclosure scheme. We are concerned that under this proposed Bill a young person may in fact be on a reportable offender register for longer than they have been on the planet at the time of their offending. We need to find some way in which to create, possibly, a second pathway in regards to reportable offenders and disclosure in relation to children and young people so that we do not close off the opportunities for deflecting them away from offending behaviour. If you're a reportable offender and you're on the disclosure scheme, then you could possibly have all of your pathways to education, work and recreation blocked because of being a reportable offender. We know that once you disconnect young people from those really critical pro-social environments, then you actually increase their opportunity for re-engaging in offending behaviour.

I think we also need to be thinking about - and I know there's been some provisions put in place to ensure that the information disclosed to victim/survivors and their protective parents is not broadcast more generally, but as all of us in this room know, there is only one degree of separation from every Tasmanian. I cannot see, under any circumstance, that a protected parent who has received a disclosure and finds that that offender has engagement with other children and young people - I cannot see under any circumstance that they would actually retain that information as confidential. They would actually share that and that would lead to, possibly, vigilante violence, and nowhere in this Bill is there any provision for the protection of that reportable offender. So, if their information is disclosed, they are subject to vigilante violence; there is nothing in there that protects their rights to privacy. I know that there are some circumstances where we would want that right to privacy to be abridged, but we need to have some stopgap measures for the widespread distribution of this information.

The other thing that we would like to see is also thinking about how we disclose this information to children and young people. At the moment, the mechanism of a senior Tasmania Police officer doing so does not actually align with the Commission of Inquiry findings or best practice within the specialist sexual violence services.

Last one was around including sex workers. As you know, in Tasmania, sex workers have very limited rights in regards to where and how they conduct their business and often the way in which sex workers ensure their own safety is to conduct business within their own home or within the home of the service user; and in both circumstances that could lead to a sex worker to become a reportable offender and subject to disclosure, and that, of course, will have an impact on women more so than men. So it's a highly gendered inclusion of sex workers in Schedule 1. I think I will leave it there and give you space to ask questions.

**CHAIR** - Thank you, Nicole. Thanks to for your written submission on behalf of the Alliance, and also thank you for the work that the Alliance is doing. I think it's a very much needed and very valuable new peak. There has been a gap that it has needed to fill for some time in the sector, and I can't speak for everybody in the Parliament, but from a personal perspective, I'm really glad that the Alliance has been established and for the work that you're doing. Thank you. I will just open it up to the Committee for questions.

**Ms JOHNSTON** - Thank you so much, Nicole, and I reiterate Ella's comments about the Alliance and how beneficial it has been in the policy space for us in Parliament, in particular. Your submission really is quite clear about the concerns in relation to specific provisions of the Bill, and I want to start perhaps with section 6A and the consideration of an order relating to a child offender. I'm not sure if you're going to catch our previous evidence from Bravehearts about some of the concerns around criteria, where you would want the court to apply consideration if they were to put a young person on the reportable offenders register; it was a very broad-ranging criteria which recognises, I suppose, the vulnerability of young people, in particular, when they're engaging in harmful sexual behaviours, the triggers for that, the causes, and the reasons why you would not necessarily want someone - and I wonder if you could perhaps fill in some gap around that, and particularly around review - the opportunity for rehabilitation or early intervention and prevention in that space, from the Alliance's perspective.

**Ms ASQUITH** - Yes, and 6A is our largest concern in relation to this Bill. We do know that those that engage in harmful sexual behaviours as children and young people are more likely to have been victim/survivors of abuse themselves, that have not been remediated, have not been supported in healing and recovery pathways, and so we would actually see that a matter against a child or a young person before the court should actually be the trigger for that wraparound service of supporting that young person on a different pathway, rather than further criminalising them and reducing their opportunities for a pathway to deterrence, to disengagement from violence. I think that 6A is something that we should, you know, possibly set aside from the bill to enable much more exploration of how this has been done in other jurisdictions. We are concerned that this could set a pathway for somebody for the rest of their lives and reduce their opportunities across their whole life, possibly, for some offending that is not ongoing if we do intervene. So I think we need to be thinking about that.

We also need to be thinking about that the courts have - currently under the Bill, have the right to make that determination of whether a child or a young person is made a reportable offender, and, as we have seen so often in family and sexual violence more generally, courts are not often good adjudicators of harm and of vulnerability, and we think that that kind of decision should actually only be undertaken once an individual risk assessment is undertaken, and that at that broader level of policy and legislation, that a child right impact assessment is done on this Bill. I don't believe it has at this stage. That is best practice, the Australian Human Rights Commission suggests that it should be done on any bill, any policy that is going to impact on young people. So, we need to have that work so that we've got a clear understanding of where are the points of harm, where are the points where we could actually have a better intervention that would set that child and young person on a really good pathway to healing and recovery.

**Ms BADGER** - Just further on that: I'm curious, you may not be able to answer it, because as you've said, the family violence Alliance is quite new and, obviously, this Bill has been a discussion that's been ongoing since 2023, from memory; but the changes that happened in a select group of consultation between versions, I think versions two and three of the Bill that we've currently got before us

was a slight tweak to section 6A, which, as you rightfully said, provided the approach to be taken - the courts to apply the assessment if they're satisfied that the child does pose an

unreasonable risk, rather than having the mandatory approach taken for adults. Was the Family Violence Alliance, firstly, part of that select consultation between the latest version of the Bill that sort of tweaked that a little bit and, if so, if you could talk us through your understanding of perhaps why it has landed where it has, if you were privy to that conversation?

**Ms ASQUITH** - The alliance did make a submission to the earlier Bill, but only as a project of TasCOSS. We weren't an independent third-party organisation, peak organisation at that stage. I do not know what was specifically raised in that initial response, but I do know, from consultation with our specialist sexual violence services, that the amendments to 6A are appreciated, but still do not go far enough in protecting children and young people.

**Ms BUTLER** - I'm just looking at Recommendation 6, that if the Committee decides that 6A is to be retained, that the provisions for children and young people are extended to those under the age of 25.

What evidence supports using 25 rather than 18 for that threshold? If you can fill me in on your expert knowledge, thank you.

**Ms ASQUITH** - Yes. This is something that is just becoming sort of mainstreamed within criminological and legal research, but also neurodevelopmental pathways for children, that we do know that the brain of a human does not actually mature until around the age of 25, and that whilst a young person from the age of 16 may appear to be able to make rational, logical decisions, when it involves emotion and an escalation of emotions, those decisions may not actually be rational or logical; that they don't have the capacity to actually regulate emotions in decision-making before around the age of 25.

We're not fixed on 25, but as my evidence shows, the research is saying that 25 is now the new 18, that we recognise that there is still so much that happens in young people's brains and the development of their brains between 18 and 25. We recognise that this is a little controversial. We were just putting it out there for the Committee and for Parliament to consider that we do actually need to be - even if we maybe apply the legislation from the age of 18, we need to have the wraparound support of that person between 18 and 25, because they still are developing their capacity to engage in prosocial behaviours.

**Ms BUTLER** - Thank you for that, and also just in relation to the controversial 6A: if, for some reason, 6A is retained, what aspects of 6A do you consider to be positive, and what's the most detrimental part of keeping 6A? Is there a benefit to 6A at all? It's very broad.

**Ms ASQUITH** - I think we need to be really careful about the inclusion of children and young people, full stop, because it does create a barrier, as I said, to those prosocial behaviours and attitudes. We do know from the evidence in the US, which, of course, is a very different context in terms of the disclosure schemes - that being a reportable offender and being subject to public disclosure often leads people who engage in these behaviours to feel like they have nothing to lose. And I am really concerned that that kind of attitude may creep into a young person's brain - that if they are already a reportable offender, if they have already had disclosures made against them, that they then have nothing to lose; they might as well just keep engaging in that behaviour. So, prevention is always the better way to go than punitive responses.

As I said, I think we need a child-risk impact assessment done on the legislation, but also, that if 6A is to be applied, that it is to be applied after a robust, individualised, risk assessment of possibility of reoffending against particular people - not this, 'they possibly could offend against any children', but that needs to be contextualised. And if we are going to leave it to the courts to make these decisions, then we need to increase, significantly, the skills and knowledge of court staff in recognising what could happen if a child is subject to be a reportable offender and disclosure.

**CHAIR** - Thank you. Peter?

**Mr GEORGE** - If I may?

**CHAIR** - Is it still on the same topic?

**Mr GEORGE** - On 6A?

**CHAIR** - Yes.

**Mr GEORGE** - Yes. You didn't hear, but Bravehearts has suggested - Alison Geale suggested - if we are going to retain 6A, that there be provisions in there which we direct courts to consider a whole number of issues before making a decision: coercion, age difference, potential for future harm, the child presenting the risk of ongoing abuse, trauma history, development and maturity, likelihood of response to treatment, expert risk assessments, et cetera. There's a couple more as well. Would you see that as being a useful way of ameliorating the issues that you consider a risk?

**Ms ASQUITH** - I think that would go a long way to remediating those risks. I think that if all of those factors were taken into consideration, there would be very few children and young people that would end up being reportable offenders. I think that if undertaking that kind of assessment, robust assessment, of a particular young person's context - I think that if you're going to do that work, then you also wrap around that young person - irrespective of whether they become a reportable offender or not - wrap around that young person, in terms of engaging them in counselling, in behaviour change, in role modelling and supported networks, reconnecting them to community and country, depending on who they are.

This is what I like about the South Australian Domestic Violence Disclosure Scheme - they do not see it as a punitive response; they see it as an early intervention opportunity. And that's an early intervention with the person using violence, but also early intervention with the victim/survivor and their protective parents. So, it is taking more of a public health lens on engaging with young people.

But yes, I support Bravehearts. If we are going to retain 6A, then we do need that kind of robust assessment of the individual and the possibility of them re-engaging in this behaviour.

**Mr GEORGE** - I've got a couple of other questions, but maybe you want to take up more of that?

**CHAIR** - Still on 6A?

**Mr GEORGE** - Do you want to stay on 6A for the moment, if we can come back?

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**Ms BADGER** - Yes, just briefly, I was just hoping, for the sake of evidence before the committee, under Recommendation 8 you've also got, if 6A is to be retained, further exploring the relationship between this Bill and the *Annulled Convictions Act 2003*, and whether that might be appropriate for children and young people. Are you able to talk us through that, just for the evidence of the Committee?

**Ms ASQUITH** - Yes. So, this was something that I - whenever I get a draft bill from Parliament, I always go and look at all of the associated legislation that's linked to that bill, and I have to say, I did not know about the *Annulled Convictions Act* and went into a deep dive on that Act, and I think the *Annulled Convictions Act* is incredibly relevant for children and young people. You know, the ability to transition to adulthood with not necessarily a clean slate, but a legal clean slate is, I think, really critical. You know, if they are a reportable offender for a Schedule 1 Offence for the next, I think it's five years possibly, I think Schedule 2/3 was 15 years, that will likely cover that period of transitioning out of school and into the workplace. Being a reportable offender obviously then limits what work opportunities, what study opportunities are available to that young person.

I have to say, just from my own personal experience, that I had a student who had a Schedule 1 Offence and they were thrown out of their university course when that was disclosed publicly by a reporter. So, it has real-world circumstances not only for children and young people, but also for adults. It is so critical that we do not cut off the opportunities for us to fundamentally change that young person's life and put them on a prosocial pathway.

**Mr GEORGE** - Look a couple of other issues, if I may. Both Western Australia and Queensland report no real issues in terms of vigilante action or vigilante violence action in response to disclosure of names - although it seems to me it's almost against human nature. If you know someone in your community is a sexual predator and has been convicted of it, it would be hard to keep your mouth shut about it. Do you think that Tasmania might be more vulnerable to vigilantism, because it's a much smaller society and communities are much closer? And let's face it, when something happens in the South of the state, the North of the state hears about it immediately.

**Ms ASQUITH** - Yes, and I think that is the big difference. You know, the difference between a sex offender in Perth moving to Geraldton, there's a huge distance, there's a disconnect between those communities. The information is not shared very quickly. With one degree of separation between everybody on the island, that information is more likely to be shared. And I suggest that whilst Queensland and Western Australia have not reported any adverse effects in terms of vigilante violence, how would they know the vigilante violence has occurred? That person who is a reportable offender is most probably not going to contact the police about it, because of their fraught relationship with police and the criminal justice system, given their own offending. So, vigilante violence is something that is very rarely reported to the police in the first place, so I don't think we can take those findings from Western Australia and Queensland to be fact. I suggest that there would be vigilante violence of one sort or another, ranging from criminal damage, graffiti, through to assault.

I think we also need to be considering, in terms of the Tasmanian context, that there are so few opportunities for children and young people on this island already. They are limited in their options that they've got, and putting them on a disclosure scheme will actually reduce those opportunities, including the development of friendship and kinship networks that would

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support them to deter from crime. So, I think the Queensland and Western Australian approach may be a little safer, but I suggest that we can't control that kind of sharing of information in Tasmania as easily as they could in those bigger jurisdictions.

**Mr GEORGE** - So in a legislative way, how would you respond to that, for both adults and children?

**Ms ASQUITH** - I don't think you can. It is always a problem with public disclosure schemes. You know, we've seen the worst-case scenario in the US, where literally all sex offenders are on a website that anybody can search. I think the protective measures that've been put in place in terms of accessing that information is laudable in this Bill, but I don't think that you can ever control for that. We need to be looking at, well, 'how do we put in place measures that protect the pathway to deterrence for recidivist offenders, whether that's child or adult, and protect the ways in which their information is shared.' Honestly, I don't think you can remediate all the risks in a public disclosure scheme; I just don't think it's possible.

**Mr GEORGE** - But those risks are not so severe that you would oppose - I assume-you would oppose disclosure?

**Ms ASQUITH** - I would oppose disclosure in the case of children and young people unless there is an individual, robust risk assessment that they are at risk of harming - further harm.

**Mr GEORGE** - Do you have a view about the disclosure of names of people charged with offences of this nature but not yet convicted?

**Ms ASQUITH** - I don't. I can't speak on behalf of our members, but from a perspective of criminal justice, putting the emphasis on justice, I don't think we should be disclosing people that have not been charged.

**Mr GEORGE** - One other quick question, if I may: have you had a look at the websites of the Queensland government, and the West Australians, relating to disclosure, and do you see either of them or any others that you may have seen around the world as being best practice in how to not only manage disclosure, but how to manage education around disclosure?

**Ms ASQUITH** - I have not looked at those two websites, but the South Australian DV disclosure model I think is one of the best-practice and, in fact, it was evaluated internationally and found to be internationally best practice. So, even though that's in relation to domestic violence and there's very different context to recidivism and being able to intervene earlier between those two, because a lot of child sexual abuse is not reported at the time - it sometimes takes up to a lifetime to report that - so we're not going to be capturing real time, unlike DV, where we would most probably be capturing a lot of real-time offending.

I think looking to the South Australian model, they've got an international evaluation of that program and it is clearly shown that by providing an early-intervention wraparound service for victim/survivors who seek disclosure, you actually reduce the harms of that disclosure and create a context in which victim/survivors and protective parents can actually instigate a safety plan and to build the skills, particularly of children and young people, to recognise the red flags, to recognise their rights to bodily autonomy and the importance of consent in every part of their

lives. So, let's take it as an early intervention opportunity and frame it as that, rather than as a punitive response to offending behaviours.

**Ms JOHNSTON** - Obviously the common goal I think everyone's trying to achieve with any legislative reform in this area is the protection of young people. This obviously is arising from the Commission of Inquiry recommendations, which had very clear recommendations around in the need for better information-sharing between government agencies, so inter-agency sharing, police, courts, child safety, DECYP, that there was a lack of coordination around there, and that's a very clear recommendation of the Commission of Inquiry.

The Commission of Inquiry didn't extend, though, to a public disclosure scheme, which is a step outside of service provision, and understanding the context of those people who work with vulnerable people, and young people in particular, in that space, I suppose I'm interested to understand the public disclosure aspect and the evidence base behind protecting young people and how that would actually add to a better, robust agency disclosure or information-sharing scheme. I suppose I'm interested to understand the complexities around a parent, caregiver, guardian applying for public disclosure and how that provides a better safety network over and above an inter-agency government information-sharing scheme, if that makes sense. It's a bit long-winded, sorry, Nicole. Is there any evidence that would suggest that that's a better approach to provide individuals with this information, as opposed to interagency - government agency sharing information?

**Ms ASQUITH** - As you most probably are aware, we in Tasmania, unlike most of the mainland Australian states, do not have a shared risk-assessment model between police and key agencies and stakeholders, and particularly the specialist services. In that context, that should be a priority in terms of sharing that information, given that we know the vast majority of victim/survivors do not report to the police, or do not report to police in real time. So you know, we need to invest in a shared risk-assessment model and information-sharing model, between government agencies and specialist services. That is a priority.

In terms of disclosures, it is an individual disclosure. That's not changing the primary prevention space. It's not protecting children and young people over the long term. It's protecting a very specific child or children within an individual family, and that's where there's that possibility of leakage outside of that individual family's disclosure, that protective parent may feel protective of all other children and young people. So there is that possibility of leakage because of that almost individualisation of responsibility, and that's where we have real concerns, given the evidence we've received from our members, both victim/survivors and organisational members, is that all of these matters slam into the Family Court, and we are really concerned that even though there are some provisions in here around the protected parent not seeking a disclosure, and that being used as a sign of the parent not being protective, we know that the Family Court matters are raised there that may not be, you know - meet the legal threshold in Tasmania, but matters raised in that Federal court that then harm the capacity of the protective parent to be protective. So, there are a lot of little bits on the sides of this Bill where there is possibility of increased harm, rather than reducing harm.

**Ms BUTLER** - Nicole, thank you for just how much of a deep dive you've taken into this Bill, proposed amendments and the other accompanying bills or corresponding bills to this. With that in mind, do you consider that the formation of this legislation could be better improved? My read of it is that we have two streams, almost two objectives, within this Bill. One is around the more, you know, nationalisation approach and change of language and so

forth and bringing that up to speed; but then on top of that, we also have this disclosure scheme and the debate around whether or not that it should be publicly accessible and so forth. Do you think that both those two streams could be strengthened if they were separate bills, and would that provide the disclosure area stream to have greater understanding of preventative tools?

**Ms ASQUITH** - I think that we are operating, particularly in the Australian context, in a lack of evidence in regards to the disclosure schemes. All we can see is how it can go seriously wrong in the US, and I think we have not mapped out all of the consequences of the disclosure scheme and remedied those concerns. I think the reportable offender - with caveats around children and young people being registered as reportable offenders, but I think the reportable offender framework is really critical because that enables, possibly, the robust sharing of information between all relevant stakeholders and agencies within government. I think a better strategy to disclosure schemes is to ensure that those disclosure applications, and the actual disclosure of the information, is actually funded and resourced for specialist services to support that process. At the moment, a child, a young person or a protective parent just contacts Tasmania Police and seeks a disclosure. There is nothing that supports that family at that time.

So, if that disclosure application is actually done in conjunction with specialist services who are funded to do this work, as you all know, sexual violence services in Tasmania are desperately underfunded and cannot meet the current needs of victim/survivors. So, this would require additional resourcing for those services to have a dedicated disclosure officer who actually works with victim/survivors, not only in terms of applying for and receiving that information, but in understanding what are the consequences of receiving this information. You know, if they're seeking a disclosure about Uncle Phil, let's think about what happens when we find out Uncle Phil is a sex offender.

So, we need to work with that victim/survivor and their protective parent to actually map out, do a safety plan. What would happen if we disclosed and this person was found to be a sex offender? What happens next? Because in that gap between disclosure and what happens next is the possibility for the leakage of the public disclosure of that information to other people, other communities. So, you know, we talk about that there's penalties for disclosing that information, but I think we need information prior to disclosure about what the consequences are and how that protective parent, the child or young person, what they need to do to ensure they do not disclose that information further.

**Ms BUTLER** - You could add to that - just one more follow-up - that it's actually not the role of Tasmania Police services to provide that wraparound assistance to Uncle Phil's family on an ongoing basis. They're not resourced to do that and that's not their role. So, that is a huge gap that could potentially be sitting there.

**Ms ASQUITH** - That's right. We've got specialist services - and you're going to hear from them this afternoon - that are doing extraordinary work in this space, and often they're doing it off the side of their desks. I also think about all of the workers in Neighbourhood Houses who are doing a lot of this work that is not even funded. Most governments don't even know that Neighbourhood Houses are doing some really important on-the-ground work in terms of supporting victim/survivors and their protective parents, particularly in terms of contact.

**CHAIR** - Nicole, can I ask you to expand a little bit on the answer you gave to Jen's question just now recognising that the Tasmanian scheme, or the proposed scheme, would

allow a child to be the applicant to the register to find out the information. I know that's not the case in Queensland. In terms of who should be the right body to provide that information to the child, I just wondered if you had any additional thoughts around protecting that young person when they do receive that information. I'm not sure what level of information has been proposed by Government already in terms of, would they be required to also provide the name of the parent or caregiver, and what kind of safeguards are around a young person as the applicant receiving that information? Do you have any further thoughts on that?

**Ms ASQUITH** - There would be differences between children and young people. So, young people may be independent, financially independent, may be making their own decisions already, and in that case, specialist services should be working with that young person. But we do know that anything to do with protecting, recovery, healing, is much more effective when we bring in family, kinship, chosen family, whatever it is, to support that young person in what are the consequences from this disclosure.

In terms of children, I think it should be mediated through a protective parent, but what about if the parents are the reportable offenders? That child may be seeking a disclosure - if they even know what a disclosure scheme is - they may be seeking a disclosure as almost a red flag. They're too scared to contact Tasmania Police and say, 'This is happening to me,' but they seek a disclosure. And unless we take that as a moment of early intervention, then they hold that information in an unprotected way that could cause serious psychological damage, particularly if it is somebody that is close to them.

**CHAIR** - Thank you.

**Ms JOHNSTON** - Could I just ask about something kind of adjacent to that, while we're talking about putting in protective factors and support and wraparound services in disclosure for the person who's made the application. I can't see anywhere in the bill that talks about informing the offender that there's been a disclosure in relation to them. So, I suppose my question is in relation to: should there be, and is there, a wraparound service around the offender, particularly if that offender is a young person - and assuming that 6A remains in the Bill here - in terms of the implications of a disclosure being made? It might be that a family member has made an application about them, someone who's in their workplace, or it involves, as you said beforehand, education, work, travel, family relationships, are all impacted by being on a reportable offenders register. Should there be - and I can't see anywhere if there is - any kind of obligation or responsibility to notify the offender that there's been a disclosure about them, and what has been said?

**Ms ASQUITH** - Not in the current Bill. Yes, in the current Bill there is no provision in terms of both the rights, but also our responsibilities, to that offender and the community in which they live. You know, if they found out that there had been a disclosure, then that may change their behaviours, but it may also make them hide their behaviours more closely and be less likely to be caught by Tasmania Police and therefore on a register in the first place.

We also need to be thinking about, you know, the recidivism aspect of this Bill. It is actually about preventing ongoing future harm. It is not actually preventing the harm in the first instance, and, as we know, too few sexual offenders are actually on any list of the police. So, we're capturing such a small minority of offenders, and they may in fact be the most recidivist aggravated offenders that we do want to protect. But there is nothing in this Bill that protects

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the person who is made a reportable offender, whether child or adult, and does not instigate any kind of secondary prevention measures for that person who is a reportable offender.

So, again, it would be wonderful to have this kind of wraparound service around reportable offenders when they are registered as reportable offenders, not when a disclosure happens, but when they are put on that register in the first place, they need to have the same sort of wraparound service that is about trying to intervene in their pathway - pathways - to offending and trying to develop a strategy of being more prosocial and disengaging from crime. At the moment, there are very few services Australia-wide for offenders. It is a real gap in our work.

**CHAIR** - Does anybody have any further questions? Well, Nicole, is there anything that we haven't gone to in our questions that you hoped to share with the Committee today?

**Ms ASQUITH** - Just quickly checking my notes.

**Ms BADGER** - I was just going to ask if there was anything further you wanted to add as a part of Section 11(1) and (2) as the Bill is currently drafted: the possible consequences and implications to sex workers, whether there's anything you'd like to add on that front.

**Ms ASQUITH** - I think we need to revisit the legislation around sex work in Tasmania, because that actually creates the context in which a sex worker could become a reportable offender. If sex workers cannot work collectively in a, for example, sex on premises, a brothel, then they are left with very few opportunities, especially if they do not have the financial resources to lease other premises from which they are working. So, in the short term, I would prefer that the inclusion of sex workers in the Schedule 1 is removed. Longer term, I think we need to revisit the legislation around sex work in Tasmania.

**CHAIR** - Nicole, if after today's session you think of other things that you'd like the committee to know about, please do get back in touch with us via Mary. We'd be more than happy to hear again from the Alliance as the Committee continues its work.

**Ms ASQUITH** - Fabulous. Thank you for allowing us to give you evidence.

**CHAIR** - No worries. I'll just read out the formal concluding statement, just for completeness. Just to remind you that what you have said to us today is protected by parliamentary privilege. Once you leave the online environment, the online table, you need to be aware that parliamentary privilege does not attach to comments you may make to anyone, including the media, even if you are repeating what you said to us. Does that make sense?

**Ms ASQUITH** - Yes, it does. Thank you.

**CHAIR** - Thank you.

**The witness withdrew.**

**The Committee suspended at 12.01 p.m.**

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**The Committee resumed at 12.05 p.m.**

## **Western Australia Police Force**

**CHAIR** - Hello, 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 for your attendance. I'll introduce the committee briefly. My name is Ella Haddad. I'm the Chair of the committee. I'm joined by Tabatha Badger, Kristie Johnston, Jen Butler, and Peter George. We've got a couple of apologies from two Members of the Committee today, as well. Also, Mary, who you've been corresponding with by email is assisting us at the table and you might also see Terry at the back of the room who's assisting us from Hansard. Could I please ask each of you to state your name and capacity in which you are appearing before the Committee?

DETECTIVE INSPECTOR **CHRIS LOCKWOOD** AND **MARTYN CLANCY-LOWE**, STRATEGIC ADVISER; WESTERN AUSTRALIA POLICE FORCE, OFFENDER MANAGEMENT DIVISION, WERE CALLED and EXAMINED via TEAMS.

**Mr LOCKWOOD** – Sure. My name is Detective Inspector Chris Lockwood from WA Police Force, Offender Management Division. In charge of the business units that relate to the management of our *Community Protection (Offender Reporting) Act*.

**Mr CLANCY-LOWE** – I'm Martyn Clancy-Lowe. I'm a Senior Adviser within the Offender Management Division and prior to that, I was the Executive Manager of what was then the Serious Offender Registry. So, I have oversight of the Community Protection website, here on behalf of WA Police.

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

**WITNESSES** - Yes.

**CHAIR** - Thank you. I'll just remind you the pertinent parts. This 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 not accorded to you if statements that you make that may be defamatory are repeated or referred to by you outside the parliamentary proceedings. This hearing is public. The public and the media may be present. There's nobody in the room at the moment, but they could attend and there may be people observing online. If at some point you wish any of your evidence to be given in private or in an *in camera* hearing, please just make that request at the time and we can do that.

The Committee's agreed to just read this statement at the beginning of each session. 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 and the committee encourages anyone impacted by the content matter during this hearing to contact the services and supports that are available on the committee's website, on the Parliament of Tasmania webpage, and from our Committee Secretary in the room today.

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That's all the formalities out of the way. Are either of you interested in making an opening statement or would you like to move just to questions?

**Mr LOCKWOOD** - No, look we're just happy to take questions. Recognising that we've had our community protection process in place since 2012, we're always very happy to assist other state and territories in making informed decisions in this space.

**CHAIR** - Great, thank you. I might just start with a brief question about the operation of the scheme, noting that it has been in place for some time. Have there been very many occasions where there's needed to be legislative change, or tweaks, or additions, or alterations made to the operation of the scheme over that period?

**Mr CLANCY-LOWE** - Yeah, the main changes related to people that the Minister could place on the register that aren't - weren't within the normal remit of a repeat reported offender. So, if someone's been committing an offence that carries a term of imprisonment of five years or more, on the application from the Commissioner of Police to the Minister, we can have the person published. The issue was they were on the register indefinitely, and there was no ability for police to update their locality or their image. So now, the recent amendments: the application lasts for five years, but there's also further amendments that enable police to require that that person update police should they change their address. Obviously, cause then they'll pop up in the new locality. And, at least once a year, present themselves to police to enable a new photograph, and again, because you know, people grow beards, shave beards, their hair colour changes - just to keep it more contemporary. That's probably really the standout change if you like, the rest - there might be a couple of little admin amendments, but that's the big one that affects the register.

**CHAIR** - Thank you. One of the things that's been raised with the Committee in respect to the difference between the two states that have schemes of this type, you guys and Queensland - one of the big differences between those two large states and Tasmania is the size of the population and the interconnectedness of the population. I note that in the correspondence you've had back and forth with our Secretary, you've indicated that there haven't been examples of vigilantism in Western Australia. There has been some concern raised with our Committee around what we colloquially call the 'one degree of separation' in Tasmania and that seems to be the case across our state. We're a very small and connected population, including across the pretty regionally dispersed parts of our population, not just within urban areas or within regional areas. We're pretty connected right across the state. I just wondered if you had any reflections that you could make to the committee around how disclosure has operated, particularly in the parts of Western Australia that do have small communities. I recognise you've got big cities and small regional communities, if there are examples where there have been disclosures in those smaller communities - could you just reflect on that or share any information that you think might be relevant to the Committee?

**Mr CLANCY-LOWE** - We haven't highlighted region to city per se, but in the 14 years it's been in operation, we've only had a total of 17 incidents, and that's across the state. When you think if someone lives in Northam they're going to see the people around Northam, or if they live at Rottnest Island they're going to see those that are at Rottnest Island, or other remote areas, but yeah. It's probably the same across all jurisdictions. You find most people are disclosed, or their whereabouts are disclosed, by the victim, regardless of any public register. It's the victim that doesn't like the offender moving back next door, or the victim's family doesn't like it. They're more likely to go - and that's not impacted by legislation at all because

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they would do that regardless. But yeah, because we have the watermarked driver's licence, the few that have either been posted on lampposts or through Facebook, they're quickly identified and pulled down. But yeah, there's only been very few incidents over the time period.

**CHAIR** - Thank you. When you say 17 incidents, do you mean 17, what you might loosely call vigilantism incidents or do you mean 17 reports of noncompliance?

**Mr CLANCY-LOWE** - 17 reports.

**Mr LOCKWOOD** - The difference is - we've not had situations of community members taking action to, you know, victimise via either personally or physically assaulting a person as a result of the community protection website information. What we have observed is circumstances where - so, those 17 reports are almost predominantly including information where they've taken information from the webpage to publicise that a person is a convicted offender, rather than inciting violence against a person, and we haven't had an instance where that's actually occurred.

Now we will still, by its very nature, we have instances where people raise concerns about where certain offenders are living, but none of that is even driven from the community protection website and that's because, generally speaking, at some point in time, a person's convictions will either be already public record or they'll come to someone's attention, and then they raise those concerns themselves completely independent of the website.

**Mr GEORGE** - Can we just quickly follow up that question? The point was made by one of the witnesses who spoke to the Committee earlier that it's probably fairly likely that anybody who is a victim of vigilantism is probably already very wary of dealing with the authorities, having been convicted in the first place, and highly unlikely to report incidents of vigilantism that might be taken against them, whether it be physical violence or any other form of - social media.

**Mr LOCKWOOD** - We've not - I have to say that we just don't have information to suggest that's the case. When we've had people who've been subject to some kind of behaviour, like a poster being placed up in their neighbourhood, they've brought it to our attention. The legislation contains the appropriate protections that make it an offence for misusing of that information, and as a result, I'd suggest that, at least on our side of the fence that we sit here with the police, is that we've seen no evidence to suggest that people are actually reluctant to come forward.

**Mr CLANCY-LOWE** - I'd also add, I'm not sure if you're aware, in Western Australia we have more of a case management system with offenders. For instance, in the metropolitan area there's, I think, upwards of 60 dedicated officers that manage all the report offenders. So, they come in like the next level, a little bit like parole management from Department of Justice, but on steroids. So, these offenders will tell the police officers that case manage them if they got concerns, be over employment, be over vigilantism. So, if it was an issue, I dare say the officers that were managing them would be aware of it, because they do build up a rapport with these offenders to try to obviously prevent them from reoffending.

**Mr GEORGE** - That's great, thank you very much.

**Ms BUTLER** - Thank you. On the preventative theme, would you be able to run through what aspects of having this scheme in place has led to having a more preventative approach around harmful sexual behaviours and predatory behaviour?

**Mr LOCKWOOD** - I guess that's a very difficult question to answer, and I will just be mindful to caveat this with: a lot of it is essentially some of our experience and opinion. So, the community protection scheme and the public disclosure scheme that we operate in Western Australia is very much about providing the community with a certain opportunity to be part of the community protection and reduction of risk. So, as you will probably be aware, we have the three tiers. So, the first Tier is our missing offenders. That's an opportunity whereby - essentially it's one more tool for WA Police to make the community aware that a certain type of high-risk offender is missing from our - and that's not just they've been to court, haven't turned up on a warrant, or something similar. There's a series of things, like they're not living at places they're legislated to have told us that they are living at, and so it's one tool by which the community can see whether or not there are outstanding offenders and, by association, assist us in locating them.

The Tier 2 offender, which is that locality search, is about the situation whereby those people have proved through their actions that they have a propensity to reoffend, post their first offending, and when a person utilises the webpage, they see, within their surrounding suburbs, those people. Does that prevent crime? That would probably be a question that we don't undertake the research into, about talking to those offenders, and the knowledge that they are going to be published on a website, and their face will be known in their geographical area; that's probably a question for those offenders, because that's not something that we've undertaken direct study on, but certainly those offenders are aware, because they're made aware that they will be published. It's our opinion that does contribute to community safety, just purely by the knowledge that their face is out there, and that people know that they're an offender, which gives the community an opportunity to be more aware of who their children may associate with; but of course, nothing also takes it away from the society and the parental responsibility to also look after your children and teach them good protective behaviours as well.

**Ms BUTLER** - And your third Tier, can you run through that?

**Mr LOCKWOOD** - Sorry, the third Tier is the process by which if your child has some level of association with a person, and you're concerned about whether or not that person is a reportable offender. You can have a process by which you send those details to us and, with the approval of our Assistant Commissioner, we can advise you whether or not they are or not.

**Ms BUTLER** - Thank you.

**Ms JOHNSTON** - Can I ask, following on from that, that third Tier where someone makes an individual application about a particular person they have a concern about, where you provide that information, what sort of wraparound support - or how do you disclose that information to the applicant and what information do they get? Then what follow-up support do you or other services give that person, upon the person they've applied for having been identified on the register or not?

**Mr LOCKWOOD** - Probably unsurprisingly, it's very uncommon for them to actually disclose their child as having contact with a person who is on the register, but we have processes

in place where we will refer that information off to other areas in our agency, for example our child assessment and interview team, and also will liaise with the Department of Communities. It's also a situation where we need to undertake whether or not those people have been breaching their reporting obligations under the *Community Protection (Offender Reporting) Act* in Western Australia and, if they have, then that opens up a whole other series of opportunities; but predominantly, that space sits around ensuring that if their child has been having contact with one of those offenders, we then will move into a process of assessing whether or not we need to engage with that child depending on the nature of the contact. It's a very much a very case-by-case basis, because it will be very specific to the nature of the contact.

**Ms JOHNSTON** - Do you keep -

**Mr CLANCY-LOWE** - The letter back to the requester, pretty much because the legislation only allows - it says that 'yes, they are', or 'no, they're not'. We can't say the nature of the offending, the Act doesn't allow us to do that; but we will provide the information to the Department of Communities and they can liaise with the family and the children if they feel the need. We also send the information - depending on the nature of the report, we generally send it across to our own child assessment interview team. Sometimes it might be no more than intel, but sometimes it might, if they've got other matters popping up with this person, even if they're not a reportable offender, it might then push them or persuade them to go and visit their family and see if those children would like to make an interview with our child assessment interview team. They go through that triage process. So, we sort of come at it from a few angles, if you like.

**Mr LOCKWOOD** - To be reasonable as well, under the recent amendments to our CPOR legislation, it would be very unlikely that convicted offenders, a reportable offender, could be having contact with a child, lawfully, that we're not aware of; because of the nature of our reportable contact component under our CPOR legislation, we would already be aware if they're complying with their reporting obligations. If we're not aware, we would then be conducting a criminal investigation into them failing to report, which would then instigate a number of supporting factors in any event to that person. If they have already told us about the contact with that child, there's a high probability we would have already engaged with the Department of Communities, who have already undertaken their own risk assessment and engagement with that parent. You can see how the different interactions between our CPOR legislation and community protection, the public disclosure scheme, they do provide a level of overlapping. That's probably one of the reasons why we don't often get positive notifications about a parent concerned about contact with their child, if we don't already know about it.

**Ms JOHNSTON** - Just so I understand that correctly: the example, for instance, might be you've entered into a new relationship and your concerned about your partner, or you're in a Family Court proceeding or whatever it might be, you make an application. What you're suggesting is that the offender, in a new relationship situation, should have already reported to you that they have contact -

**Mr LOCKWOOD** - Yes.

**Ms JOHNSTON** - with the child on a regular basis so you're aware of that. The new information is really just providing that to the applicant for disclosure in that sense. So, it's not new as a context of your agency or other child safety agencies in WA; it's only new to that

particular applicant. I was wondering also, on top of that, do you keep data on how many individual applications you receive in a year? I mean, it seems to be a fairly rare occurrence.

**Mr LOCKWOOD** – We have that. We would be able to retrieve that data. It's not very common. If you think about that process, it's a little bit peculiar, in the sense - I'm a parent, but I'm also a policeman so I've got all that extra background, I guess - but it's peculiar to think that you would allow your child to associate with another adult if you had concerns that they were a reportable offender. So, I guess we would hope, in a certain sense, that for some reason, you know, your child's engaging in some sort of contact with an adult, but you may be restricted until you satisfy yourselves of it. But it is a little bit strange, I think, from that perspective. But bearing in mind that, you know, all the different kind of potential scenarios across society, we can understand that sometimes it would give someone a peace of mind to have that negative response.

And you're quite correct that, generally speaking, that if that reportable offender was already having contact with that child, legally they would have been required to tell us, and in most circumstances, through that process, we would disclose to the Department of Communities, who would then engage with the caregiver anyway. There's a process by which the Department of Communities can then engage about the nature of that person's convictions to ensure that you have child safety.

**Ms JOHNSTON** - Sorry, can I ask one more question on this one? So, because you have the locality search as well, would it be safe to say that if you had concerns about whether it's your child's tutor or someone like that, you're more likely to do a locality search, because you can search for your area or the area you know that person is in? If they don't appear, then you're not going on to the individual application. So, people would naturally go to a locality search before they went to an individual application?

**Mr LOCKWOOD** - Not necessarily. The locality search is specifically designed for your locality as the person submitting the request. So, our system's designed in such a way, you provide your driver's licence number, your registered address, it'll give you the circumference around there. If, say, your tutor lives, you know, too many suburbs away, you wouldn't see it in any event.

I think the important thing to remember, as I said from the outset, this public disclosure scheme is just one part of the overall community safety perspective. We do believe that it plays an important part. It provides the community with an opportunity to be involved in the process. But it's certainly not the be-all and end-all, because a person is on a locality search is only on a locality search because they have reoffended whilst on the register. They're a two-time offender, so sentenced and then reoffending. The locality search typically will not - aside from those very minute, rare occasions - isn't going to show you a convicted child sex offender that lives in your suburb if they've only been convicted once. Do you know what I mean? So, from that sense, it would provide a false sense of security if you thought only the people on the locality search are the only sex offenders in your suburb. That's an important thing to remember. Therefore, the public disclosure scheme provides an additional level of support there, but again, the public disclosure scheme is only a point in time. There is potential failings in the sense that if somebody had been charged but not yet convicted of child sexual offences, and you did that search, you wouldn't get a positive answer because they're not yet convicted, but six months later they might be convicted and you now don't know that. I think the real

caution there is any of your systems in place should clearly articulate what someone will get from this and what to be aware of.

**Ms BUTLER** - Yes. I want to ask, so just to reaffirm with the process underway at the moment: so, you're not automatically placed on an offenders register just through sentencing. It's when you reoffend that you're put on to the register, or when you reoffend, you're put on to the register with the location?

**Mr LOCKWOOD** - Yes, so you, upon conviction and sentencing, you are, as long as you obviously have a series of offending, the offender type, so you'll go on to the register. You'll be placed onto the register - first offence - on which you remain for your legislated time period. So, for an adult offender, typically 15 years in Western Australia. During that timeframe, no you will not appear under the Tier 2 scheme. However, if you were to subsequently reoffend, be convicted and sentenced, upon your release from custody, the team would go through the administrative process and at that point in time, you would then be published as a Tier 2 offender under the locality search process. Does that make sense?

**Ms BUTLER** - Yes.

**Mr CLANCY-LOWE** - Providing you're not a juvenile, and providing that at least one of those offences is either a contact offence or an indecent dealing. So, you won't go on for being a repeat CEM offender -

**Mr LOCKWOOD** - Child Exploitation Material.

**Mr CLANCY-LOWE** - Yes. You've got to have had one offence, apart from unlawful dealings - because an incident came up at a train station in the drafting of this legislation, so they broadened it - but one offence, generally, should be a contact offence in the repeat offending.

**Ms BUTLER** - Do you go onto the register if you're charged, or is it only once you've been convicted and sentenced?

**Mr LOCKWOOD** - So, just to be clear, when we talk about the register, we're talking about the register that we maintain under the *Community Protection (Offender Reporting) Act*, which obviously we share at a national level, you do go onto that only once you have been convicted and sentenced.

**Mr CLANCY-LOWE** - But the nuance is, you're eligible for publication once you've been convicted, prior to sentence. So, because we have to give them 21 days' notice, if they get released on bail pending sentence, we'll often send them a letter to say, 'You're now eligible for publication under the *Community Protection (Offender Reporting) Act*', because then at least the ducks are in a row if they get sentenced and released straight into the community, we can publish them straight away, if they meet the threshold.

**CHAIR** - For young people, young offenders, being included on the register, are there extra steps that are taken in terms of making that decision?

**Mr CLANCY-LOWE** - Yes, if they're a juvenile, they can't be published. We generally only publish young people 18 and over if they're missing.

**CHAIR** - Right.

**Mr LOCKWOOD** - Again, in clarity, to be placed on the register as a juvenile offender is a different process than if you're an adult. As an adult you are automatically on the register as a result of your convictions for the offences, the register. As of January this year [2026], with our amendments to our CPOR legislation, as a juvenile offender, the sentencing court must make an order, and it's not mandatory. There's a series of criteria. Therefore, there will be, potentially, a person who was convicted as, say, a 17-year-old for a singular sentencing timeframe, and may not be placed on the register and therefore they're not subject to any of the requirements of the register, and therefore they would never fall into the category of people -

**Mr CLANCY-LOWE** - Which is, that's not, I think, dissimilar to the Tasmanian legislation, which would be in court.

**CHAIR** - So those conditions that the court needs to consider before making that non-mandatory order, are they set out in your legislation or are they in regulations in policy?

**Mr LOCKWOOD** - Yes, they're set out in the legislation.

**Mr GEORGE** - I've just got a couple of quick ones, really. My recollection is that this legislation 12 or 13 years ago was quite controversial at the time, but my suspicion is that it's not anymore, that it's sort of seen as part of the background of law enforcement and so on. Is that true? Did the controversy over it settle fairly quickly?

**Mr LOCKWOOD** - Well, fortunately, Martyn was here at the time, so -

**Mr CLANCY-LOWE** - We had some very robust discussions with the then-Attorney-General in WA, Christian Porter, who then moved to a different space, because he made the, I think like most jurisdictions, he made the announcement at a doorstep just two weeks before the election. But then, I think we landed in a reasonable place in that we came up with the model that we've currently got, which we've since had a few discussions with our federal counterparts, you know, when they've tried to persuade all the jurisdictions to adopt a model, we've sort of said, 'we accept a model and we support a model, providing it's similar to the model that we've got operating in Western Australia,' as not everybody's published, but only the one - the select few, you know, the 'two-time losers,' using my vernacular.

**Mr GEORGE** - Great. Two other quick questions. One is the website that you have up now, the remodelled website that was being updated, and would you consider that as a good working model for the equivalent that we would probably put into place in Tasmania?

**Mr LOCKWOOD** - I'll jump in and say yes, absolutely. The new - if you go to our community protection website now, it's the fully completed revamp.

**Mr GEORGE** - I've had a look.

**Mr LOCKWOOD** - Yeah, we're very happy with it. The crew have done a fantastic job. Marty and I are not IT people, so we cannot provide any specifics. You just - we would suggest that - like I said, we're very happy with how our website functions, in short. Making sure that

you've got some good input as to how it's put together, and an ability to sort of, you know, make some changes to it, is important.

We have an - it's not as great as we'd like it, but we certainly have an ability - we will be able to put up various messaging. So, we'll look at something on the community protection website around Child Protection Week, for example, and those types of things, and amend some of our links, so that people who, for various reasons, might find yourselves on that website, would actually see our current campaigns and the like. But, broadly speaking, we think that our website works really well and we've been able to obviously build on all those years of experience under the older website, under this current revamp. So, we're very happy with it.

**Mr CLANCY-LOWE** - The only thing I'd suggest is - if, you know, for your own stats, as well - have Google Analytics sitting behind it, so that you get the data and the usage because it's interesting some of the parts around the world that actually access the missing offenders. Anyone can look at missing offenders, but only people with a WA drivers licence can access the repeat reportable offenders. The other bit that's nice to have, I suppose, is if you're at all tech savvy, is if they built a system that allows for, say, the people in charge of website content management, so they can update it without having to go through a helpdesk, but I mean, that's - I'm picking at small pieces here - because you know, a bit like your marketing site or your main campaign site, so that people can intuitively update that if they've got the right access level. But yeah, we can do that, we just have to go through our service desk.

**Mr GEORGE** - The only other question is a rather broad one. Recognising the fact that you're not members of the parliamentary drafting office and may not have, sort of, read all carefully through the legislation, do you see anything in the proposed legislation or have you seen anything in the proposed legislation, that might raise a red warning flag, you know, not to go there based on your experience?

**Mr LOCKWOOD** - No.

**Mr GEORGE** - That's it?

**CHAIR** - Great, thank you.

**Mr LOCKWOOD** - That's an end to your conversation. Look, we've recently been through our own drafting of legislation with our own teams and, to be honest, unless you're right in the thick of it, you know, and understanding everything, it's hard to comment on that. But, I think that you're in a good position to observe what Queensland's recently implemented and what we have in place here in Western Australia. We don't have any particular concerns about the construct of our legislation. I think broadly the community are quite supportive of it. You will see what Marty commented about in relation to the analytics of the website is quite helpful. We've had media questions around usage of the site and that's been quite interesting because what we will see is spikes in uptake of the website, either due to media reporting on certain offenders, or through our own publicity. So, the website definitely does get used by the public, and with really - I guess, with some - with only minimal effort from the police force, you can direct community members to it at appropriate times as well. So, we had a recent - going back a couple of months into April [2026], we had a very high-profile offender release, Bradley Pen Dragon, who most people around Australia have heard of. In a circumstance like that, he is a Tier 2 offender, so people can search the locality and we saw a really significant spike in the locality search rate. Now, to me that's a success in a lot of ways because people

want to know if that person's living in their suburb or surrounds. So, in that specific type of use case, that can give a certain suburb, area, et cetera, quite a level of confidence of that person's not living in their suburb. We will never broadly tell the community where he lives because it's prohibited by legislation as well. So, that's where the website and the statistics gathering in the systems in place in the back end really do help because it really gives you that indication.

We'll look to do that - around Child Protection Week, for example, we'll look through some publicity and, again, we'll be able to direct people through to the website, and you'll see a spike in the use of the website around those types of times as well. You know, if you want to do a campaign around missing offenders, again, a similar type of thing, you can utilise the website as another tool to draw their attention to those lists of offenders and you'll see the reflection in your website traffic, in the search history data. So, it's definitely beneficial to have a good website but, certainly from our perspective, this legislation does not cause us any difficulty from a policing perspective. We've got absolutely no concerns around the vigilante side of it and, from our perspective, if it assists with community safety to any level, then it's a win, and certainly from our perspective, if the community feels safer as a result of this, that's also a benefit.

**Mr CLANCY-LOWE** - I suppose back to your earlier question, I think now we're 14 years later, almost 14 years, and it's matured, you know, we as an agency - proud is probably too strong a word - but we're happy to promote our version of a public website, whereas you asked the same question 14 years ago, you may have got a somewhat different argument.

A couple of little nuances we're at - whereas the legislation for a missing offender allows us to publish their address, we don't for obvious reasons because, generally, these people have either moved on or, if it's their family, you don't want that house to get attacked. Similarly, under locality searches we don't publish, like we used to put the suburb, so we might put Launceston, or if they were searching for that area where the offender lived, we don't do that anymore. That's twofold, we don't want to narrow it down too much for those more remote areas, and also to enable us to publish our - we've got another cohort of offenders and you've probably got something similar - high-risk serious offenders. So, they're deemed by the Supreme Court, and they often have prohibitions on their address. They should be published, people should be able to see them, but to meet their suppression orders, but still be able to publish them, we've taken off any reference to the suburb for any offender when you do a locality search. That's to cover both of those angles, if you like.

**CHAIR** - Yes, that makes sense. Were there any other final questions?

**Ms BADGER** - Just really quickly, I just have a quick question in regards to the resourcing for the administration of the scheme. If you could give us a quick snapshot of what that entails from behind the scenes?

**Mr LOCKWOOD** - That's a good question. Marty, what's the staffing you've got?

**Mr CLANCY-LOWE** - I think for a police staff, it's probably two dedicated FTEs. But from a police officer, it's hard to say, because, if you like, we've shortcut the process. If someone's missing, where probably like, I think, Queensland is still going through that process now, where they lift up every lid, check down every rabbit hole before they declare a person missing, we've said the legislation, as in the CPOR Act, you've got someone and they have to report an address. If they're not at that address, which they're obliged to report to police, and

we can't get hold of them, then for the intention of publishing them - and/or they haven't turned up for a meeting - we can publish them. Because, the primary reason of the legislation, in the forefront of all our legislation, is the protection of children in the community. So, if we think they're missing, rather than waste a month chasing them, we will expedite that, send it up to the Commissioner's delegate, the Assistant Commissioner, get them published. In the meantime, the police can then do all those checks down all the rabbit holes and do the, you know, check where their phone is and things like that to try and actually find them. But just so the police don't end up with egg on their face, so to speak.

**Mr LOCKWOOD** - We answer that question that way because Queensland had a similar question, and they have a slightly different process around determining a missing offender. So, broadly speaking, as Marty pointed out, so from a non-operational, so we call it police staff perspective, two full-time employees allows them to ensure that the governance is up to scratch, so everything is correct on the governance side of the website, all the correct details for offenders and the like, and also around the processing of applications where people are missing and pushing them up into the Tier 2 offenders because there's a lot of, not a lot, but there's enough paperwork around pushing it up our hierarchy for approvals and also, you know, notifications to the offenders themselves. So that's how we've got it in relation to the police staff side.

From an operational aspect, it affects us from that perspective that we need to carry out certain inquiries, but we would carry out those inquiries as part of our standard operational policing in any event. Yes, so from that sort of - I don't think it requires additional operational effort. There would be procedures in place around how we do that. I know Marty did comment on this, I believe, in our submission, but we do have an opinion, sort of at our level, that our Assistant Commissioner within our agencies, two down from the Commissioner, it's a very high level for approval when you're publishing someone who's missing. So we're talking about someone who's committed an offence already, by not, you know, telling us where they are and living. We do believe that that could be at a lower level, if you were of such a mind to consider that, because, you know, although our Assistant Commissioner is very attentive and will always follow up on that in a timely manner, it is just another load of work to be placing on his plate. So, I would encourage you just to consider in that space where you feel it is appropriate.

**CHAIR** - Where would it ideally sit within your police force?

**Mr LOCKWOOD** - Commander would probably -

**Mr CLANCY-LOWE** - Commander, I think. I don't know if you have a commander, otherwise maybe superintendent if you don't have a commander; because it happens occasionally, where it's Friday afternoon and then, you know, our Assistant Commissioner, the current one, is very good, but if you get one that's busy or interstate, you know, on leave, things like that often are, then you might be stuck until Monday. Yeah.

**Mr LOCKWOOD** - It's an opportunity that the legislation can dictate, you know, where it can sit, and the regulations determine where it ultimately ends up, and that's how it works. So in Western Australia the regulations will allow the delegation, you know, to lower levels, but that would stop if you're -

**Mr CLANCY-LOWE** - This part of the legislation, it's restricted to nothing below the level of assistant commissioner. I think under that whole part 5A.

## PUBLIC

**Mr LOCKWOOD** - So obviously, yes, that's just for your consideration and, you know, and that's balancing the legislation aspect versus the operational practicalities for your police force.

**CHAIR** - Thank you so much. It's been such an instructive conversation to be able to hear from both of you, particularly, Martyn, that you've been there right from the beginning, and for all of your recent insights as well, Chris. Thank you for both sharing your knowledge with our parliamentary Committee. I will just read the formal closing statement that I'm required to do, which is just to remind you that what you've said to us here today is protected by parliamentary privilege. Once you leave these proceedings, you need to be aware that privilege does not attach to comments you make to anyone, including the media, even if you are just repeating what you said to us. Does this make sense to you?

**Mr LOCKWOOD** - Yes.

**Mr CLANCY-LOWE** - Yeah.

**Mr LOCKWOOD** - No worries.

**CHAIR** - Thanks again very much, and hopefully we will be able to remain in touch as we continue our work of the Committee.

**Mr LOCKWOOD** - No problems, and obviously we work quite closely with your police forces and all the police forces in this space. So we've been in regular contact with them and we see them at meetings all the time. So I'm happy to continue working with them as well.

**Mr CLANCY-LOWE** - Yes, if this has generated further questions, reach out.

**The witnesses withdrew.**

**The Committee suspended at 12.50 p.m.**

# PUBLIC

**The Committee resumed at 1.45 p.m.**

## **Sexual Assault Support Service**

**CHAIR** - Thank you 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 for your attendance today. Thank you also for the written submission that you've provided to the Committee, which we've all had a chance to review.

I think you know most of the Committee Members, but I will just formally introduce all of us: Tabatha Badger, Member for Lyons; Kristie Johnston, Member for Clark; Jen Butler, Member for Lyons; I'm Ella Haddad, Member for Clark and the Chair of the Committee; and Peter George, Member for Franklin. We do have two other Members who are apologies today. I'll also introduce Mary, who's our Committee Secretary, who you've corresponded with, and we've got Terry assisting us on Hansard.

Could I ask you, please, to state your name and the capacity in which you are appearing before the Committee?

**Ms VARNEY** - My name is Shirleyann Varney. I'm the CEO of Sexual Assault Support Service (SASS). Thank you.

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

**Ms VARNEY** - Yes, I have.

**CHAIR** - Thank you. I'll just remind you the pertinent parts of that guide include that the hearing is covered by parliamentary privilege, which allows you to speak with freedom and without fear of being sued or questioned in any court or place outside of Parliament. This protection is not accorded to you if statements that you make may be defamatory and are repeated or referred to by you outside of these parliamentary proceedings. The hearing is public. The public and the media may be present. There's no-one here right now, but there has been earlier in the day, and they may be observing online. If at some point you would like any aspects of your evidence to be heard in private, please just make that request of the Committee and we can move into an *in camera* portion of the hearing.

Could I ask you just to make the statutory declaration that's in front of you, please?

**Ms SHIRLEYANN VARNEY**, CEO, SEXUAL ASSAULT SUPPORT SERVICE, WAS CALLED, TOOK THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you. We've also agreed as a Committee, just to give a short content warning at the beginning of each session. There was a longer one at the start of the day. We recognise as a Committee 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 encourages anyone impacted by the content matter during this hearing to contact services and supports that were referred to earlier in the day. Relevant contact information can also be found on the Committee's webpage,

which is on the Parliament of Tasmania website, and are also available in the room today from the Committee Secretary.

That's all of the formal proceedings. Would you like to make any opening statements?

**Ms VARNEY** - Absolutely. Before I commence my opening statement, I would just like to pay my respects to elders past and present and acknowledge the endurance, strength and culture of the Tasmanian Aboriginal community.

SASS is a specialist, non-government sexual assault support service. We work across the prevention continuum to deliver evidence-based, best-practice and trauma-informed services that support individuals and families to heal from sexual harm while working to prevent sexual violence by challenging the social, cultural and structural drivers that enable it.

Our work includes specialist therapeutic services for children, young people, adults and families, a 24-hour crisis response, and interventions for children and young people who have displayed harmful sexual behaviours. It's a statewide program and also statewide primary prevention initiatives and systems advocacy to inform legislative policy and sector reform.

Through this work, we see firsthand the profound impacts of sexual violence on children, families and communities, the barriers victim-survivors encounter in accessing safety, support, and justice, and the ways institutional responses can either contribute to healing or inadvertently compound harm. Together with the available evidence, these experiences inform our perspective on the Bill and the importance of ensuring legislative reform reflects the realities of sexual violence, and it's capable of achieving its intended safeguarding objectives.

So, at the onset, I wish to acknowledge the considerable work that has been undertaken by lived experience advocates, community sector and State Service colleagues and, of course, Members of Parliament in the development of this Bill. The proposed reforms are significant, complex and sensitive, and I recognise the care and consideration that has been taken in progressing the work to date. SASS strongly supports reforms that prevent harm, strengthening safeguarding and improve the safety and wellbeing of children and victim-survivors. Our submission does not question these objectives; rather, we sought to assist the Committee by identifying from our perspective where the framework could potentially be strengthened to support effective implementation and minimise potential or unintended consequences.

Our submission was not intended to be exhaustive; instead, it focused on four key areas that we believed may be of assistance to the Committee. First, we consider the application of the offender reporting scheme to children and young people, and through our work with both victim-survivors and children and young people who have displayed harmful sexual behaviours, we recognise the complexity of these matters. We support a framework that reflects contemporary understandings of child development, trauma and harmful sexual behaviours that serves a clear protective, rehabilitative and preventative purpose.

Second, we consider the proposed disclosure framework, and SASS supports disclosure as an important safeguarding mechanism and welcomes the proposed expansion of the proactive disclosure provisions. Our submission does not question the role of disclosure itself; rather, it considers whether the proposed application-based disclosure pathway is the most appropriate mechanism to achieve the stated objective, or whether the intended safeguarding objectives could be achieved by strengthening the existing proactive disclosure framework.

Third, we consider the confidentiality, offence and enforcement provisions that accompany the expanded disclosure framework and recognise that safeguarding decisions are often made in complex, nuanced and time-critical circumstances. Our submission has therefore encouraged consideration of whether the provisions appropriately balance the protection of sensitive information with the practical realities of child safeguarding, and provide a framework that is clear, workable and capable of supporting safe responses without creating unintended harms.

Finally, we support the proposed review and reporting provisions and encourage ongoing monitoring and evaluation, should the reforms proceed. Given the significance of these changes, robust oversight will assist Parliament to monitor how the legislation operates in practice, identifying emerging issues, and to ensure it continues to achieve its intended safeguarding objectives. I look forward to answering the questions from the Committee.

**CHAIR** - Thank you very much, and thank you for the information that you've provided, not only this afternoon, but in your written submission as well. I just wondered if you could expand a little bit on the existing proactive disclosure regime and the experience of people that SASS has worked with or supported in that regard.

**Ms VARNEY** - Sure. Excuse me as I refer to notes. Okay. So, the existing proactive disclosure speaks to the safeguarding of children by enabling the information to be shared, where necessary, to manage risk and support informed decision-making. So, existing statutory mechanism already permits disclosure, and it's important to understand whether they represent the most effective means of achieving that safeguarding outcome, and whether this additional process is necessary. The question that we pose to the Committee was more: did you feel that actually strengthening what exists might be the better way to go, rather than putting forward a new layer of disclosure?

**CHAIR** - In terms of the people that SASS has supported who might have been exposed to the proactive reporting regime that's already in place, do you have any reflections on where it is or isn't working, or gaps in the existing system that need to be filled or fixed?

**Ms VARNEY** - I'd need to take that question on notice.

**CHAIR** - Yes, that's fine, no worries at all.

**Ms BUTLER** - I had a similar question around that, and just to see whether or not the current safeguarding objectives were maybe not being used as effectively as they could be, and whether that was an issue, but that question was taken on notice. Your submission voiced concerns around the proposed amendments in section 45, including 45B, which would permit the arrest without warrant of a person reasonably suspected of committing an offence under this Act; do you - does your group oppose the proposed powers of arrest without warrant, or do you simply seek stronger safeguards in that area?

**Ms VARNEY** - So the clause was, sorry?

**Ms BUTLER** - Section 45B, clause 47.

**Ms VARNEY** - Thank you.

**Ms BUTLER** - So much for not giving you a grilling - it was on page 8 of the submission, sorry.

**Ms VARNEY** - Thank you, that's okay, I appreciate the guide.

Okay, so we recommended - there have been some amendments, and should those relevant amendments proceed, then we would support the proposed section 52A, which would strengthen the transparency, accountability and oversight of the disclosure framework provided by sections 44C and 44CA. In addition to the matters currently proposed, we recommend expanding the reporting requirements under section 52A to support a more comprehensive assessment of the operation of the disclosure scheme. This could include reporting on a number of proactive disclosures, and referrals to support services in complaints relating to the operation of sections 44C and 44CA, primarily to assist in monitoring how that framework operates in practice, and to identify emerging issues or unintended consequences.

So, should those proposed section 44CA progress, we would recommend consideration be given to the inclusion of a sunset clause, and this would provide an opportunity for the operation and the impacts of the disclosure pathway to be assessed in full, following a period of implementation, and for the consideration to be given to whether the provision should continue in light of the evidence generated through its operation.

**Ms JOHNSTON** - I'm interested to understand - you talked a bit about how the confidentiality provisions, you need to operate in the reality of a very complex environment, and I'm interested to understand where you talk about the difference between the expansion of proactive disclosure rather than an application-based disclosure, how existing confidentiality provisions might relate to current proactive disclosure, and I suppose the wraparound services and supports that a person would get with a proactive disclosure under the current framework, as opposed to how that might operate in an application-based disclosure with the confidentiality provisions, if that makes sense. So, I'm assuming that there is some wraparound support and understanding of what that confidentiality is with current disclosure, proactive disclosure, and how that is more complex, I'm assuming, under an application-based disclosure, and some of the difficulties around that, and supporting someone through that process of disclosure.

**Ms VARNEY** - Thank you for the question, just processing.

**Ms JOHNSTON** - It's probably a really badly worded question.

**Ms VARNEY** - No, not at all. It just is a big question.

**Ms JOHNSTON** - I suppose if I can assist by way of sort of an example, because when I think of these things I try and think of a practical example of how it might occur.

**Ms VARNEY** - Thank you.

**Ms JOHNSTON** - So, at the moment, I assume under a proactive disclosure, there is an identified need that someone needs to know that the young person is interacting with someone who's on the reportable offender register. There would be an approach to that person and information provided, a disclosure made to that person, I would assume, but you can perhaps correct the record, in a supported environment where there might be agencies involved, support

services involved in that disclosure. And there's an understanding of what the needs are of that particular person at the time, both the young person and the caregiver, and how that works and interacts, and that's in a supportive environment.

Whereas under the proposed legislation, an applicant, who may have some concerns but no network of support around them, might apply and then just receive information about the disclosure without necessarily the support services or a greater understanding of how confidentiality might apply, in terms of who can they tell about that, other than what might be just provided in a letter context, I suppose.

**Ms VARNEY** - Thank you for unpacking that, that really helps.

**Ms JOHNSTON** - That's alright. That's where my brain was going.

**Ms VARNEY** - Yeah, I really appreciate it. So, absolutely correct. With the way proactive disclosures work right now is that the intention is that it's done in a trauma-informed way and that there are protections put in place and more referrals made in order to support that person or that family as that disclosure is made.

The risk is that if someone finds out information, then they may feel that it's their duty to then disclose to protect others, and there is the complexity of how that is to look under this new legislation. And knowing that people often, you know, where risk is, and particularly where concern and risk for children and young people are, may choose to disclose in a way that then creates unintended harm for those around, is high, particularly as the legislation doesn't speak to, in detail, as to how this should occur.

**Ms JOHNSTON** - Can I then also ask, in the instance where perhaps the person who's made the application may be a victim-survivor themselves or it's a close relationship with the person that's had the disclosure made about them, I assume the current situation, there's that support there, that confidentiality, they've got the right access to services that they need to discuss that. Whereas if it was an application-based disclosure under the proposed framework, they're very much restricted in who they can tell of a disclosure in the context of seeking support for themselves in a trauma-informed way. Is that -

**Ms VARNEY** - That's a potential unintended consequence of the way this legislation is, no doubt.

**Ms JOHNSTON** - So, you might be able to tell your partner, for instance, because that's allowed, but you might not be able to tell another close friend, support network, counsellor service, maybe?

**Ms VARNEY** - Yes and I think the complexities are also when it comes to other parents.

**Ms JOHNSTON** - Caregivers.

**Ms VARNEY** - Yeah, caregivers, school. Just that lack of clarity about who you can and can't tell. But it also shifts the burden in a way that can cause unintended consequences as well and possibly harm. So, the proactive approach at the moment, ideally, when it works in full, means that there is a sort of an approach which is considered and provides an informed framework. This may not do so.

## PUBLIC

**Ms JOHNSTON** - And doesn't necessarily identify the support network that that person needs to be able to navigate all the information.

**Mr GEORGE** - Do we also have a - sorry, Chair, through you. I just wanted to take that a little further forward. It seems to me we also have a practical problem here: that to expect people to keep this sort of information to themselves is sort of almost beyond human endurance. Let's face it, if you think that you've got somebody who's of concern around the place, you are, whether you like it or not, you're going to let people know in some form or another, aren't you?

**Ms VARNEY** - Yeah, I think that's a fair comment to make. Particularly where you have genuine concerns for other children or other people's children.

**Mr GEORGE** - You might think it's your duty.

**Ms VARNEY** - Yeah, I think that's fair to say.

**Ms BADGER** - On that, a similar topic: could you talk us through, as the Bill's currently drafted, SASS's perspective on younger people accessing the register as well, so people under the age of 18 but living independently, and if and how that can be strengthened.

**Ms VARNEY** - Yeah, sure. We also had some concerns about young people being on the register as well.

**Mr GEORGE** - Sorry?

**Ms VARNEY** - We also had concerns about young people being placed on the register as well. So, again, it comes down to the 'what do you do with the information once you've learnt it?' And what do their support networks look like, particularly for young people? Does that make them, or does that put them in an untenable position, if they're living with that person or dependent on that person for shelter, food, sustenance? You know, what does that mean if they don't have a full wraparound service in place for them? So, yes, there's nothing to talk about how - I mean, I know there's policy - but how those young people can be supported, should they find out information which they then have to carry.

We also have concerns about the fact that if someone's not on the register, it doesn't necessarily mean that they are okay. And that may create, for some young people, perhaps a false sense of security, for older people too, in that they may have suspicions about someone in their family, not have a disclosure on the register, and then assume that maybe they're misinterpreting the signals - that because they're not on the register, maybe that person is safe, when in fact their 'spidey sense' is telling them otherwise.

**CHAIR** - Part of what we've heard today as a Committee is the importance of public education - what a scheme like this is intended to do and be, and importantly, what it's intended not to do and not to be. Do you think some of those quite reasonable concerns that you just characterised could be overcome if the scheme is well explained? If we could help people understand why somebody might be on the register and that the register wouldn't necessarily be comprehensive and include every single offender of every type?

## PUBLIC

**Ms VARNEY** - I think that circles us back to the proactive disclosure mechanisms that we have in place. So, we're putting effort and resources into another way of undertaking, you know, disclosures that we already have a mechanic for. Since the proactive disclosure does address some of the trauma-informed wraparound warm referral processes to support young people, then yes, of course, education going with this legislation, to make it clear, would undoubtedly support that. But for us, for SASS, it's a question of, is this a priority to add another layer to something that already exists?

**CHAIR** - Peter?

**Mr GEORGE** - Yes, a few, if I may. Can I ask your approach to the proposal that people who are under charge for sexual offences, but not yet convicted, may have their names disclosed in this Act?

**Ms VARNEY** - I wasn't aware of that, Peter. I'll need to take that one on notice. Sorry.

**Mr GEORGE** - Okay. Well, continuing the question about disclosure, we've had some conversations with people about this legislation, the legislation that operates in Queensland, the legislation operating in WA, and making the point that those are actually quite big states with very large areas, and accepting the fact that obviously if disclosures are made, people in towns and small communities will recognise it. But the danger or the risk of victimisation or vendettas against people whose names are disclosed in Tasmania may be somewhat greater because of the fact that we're a very small state, and in this state everybody knows what everyone else is doing.

**Ms VARNEY** - It's an interesting perspective. I know that the evidence doesn't really support that that happens to any great degree, but you're correct, those states are larger than Tasmania. Yeah, I don't feel able to -

**Mr GEORGE** - Don't have a view at the moment?

**Ms VARNEY** - answer what Tasmania may do in response to learning how someone's on that register.

**Mr GEORGE** - Your submission raises a real question of unintended consequences and, thus, I think, is the reason for a sunset clause. I know there are sort of 'known unknowns' and 'unknown unknowns'. Are you able to identify what you may see the areas of unintended consequences from this legislation might be?

**Ms VARNEY** - Yes, sure. So, I think we've spoken to some of them already.

**Mr GEORGE** - You have a bit, yep.

**Ms VARNEY** - You know, we work with young people who are displaying harmful sexual behaviours, and our statewide program currently works with those young people up to the age of 18. What we know about young people all the way to 28, or 26, sorry, is that the brain is still developing. In my opening remarks, I talked to an understanding around prevention and rehabilitation. And, for us, the concern, and one of the unintended consequences might be that a young person is placed on this register. Now, that's not to say that young people causing harm should not be held accountable; indeed they are and should be. But, there is also an

opportunity for rehabilitation and an ability to change behaviour and if that can be done in a trauma-informed way, in a warm, supported way, with compassion and empathy as well as accountability, the evidence is that that produces the greater opportunity for reducing harm in the future.

For us, the legislation is about making communities safer and what we have suggested is that perhaps putting a young person's name on that register may not be safe for that young person because it doesn't provide them with an opportunity to make the changes that they need to make in order to keep our community safer in the future.

**Mr GEORGE** - So it would perhaps be punitive and certainly counter the potential for rehabilitation, or changed behaviour.

**Ms VARNEY** - Yeah, that's the commentary that we've put forward, absolutely. And we've asked for that sunset clause, in order to have an opportunity to actually evaluate what happens when this legislation is implemented, if it goes forward to be implemented. Because the evidence to date across Australia is that this particular type of legislation hasn't necessarily created the impact on community safety that it is proposed to achieve.

**Mr GEORGE** - Thanks.

**Ms BUTLER** - On that, the community safety, victim-survivors, I suppose, if you're looking at that from the contrasting - and I know the legislation, well, what we should be looking at is a circular focus, so all-encompassing - but it doesn't seem to read that way. In your professional opinion, are there circumstances where the interests of the victim-survivors differ from the interests of that rehabilitation? And, how do you think, in representing SASS here today, that Parliament might be able to find a better balance, or may be able to improve this Bill to find more of a balance? And, do you think that that's achievable? Would it be more of a trauma-informed approach or less punitive and more about prevention? Yeah, just some examples of how we might be able to find a balance.

**Ms VARNEY** - Okay, so in relation to the legislation, I think for us the question mark is on whether the register will succeed in doing what it says it will do, which is to achieve a greater safety, community, by making sure that people can find out information about those people who have been caught, for want of a better word, causing harm to others.

When it comes to victim-survivors, they're absolutely, you know - preventing harm is one of the things that victim-survivors talk to me about all the time and we should absolutely hold their needs centre to the discussion, but also consider preventing unintended harms to victim-survivors. And sometimes for people who are in relationships, no matter how the outside world may view them, they may be the only sort of living opportunity for that person at the time and to potentially learn from a neighbour or a friend that, you know, the person that you're living with, that you love dearly, is an offender, there needs to be a way by which that person can then deal with that and move forward from that and hence, you know, the nuanced considerations. It's not just as simple as finding out, but it's about then opportunities and support to make the right decisions to move forward from that learning.

**Ms BUTLER** - Just on that, with that disclosure process, who - well, in your professional experience and vast experience, you're very highly regarded in this field, who should be

responsible? Which group should be responsible for supporting a child after disclosure is made, and should that support be mandatory in your professional opinion?

**Ms VARNEY** - That's a really interesting question and it's a big question. I would actually really like to be able to look at the evidence to support a response to that question.

**Ms BUTLER** - Okay, so can we take that on notice because your insights would be very valued?

**Ms VARNEY** - We'll provide some insights as far as we're able to within the scope of what we can do.

**Ms BUTLER** - Brilliant. Thank you.

**Ms BADGER** - I was wondering, we sort of started touching on it a little bit before, but just going back to the inclusion of children or youth, young people, as a part of this scheme as well and if you can talk us through, just for the evidence of the committee, SASS's perspective and how we can overcome that. Certainly, we've heard other evidence today and you've mentioned it as well about, you know, that age of 25, 26 being when the brain's fully developed and we've got that scope and how we can best consider that as a part of this scheme and, you know, the legislation but also the support that needs to be part of that as well.

**Ms VARNEY** - Thank you for the question. I think the accountability piece is really important to state upfront and that is that people that undertake to cause harm to other people should be held accountable and we completely stand by that.

There is also the consideration about how we ensure how particularly young people who are developing have the opportunity to change behaviour - to firstly understand their behaviour and then to change behaviour. So, there's a piece somewhere and it links a little bit to Jen Butler's question about, you know, do you mandate children potentially into community programs, such as the harmful sexual behaviour program that we run, to help support and see the changing behaviour and provide that full warm wraparound.

I'm a little hesitant to say that that is the one and only way to do it. I think what we've learnt is humans are complex and this is a very complex situation that we're working with. What we do know is that young people that are involved in causing harm to others are often harmed themselves and have often experienced a great deal of trauma and, thereby, the mandating of that young person into something is complex in itself because it takes away choice and choice is critical in a trauma-informed framework. However, the question is about, well, how, therefore, can we help and how can we ensure that young people have the opportunity to change and it's about that full wraparound, it's around the full preventative.

Legislation in itself doesn't create cultural change. Of course, it helps by setting direction, but then there needs to be a suite of policy levers beneath it and intention and resourcing to then ensure that community organisations and state services can actually then properly provide a full wraparound service.

**Ms BADGER** - Just further on that, obviously SASS are an extraordinary service and you do an awful lot with very limited budget, in seeing, hypothetically, this scheme come into

play as drafted, how much more resourcing do you feel that SASS or the sector would need to safely facilitate, for sake of an example, what we have drafted in front of us?

**Ms VARNEY** - That's a great question.

**Ms BADGER** - Hard to quantify.

**Ms VARNEY** - Yes, it is a great question and it's an unknown. I am unaware of how this has impacted and flowing through to other sexual assault services across Australia for those territories and jurisdictions that have implemented it. So, I would need to be able to look at that evidence to have a benchmark by which to speak to it. Do I think it will have impact on our service? Of course. I think at the very least there will be an increase in inquiry, and potentially with people learning about this in a way which is potentially unsupported, and doesn't have a wraparound, potentially people who are really quite scared and unsure where to go for help. So, I see a number of inquiries coming through to the service that maybe we're not even best placed to deal with, but just because, yes, they're not sure where else to go.

**Mr GEORGE** - I'm not even sure I'm going to take Ms Badger's question any further. Absolutely front of mind for me is that legislation of this nature, it seems to me, is actually positively dangerous if it doesn't have the proper framework to protect the vulnerable, in this case particularly, children, but vulnerable generally. I'm wondering if even the infrastructure or the framework exists within Tasmania, to your knowledge, let alone the resources that are able - that you could utilise as soon as this legislation was passed, if it was passed in its current form.

**Ms VARNEY** - A little outside the scope of the submission that we put in, but, Peter, I will try to respond to the question. I think what we have acknowledged in the submission and continue to acknowledge today is that the intent of this is really to produce greater safeguards and that is to be admired. We really support those efforts and those endeavours. I think what you're asking, Peter, is difficult to respond to without having seen it play through; but what we do know is that demand exceeds capacity to respond across the community sector. So, anything whereby there's an increased demand in service will place strain not only on the system, but also for those seeking help. Yeah, it will be interesting.

**Mr GEORGE** - I mean, I think we probably all agree at this table, that the intent of this legislation, and hopefully the outcome of this legislation, is beneficial. My question just revolves around what I think everybody's thinking here: where are the dangers and what are the outcomes if the support isn't available there at the end? I guess that's not a question, sorry, Chair, that's more of a statement.

**CHAIR** - That's okay. Shirleyann, can I just return to some of what you were talking about with young people being included or proposed to be included on the register? We heard just before the lunch break from the Western Australian Police Force who said that there is a set of criteria that the court needs to - children are not automatically included, children and young people, but a court needs to make an application for that to be the case, and there's a set of criteria set out in their legislation that need to be considered. There's a little bit in this legislation, but we heard also from Bravehearts this morning who suggested a much longer list. I won't try and go through it all in the interest of time, but a whole lot of other things, for want of a better description, that the court would need to consider before a young person's name would be included on a register. Do you think something like that, really clear, legislative kind

of prescriptive list of things that the court would need to consider, would provide somewhat of a safety mechanism before a young person's name is included in the register?

**Ms VARNEY** - Yeah. It's one of the points that we made in the submission, I think, that some additional detail to fully understand how things would be implemented would be welcomed. So, certainly, anything that strengthens those safeguards for young people would be welcomed and I'd look forward to seeing that detail.

**CHAIR** - I just had one - just a real procedural question, really: right at the end of your written submission where you've talked about proposed section 44CA and recommended a sunset clause. It might be a mix-up of my understanding of the meaning of sunset clause. My understanding is a sunset clause activates and then that section would cease to exist, if that makes sense. So it's an expiry date. Is that what you meant, or did you mean a built-in review period after which time the Act needs to be looked at and reviewed, and potential recommendations for change at that time?

**Ms VARNEY** - So our submission definitely intended to recommend a final - a closing date, at which point there would need to be a review based on the evidence gathered as to whether the legislation should continue in full. That was the intent of the submission, but really more to ensure that a thorough review, based on evidence, is undertaken. That's really more what the aim is behind the recommendation for sunset.

**Ms BUTLER** - As a subsequent to your question, your submission refers to the Tas Law Reform Institute's recommendation around the proposed reporting scheme as it applies to young people. Is it SASS's view that that review should occur before Parliament expands the registration provisions for children, if we do - if parliament does move to accept this legislation. Should that review occur beforehand, before it goes to Parliament, so we actually understand what we're looking at? Do you agree with the Tas Law Reform Institute here?

**Ms VARNEY** - So, we absolutely fully support their position and their recommendations.

**Ms JOHNSTON** - May I just ask, slightly different matter and going back again because I'm really interested in what you said about the active-proactive disclosure as opposed to application based: I think you commented in your opening statements, of course, a reportable offender register only captures a very small number of offenders in the community, those who've been either charged or convicted -

**Ms VARNEY** - Caught.

**Ms JOHNSTON** - Caught, essentially. Yes, exactly. So, when someone's applying as an applicant for disclosure, it was always my view - and I just read it then - that you'd either get a 'yes' or a 'no' answer back, that that person is 'yes on the register' or 'not on the register'; but there is a third category, and I suppose I'm interested to understand how an organisation like SASS would support people in the application process. So the third category is:

Information may not be disclosed under this section in relation to a reportable offender if the information identifies a victim, other than the applicant of a reportable offence committed by the reportable offender.

## PUBLIC

So it's a potential that someone could make an application about disclosure about a person, not get a 'yes' answer, not get a 'no' answer, but get a 'can't' answer, maybe, and how that impacts on the perception of community safety. Obviously, you mentioned beforehand that it's a bit of a false assumption that you're safe if there's no report, and how that might impact, and how can someone be supported through a 'no' answer; has that been something that's been considered by SASS in terms of the support network that would need to go around that, because a non-answer, rather than a 'no' answer - 'sorry, we can't give you that' is almost worse, in my view, than a 'yes' or 'no'.

**Ms VARNEY** - Yeah, Kristie, I don't think we addressed that in our submission, and I don't think I was fully across that that was a possibility.

**Ms JOHNSTON** - I've only just read that here, that there's actually a third category that you might get back and that would, I would assume, from working with victim-survivors provide an added layer of complexity, that you now potentially know something that you don't know, you know that something that you don't know exists, if that makes sense.

**Ms VARNEY** - Which leads back to that sort of proactive disclosure framework, doesn't it? So you know, normally Tas Pol, Child Safety, ARL, you know, would lead to the commissioner being able to make that disclosure to somebody; but it would even if it was a 'we can't tell you', it would come with a greater suite of 'this is why we can't tell you and this is what we will be doing to support you through this process', which is still potentially an unsatisfactory answer for someone to receive, but for me, it's more about the supports being in place and the sort of holistic raft of initiatives being available to then help that person move forward to what the next steps look like. Yeah, I didn't fully know that there could be a third answer.

**Ms JOHNSTON** - In that proactive disclosure, there's an assessment, I'm assuming, by the Commissioner at the time, that there is a risk that needs to be mitigated, hence the disclosure to a particular person. So, there's been an assessment done already about what the risk is to a young person's, particular person's life, and there's an active need to disclose as opposed to an applicant who may be attempting to see if their new partner is on the list, not necessarily with particular concerns but a broad concern. So, the support mechanisms would be very different in those cases where someone has an assessed risk, as opposed to someone who has a general concern, I suppose. Just trying to work it through my head.

**CHAIR** - Shirleyann, is there anything that you hoped to share with the Committee that we haven't gone to in our questioning, before we throw to a close?

**Ms VARNEY** - No, but thank you very much for inviting me, putting your questions to me.

**CHAIR** - Thank you for being here. If, after you've left today, you think of other things that you'd like the Committee to know, the conversation doesn't have to be over today. Please feel free to get back in touch with us, and hopefully you'll be happy for us to do the same when we continue our work and potentially reach back out to you for further information.

I'll just read the concluding statement that I'm required to do in the Committee, which is that what you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to comments you may make

## **PUBLIC**

to anyone, including the media, even if you are just repeating what you said to us. Do you understand?

**Ms VARNEY** - I do.

**The witness withdrew.**

**The Committee suspended at 2.32 p.m.**

# PUBLIC

**The Committee resumed at 2.39 p.m.**

## **Laurel House**

**CHAIR** - Thank you very much and welcome to this afternoon'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 very much for your attendance. Thank you also for your written submission, which we've all received and had the chance to review.

I think you know everybody here, but I'll quickly introduce everyone just so that you're clear. Tabatha Badger, Kristie Johnston, Jen Butler, I'm Ella Haddad, and Peter George. We're Committee Members, and we have a couple of apologies today as well. We're being supported by Mary de Groot, Committee Secretary, and Terry is assisting us with Hansard.

Can I ask each of you to state your name and the capacity in which you are appearing before the Committee?

**Ms FORDYCE** - Kathryn Fordyce, CEO of Laurel House, the legal name of which is North and North West Tasmania Sexual Assault Support Services Inc.

**CHAIR** - Okay. Laurel House for short.

**Dr MERCER-MAPSTONE** - Luce Mercer-Mapstone, also with Laurel House, I'm the Policy, Advocacy and Lived Experience Lead.

**CHAIR** - Thank you. Could I confirm that you've received and read the guide sent to you by our Committee Secretary?

**WITNESSES** - Yes.

**CHAIR** - I'll just remind you the important parts. This 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 not accorded to you if statements that may be defamatory are repeated or referred to by you outside of these parliamentary proceedings. This hearing is public. The public and media may be present or could be observing online. If at any point you would like parts of your evidence to be heard in private, you can make that request of the Committee and we can move into an *in camera* part of the hearing. Could I ask each of you in turn to make the statutory declaration before you?

**Ms KATHRYN FORDYCE**, CEO, and **Dr LUCE MERCER-MAPSTONE**, POLICY, ADVOCACY and LIVED EXPERIENCE LEAD, NORTH AND NORTH WEST TASMANIA SEXUAL ASSAULT SUPPORT SERVICES INC (LAUREL HOUSE), WERE CALLED, TOOK THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Thank you very much. We've also agreed just to provide a short content warning at the beginning of each session, and we had a longer one at the beginning of the day. The committee recognises 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, and the Committee encourages anyone

impacted by the content matter during this hearing to contact services and supports, the information that I read earlier in the day. It's also available with relevant contact details on our webpage, which is part of the Parliament's website, and they're also available in the room today from our committee secretary. That's all of the formalities. Would you like to make an opening statement please?

**Ms FORDYCE** - Yes, please. Thank you, Chair and members of the Committee, for the opportunity to appear today. I'm joined by Dr Luce Mercer-Mapstone, who's our Policy, Advocacy and Lived Experience Lead. We'd like to start by acknowledging and paying respect to the Palawa, who are the traditional custodians of the lands and waters of Lutruwita. The impacts of the violent invasion and colonisation continue today and sovereignty was never ceded. We particularly acknowledge the resistance and resilience of Aboriginal people who have experienced sexual violence. We also honour and acknowledge all victim-survivors of child sexual abuse and sexual violence. We recognise the immense strength it takes to confront and heal from these traumatic events. We commit to amplifying your voices, advocating for change, and standing side by side on the path to healing and recovery.

Laurel House welcomes the Committee's scrutiny of this Bill and the government's ongoing commitment to strengthening child safeguarding in Tasmania. We want to acknowledge that this Bill has improved since our original submission in September 2025. We were pleased to see several of Laurel House's recommendations incorporated into the legislation, demonstrating that consultation has made legislation stronger, and we thank the Government for engaging with specialist services throughout that process.

As a specialist sexual violence service that provides a range of supports across the continuum from prevention, early intervention, therapeutic support, lived experience programs, advocacy and the like, including support for children and young people who are using harmful sexual behaviours, we remain concerned, however, that aspects of this Bill still contain things that are concerning to us.

Our primary concern continues to be the proposed public disclosure scheme. To be clear, Laurel House supports the existence of the register - after all, it already exists - to monitor the conduct of adult perpetrators of child sexual abuse. Our concern is specifically with the public disclosure scheme. We know such schemes don't work; very few people report child sexual abuse, even fewer perpetrators get charged. Of those charged, few are convicted and even fewer are placed on the register.

We know, therefore, that those who perpetrate child sexual abuse in our communities are overwhelmingly not on the register. They are people in our schools, our families, our sporting clubs, people who are known to us. The evidence is consistent, public disclosure schemes do not reduce recidivism, they do not make children safer and they do not address the reality that most child sexual abuse is perpetrated by someone known to the child, not a stranger on a register. Instead, evidence says, public registers risk creating a false sense of security for community members. When a person applies to the register and is told the person is not listed, it does not mean that that person is safe and yet the applicant may believe falsely that the negative result from the register means that they are. Evidence also tells us that public disclosure schemes shift responsibility for safeguarding on to parents, when it should rest with the system. This increases opportunities for systems abuse.

While we understand that amendments have been made to ensure the fact that a person has or has not applied for information from the register cannot be used against them under any other Act, thereby preventing some avenues for systems abuse, this is limited only to other Tasmanian legislation and doesn't apply to Family Court proceedings, a place of significant systems abuse for victim-survivors.

Evidence also tells us that public disclosure schemes increase the risk of recidivism by perpetrators, by contributing to social isolation, unemployment, vigilantism, and housing instability for those individuals that are on the register. Given this overwhelming body of evidence, we believe that investment should be better directed towards the evidence-based prevention initiatives that strengthen community understanding of child sexual abuse, grooming, risk factors and safeguarding practices.

Our second concern relates to the placement of children and young people on the register. Children as young as 10 may be placed on the register. In our view, that sits in opposition to both contemporary evidence regarding the need for therapeutic and psychoeducational responses to harmful sexual behaviours, and the Commission of Inquiry's recommendation that children should be diverted away from the criminal justice system, and, more broadly, our commitments and our obligations under the UN Convention on the Rights of the Child.

Our recommendation is straightforward; there should be a presumption against making a reporting order for a child enshrined within the legislation. The onus should rest with the court to justify why such an order is required and to demonstrate that registration is being imposed only as a last resort. If this piece of legislation does retain the ability to register children, then we believe strongly legislative safeguards are essential. For example, we endorse recommendations from the Tasmanian Family and Sexual Violence Alliance that, prior to any such decision, a child rights impact assessment is undertaken.

Our third issue of concern relates to the provisions related to the disclosure of information from the register to children. At present, the legislation allows for disclosure of such information to children in question only via Tasmania Police, effectively placing a mandatory ban on communication around the information between parents and their children. This is not a child-centred approach. If a disclosure system is retained - which we don't think it should be - we believe parents, carers and guardians need to be supported where necessary by appropriately qualified professionals to determine if, when and how sensitive information should be shared with the child. While we deeply value the work of Tasmania Police, communicating information of this nature requires an understanding of the individual child's developmental stage, emotional readiness and the family context.

Our fourth consideration relates to offences involving child exploitation material and how the legislation applies to children and young people. We encourage the Committee to ensure that children who consensually create or share intimate images with peers should not be treated in the same way as adults who produce, possess or distribute child exploitation material. At present, that distinction is not explicitly set out in the primary legislation. Instead, whether a child is placed on the register relies largely on judicial discretion and future regulations that, to our knowledge, have not yet been published. Given the significant consequences of placement on the register, these safeguards should be clearly articulated in the Act itself, rather than in sub-legislation, so that they can be properly scrutinised by Parliament and clearly guide judicial decision-making.

Our final concern relates to the overcriminalisation of sex workers in the Act as it currently stands. We continue to recommend removing sections 11(1) and 11(2) of the *Sex Industry Offences Act 2005* from Schedule 1. We do not consider these offences demonstrate the level of child safety risk that justifies inclusion alongside serious sexual offences. Their inclusion risks further marginalising an already highly-stigmatised workforce without delivering meaningful improvements to child protection.

In closing, Laurel House shares the Committee and the Government's commitment to preventing sexual harm. Our recommendations seek to enhance community protection by ensuring that the legislation targets genuine risk, reflects the evidence and delivers the best possible outcome for children, victim-survivors and the broader Tasmanian community. Thank you and we welcome your questions.

**CHAIR** - Thank you very much, first of all, for your written submission, and the one on the previous draft of the Bill, and for everything you've shared with us in your opening statement, but also for the work that you do through Laurel House, and I omitted to highlight that as well in some previous hearings, but my colleagues did. Thank you for the work that you have done in preparing for this Bill consultation, but also for the work that you do day to day.

I just wanted to delve a little bit more into your recommendation that there will be a presumption against placing a child or young person on the register. You spoke about the possibility of inserting legislative safeguards or criteria that a court would have to consider, rather than leaving all of that to judicial discretion. There's a little bit in the Bill. My understanding is what Western Australia has a set of criteria set out in their legislation as well, and we've heard this morning from Bravehearts of a quite lengthy list of things that they believe should be on a list of criteria that the court must consider. Don't feel the need to answer this now if it's not in your thinking, we could come back to you in writing, but if it is in your thinking of what kind of criteria should be considered by a court before making that decision to place a child on the register, what kind of criteria would you recommend the Parliament consider?

**Ms FORDYCE** - Sure. Luce?

**Dr MERCER-MAPSTONE** - We did submit a list in the original submission. Do you want me to - I can pull that up.

**Mr GEORGE** - I've got it here.

**Dr MERCER-MAPSTONE** - Yep. If you've got that in front of you, you'll have quicker access to it than I will. So, it's the long list considering: a history of child sexual abuse; sexual exploitation; harmful sexual exposure; family domestic violence or coercive control; intergenerational violence, abuse, neglect, institutional abuse or other childhood maltreatment; homelessness; housing instability; poverty; food insecurity or significant social disadvantage; disrupted attachment; parental incarceration; substance misuse within the home or familial instability; disability; neurodivergence; cognitive impairment; acquired brain injury; communication barriers or mental ill-health; racism; discrimination; homophobia; transphobia; ableism; classism and other forms of marginalisation; cultural background; community connection; and impacts of colonisation for Aboriginal children and young people; developmental stage; emotional maturity; cognitive capacity and capacity for rehabilitation; access to therapeutic, educational, behavioural, disability, cultural and family supports; the

availability and appropriateness of non-criminalising therapeutic, restorative or community-based interventions; evidence regarding child and adolescent recidivism rates and the developmental distinction between children who engage in harmful sexual behaviours (HSB) and adult sexual offenders; the likely impact of registration on the child or young person's rehabilitation.

That we refer to the Tasmanian Family Sexual Violence Alliance recommendation that child-rights impact assessment be done as part of the court's assessment as to whether a child is added to the register, and that be a mandatory criteria for every consideration of a child and young person, and that that is extended up until 25 years old, so, not just cutting off at 18, given the developmental considerations for people up to 25 that I've heard you talking about earlier today with Shirleyann. Whether registration may compound existing trauma, stigma, criminalisation or institutionalisation, and the risk of completing harmful sexual behaviours with entrenched adult predatory offending.

**CHAIR** - Thank you, that's a very comprehensive list, thank you very much for sharing it. You also went, in your opening statement, Kathryn, to the fact that this proposed Bill would allow a child to be an applicant for the information as well, and that the responsibility for informing them would sit with police. Could you talk through, at an evidence-based level, where you think that responsibility might better sit. You indicated in your written submission that that might not be the right place.

**Ms FORDYCE** - Sure.

**CHAIR** - How could that be better handled in the Bill, I suppose, is my question.

**Ms FORDYCE** - I think, correct me if I'm wrong, Luce, but I think the original version of the Bill didn't allow children to be applicants, and we said, 'Well, if this is going to be, we need to recognise that there are some mature minors who might actually be parents themselves, and therefore, if this is to go ahead, we can't discriminate against children from being applicants'.

**Dr MERCER-MAPSTONE** - It didn't limit children who are parents from applying. It didn't allow for children who are applying on their own behalf. If a child, for example, who is emancipated and doesn't have that familial support is concerned about the behaviour of a partner or a teacher or a tutor, they couldn't apply on their own behalf. Ella, in terms of your question around children who are applicants, our answer will also apply to children receiving information about disclosures from their parents, which is also not currently allowed, by parents at the moment, so I think, yes.

**Ms FORDYCE** – Thank you. I think from our perspective, you know, while we value the work of police, we recognise that they're experts in policing and the kinds of conversations that this kind of information, whether it is that somebody is on their register and then what the cascading impact that has for a young person, or an adult person, for that matter, what that means in terms of the cascading impact on family relationships, or engagement in particular things that a young person enjoys, the whole kind of range of things. Or if it's not, is that the complexities of those questions, and I guess if someone isn't on the register, why are you worried enough to have called to find out, because though the nature of those conversations need to be one that is steeped in understanding where that person is coming from, understanding what it is around the socio-ecological kind of supports around that person.

We need to kind of unpack what - in those instances where it's a 'no', why were you worried, because there's a whole kind of raft of risks that might actually signal that that person is a concern, even if they're not on the register, and so it is my view that those kinds of conversations need to happen with someone who's got the kind of counselling, psychology, social work background, that are skilled to have those kinds of conversations. That is the bread-and-butter work of the specialist sexual violence sector. It's the kind of thing we're doing, you know, daily with phone calls from people in the community and teachers and other people broadly in the sector. So, it's my view that that is something that we could do alongside police where that's needed, but also not with police if there's a particular reason that the involvement of police might be triggering or distressing for some people, which it may be to some children, including those who experience high levels of marginalisation like Aboriginal kids, queer kids, et cetera, that might find engagement with the police a challenging experience.

**Dr MERCER-MAPSTONE** - Similarly for the adults in their spheres.

**Ms FORDYCE** - Absolutely.

**Mr GEORGE** - Look, I don't want to be overly simplistic about this, but listening to what you have to say, particularly, you know, that very cogent opening remark, I get the feeling that maybe - particularly when you apply it to children, but generally, that you consider this legislation is well-intentioned but misguided, and maybe actually counterproductive, which leaves me with a sense that what you're actually saying, with all the experience that you've got, is it may be better to go back to the drawing board and think this through more carefully.

**Ms FORDYCE** - I think that there's probably two things: is that my understanding is part of the reason that this Bill was initially sought were that there were some improvements that police had identified needed to happen in order to better monitor proactively offenders who are on the register and so, I certainly - our concern is largely with the public disclosure and the kind of concerns around children being on the register. I guess I wouldn't want to see a process held up that gives the police what they need to proactively monitor people who are on the register and are at risk.

**Mr GEORGE** - That's different though isn't it? Yes.

**Ms FORDYCE** - But I think that from our perspective, our biggest critiques of the legislation, we need some action in relation to those so that we can feel comfortable that the Bill will achieve the intended kind of outcomes of keeping kids safe and keeping the community safe. Luce, do you want to add anything?

**Dr MERCER-MAPSTONE** - I think it's tricky because public disclosure schemes seem like a holistically good thing to the general public. It seems like something that will obviously, 'obviously,' keep people safer and give people information to do that kind of protective parenting and that kind of thing. I think what is often missed between evidence and general public understanding is the nuances and the unintended consequences, and I think that is what this legislation doesn't do particularly well.

I think there are amendments to the legislation that shouldn't go back to the drawing board because they are really positive. So, for example, some of the ones we recommended around allowing parents to disclose to mental health professionals and sexual assault support

services when they do receive a disclosure: that wasn't allowed previously and it is now. So, there are examples where this legislation has been improved that I think are really good, but I think that there are parts of it that are a blunt instrument for a very nuanced issue that probably require, do definitely require, a lot more consideration.

One thing I would like to add is that I have great respect for Western Australian legislation, and a lot of the reasons that some of the recommendations that we made were knocked back, when this was justified by Minister Ellis Office, was that they were following in the footsteps of Western Australian legislation. I would ask parliamentarians whether we want to be followers or we want to be leaders, and it's all very well for some areas to do the legislation as they see fit, but that doesn't mean that it's a good idea for us to follow in their footsteps if we don't think that what they're doing is best practice.

**Mr GEORGE** - So can I follow that up, if I may, Chair? Can you reflect on the more recent Queensland legislation and the Western Australian legislation, because you would've heard this morning, because I know you were listening in, the Western Australian police who find their legislation and their processes seem to work well for them. But I'd just like to hear a little bit more of the detail of why you might challenge those perceptions that, you know, how the Morcombes generated this and then how that legislation evolved?

**Ms FORDYCE** - Yeah, I feel like that's a -

**Mr GEORGE** - Is that too difficult?

**Ms FORDYCE** - Yes, that was. That was a tricky question, I think.

**Mr GEORGE** - I'm sorry. I don't mean to trick you.

**Ms FORDYCE** - No, not at all. I think, I haven't, and I don't know if Luce has, scrutinised the new Queensland legislation, so I think that is why we would need to take that especially. I guess the other question - kind of coming back to you with a question - that's not what we're here for - but is that I actually, I mean, you heard from the Western Australian Police, you didn't hear from Western Australian sexual assault services, or Western Australian victim-survivors, or people that have tried to access the register. So I think, for me, the perspective we're always going to bring is the perspective of the unintended consequences of the legislation and what that might mean for people that have heard a 'no' from the register, and that's, I guess, where we're - I think the day that I was standing with Minister Ellis when this legislation, or the proposed legislation, was first announced, it was my first critique of: what are the unintended consequences of this if you get a 'no'? Because not everybody who offends against children - in fact, far from it - are going to be on this register.

**Ms BUTLER** - That goes to my question. So, your submission suggests public disclosure schemes don't reduce recidivism. Are there any jurisdictions, in your expertise, that you've come in contact with, or are known to you, that have schemes in place which have success, which could be used as a modelling foundation?

**Dr MERCER-MAPSTONE** - I can take that, if you like. So, I want to preface this on the caveat that in Australia we're functioning under a huge dearth of evidence. Like, we just don't have evidence about how these schemes have rolled out extensively in Australia. The

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legislation is, like Queensland, is relatively new, we're considering ours. Western Australia has been around for a long time - well, 14 years - but hasn't been evaluated extensively.

**Ms BUTLER** - And we don't want to be like America.

**Dr MERCER-MAPSTONE** - And we don't - and well, the evidence that we're moving toward, that we are basing this on, is American evidence. That evidence is holistically that these things don't work.

I think we can point to - I know that you heard from Nicole Asquith this morning about the South Australian Domestic Violence Disclosure Scheme and there has been a recent report released about the evidence that supports that that's one of the most effective schemes internationally in terms of the outcomes aligning with the intent. So, I think that's a promising example. I think one of the things that is highlighted in that report that makes it - when I was talking to Nicole about this last week and we were talking about 'well, what's the difference between the sex offender register, disclosure schemes that don't work and this disclosure scheme that does.'

I think there's two things that come out in the report. The first is that it's, from the outset, has been a partnership between state government, police and sexual and domestic violence support services; that's from the infancy and that the whole response is embedded within that psychoeducational trauma-informed framework that would mean police, for example, partnering with us from the outset, if they were to have any kind of disclosure. The other is, and I think this is a key difference, is that Western Australia rely - the only people on the register are those who have been convicted of reportable offences. The South Australian Domestic Violence Disclosure Scheme allows for reporting of a much broader range of information, so the police look at the report and if there has been an identifiable pattern of reports to the police about the person in question, none of which have led to charges because we know that the majority don't, they can still disclose that information to the person. So, it captures a much broader range of information than a disclosure scheme with a sex offenders register. I think that report would be worth looking at in conjunction with this piece of legislation.

**Ms JOHNSTON** - One of the issues I have with this legislation is that we don't want to throw the baby out with the bathwater, and there are some good aspects to the legislation which you talked about before particularly, Kathryn. There seems to be two different streams. There's the stream about the register itself: who's on the register and the reporting requirements against the register. I think there's broad agreement about making sure that there's national consistency about what reportable requirements are and things like that and improving them, so it's monitored much more carefully. There is a heated discussion about who should be on the register, and particularly with young people and what the criteria is around that.

Then the separate stream is the disclosure and who has access to the information on the register. Obviously one of - the genesis for this particular Bill, in part, was the Commission of Inquiry and a recommendation there around improving government agency information-sharing when it comes to child sexual offences and offenders. Yet, we've stepped outside of that to a public disclosure scheme. Is there anything within the legislation that you think can be saved in terms of disclosure to enhance the interagency or government agency disclosure? Because that's an important recommendation from the Commission of Inquiry and a high priority. They certainly didn't recommend a public disclosure scheme. Is there anything in the

legislation that sort of speaks to implementing the Commission of Inquiry recommendation rather than taking a leap to the left of that or right of it?

**Ms FORDYCE** - I guess there's probably - I'll say one thing and then hopefully Luce's got some more to add. I think that there are other pieces of legislation that speak to the safety of children and information sharing, and this is not necessarily that piece of legislation. I guess we have always with the legislation that guides our child safety and child wellbeing frameworks there's always been the capacity to share information between agencies. It is that in practice that doesn't happen and we're seeing that nationally and the work that's kind of going on around, led by the National Office of Child Safety, around kind of trying to improve perceived barriers to information-sharing. So, I guess, at times, the kind of conflation of what is truly the barrier to information-sharing. It is my understanding that the current legislation that guides the community protection offender reporting scheme actually already allows for police, where there is a risk to children and young people, to share information. So, I feel like there's a level of conflation here, of trying to drive some things through that actually there are other mechanisms and other levers to address that.

**Ms JOHNSTON** - Without wanting to put words in your mouth, if the disclosure scheme was somehow excised from this legislation, the intent of the Commission of Inquiry recommendations around improving information-sharing wouldn't be impacted, because the Minister, I think in his second reading speech and certainly in public statements, talks about this is an important step in implementing a Commission of Inquiry recommendation. It's not actually, in reality, an implementation of a Commission of Inquiry recommendation, or, you know, some kind of iteration of a benefit.

**Ms FORDYCE** - Yeah, agreed. And, I think that that has been, in my personal communications and conversations with Minister Ellis, I have had similar conversations to that - that these, while kind of related and yes, broadly on the topic of child sexual abuse, we've got different levers to address some of those things, than this particular piece of legislation, while recognising that the police want to strengthen some of the way that they can monitor, and the reporting requirements for people who are on the register.

Luce, do you have anything to add?

**Dr MERCER-MAPSTONE** - No. Look, I think the answer to your question is no, there's not a part of the legislation that I think would - if maintained - would address a Commission of Inquiry recommendation. They're not the same thing.

**Ms JOHNSTON** - Thank you. If may start a slightly different topic. Kathryn, in your introductory remarks you talked about the Schedule of offences that would be included, and you highlighted there your concern around child exploitation material, peer created, and also highlighted around sex work offences and things like that. Can you speak a bit more to that, and why it might be that these are included? I mean, I'm we're in desperate need of reform in the sex industry here in Tasmania, to recognise it as legitimate work and provide the right protections for people in that industry, but why you think it might be included in this? And obviously are there any other offences here? Because they are very broad ranging, some of the offences - from the incredibly serious to - I don't want to say minor, they're not minor offences, but on the lighter end of the scale in terms of offences - why some of those might be included, and the impact that would have on rehabilitation, being on a reportable offender register?

**Ms FORDYCE** - Absolutely. We might start with the sex worker concerns. I guess from a starting point is that we don't see that those offences are as serious as some of the other offences and there is a range of ways through other legislation that would protect children who are at risk, and if children were at risk through sex work being provided on a premises where a child lived or happened to be, there are other ways. And that it risks over-criminalising and potentially putting at risk the children of sex workers, too. And we learned through the Commission of Inquiry that out-of-home care and those pathways are not good for children. So, for us, it doesn't respond in a reasonable way to a particular circumstance. We know that sex workers are some of the most marginalised in our community, and we don't think it's a reasonable expectation.

Luce, do you want to add anything on that?

**Dr MERCER-MAPSTONE** - Yeah, I want to talk a little bit about the reality of the way that sex workers have told us they function in Tasmania. Not being able to establish brothels or shared premises beyond two sex workers means that there's huge limitations placed on where they can have their place of work. When we talk to them about this piece of legislation, they said, 'look, it's quite common, especially for single mothers' - and many sex workers are single mothers or, you know, not even single, partnered mothers - 'to work from home'. And their young child might be asleep upstairs at the back of the house, while they have a client in the room at the front of the house. Or an older child might be in their bedroom with headphones on watching Netflix while their parent takes a client in a very different part of the house. Their role as a parent, or as a mother, is child safeguarding. And they're very concerned with that, and so the restrictions that are already in place through the *Sex Industry Offences Act* forced them into working into these situations. We know that child safeguarding is a major priority for them in these situations. We know that they're already penalised under the *Sex Industry Offences Act* for having a child on premises while practising sex work. So, it's a double whammy, which is really unfair, but it also conflates doing exactly what I've just described with having a child involved in sex work.

**Ms FORDYCE** - Which wouldn't be sex work, which would be child exploitation, and those two things are very different things.

**Dr MERCER-MAPSTONE** - So again, it's another blunt instrument for a very nuanced situation. I think we do need to take into account the realities of these workers when we're thinking about the impacts that our legislation continues to have on some of the most marginalised people in Tasmania.

**Ms JOHNSTON** - In terms of production of child exploitation material you raised in your submission here, can you talk a bit more about that, and how that is potentially entrapping people into, you know, recidivism basically, if there are high-risk registrations.

**Ms FORDYCE** - We know that young people of today are digital natives. They're navigating their relationships with an online component that most of us didn't navigate, in terms of the kind of what dating looked like, what flirting looked like, what all of those things looked like. I think that - so there is kind of, when we look at kind of typical sexual development, we look at consensual sexual development and relationships. We do know that young people are sharing intimate images with each other, and most of the time they're doing that consensually, and they're doing it in ways that, yes, their parents may not be very happy about, just as my parents weren't very happy about some of my early sexual adventures. However, it is that that

is a consensual experience, and so that is quite different to the experience of child exploitation, where an adult is manipulating children to, and coercing them to, produce material or to share material, and so they are totally different things.

I guess in the vein of an organisation that's working with children and young people who are using harmful sexual behaviour and sometimes maybe veering slightly off track from that typical sexual development, we also don't want to see those children who might have just stepped out of line and have, perhaps through limited sex education or limited opportunities to learn about respectful relationships, because we don't have a really comprehensive way of making sure that children are getting that across our state; we get kids who have just stepped over that line and 'yes, that's not okay', and 'yes, that might have had significant consequences and harm to a victim-survivor', but having those children potentially at risk of being criminalised, and then eventually, at this point, on a community offender register, is not where we want or need them to be, as compared to the very significant risk of the adults who might be offending and working in really nefarious ways to gain access to abusive material of children.

**Dr MERCER-MAPSTONE** - I think an addition to that is that at the moment Minister Ellis, in his second reading speech, indicated that distinction would be made in regulations, rather than within the principal Act. We think that, given the level of parliamentary scrutiny given to regulations versus legislation, and judicial discretion, which we know varies broadly, this really needs to exist within the Act, rather than within regulations.

**Ms FORDYCE** - I think that that's particularly of relevance to the most marginalised kids. So, who is it that, when sharing consensual and non-consensual sexual images, which kids are the ones that get prosecuted? Are they the Aboriginal kids? Are they the queer kids? Are they the migrant kids? As distinct from the kids who might go to a fancy school and have got influential parents. So, these are the kinds of situations of that information - that clarity being in the hedge, legislation is really important so that we are actually setting expectations that recognise that the law doesn't operate equally.

**Dr MERCER-MAPSTONE** - Well, in acknowledging the evidence that has been released relatively recently about judicial discretion, and judicial decision-making being subject to bias: it's meant to be according to legislation, but legislation is written by humans, and judges are humans and they operate under unconscious bias and we know that that influences their sentencing and their decision-making.

**CHAIR** - Is there anything that you were hoping would come up in questioning that hasn't or that you haven't had the opportunity to share with the Committee?

**Ms FORDYCE** - I don't think so. Luce?

**Dr MERCER-MAPSTONE** - Only probably the disclosure of information to affected children, so the current gag order that would be in place between parents and their own kids about being able to tell their own children. So, I think that we haven't talked about that explicitly and you may have talked about it explicitly with other people, but I just wanted to make sure that we were on the record in saying that we don't think that - we have great respect for Tas Pol - but we don't think that they should hold full decision-making power over whether a child is told that a disclosure has been made to their parents and that parents shouldn't be able

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to talk to their children because that goes against the UN Conventions on the Rights of the Child to have access to information that affects them and influences their own decision-making.

**Ms FORDYCE** - We certainly know that, particularly older children, they have a level of agency and autonomy and may, on occasions, be maintaining relationships with someone that had they had the information, may make a different decision when supported and navigated to kind of understand the potential consequences of that to them. I think that we need to recognise that children, when given the information in a way that is child-focused and is shared, that they can make informed decisions about their own safety. Without that information, they can't make those decisions. So, for us, it's a bit of a no-brainer in terms of being able to work in really child-focused ways and trauma-informed and violence-informed ways that is supported by psychoeducation and other information that supports the young person.

**CHAIR** - It's an important point. Thank you very much. If you do think of other things after you've left the table today, please do get back in touch with us, as a Committee. I'll just read the formal concluding statement, which is just to remind you that what you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are repeating what you said to us today. Do you understand?

**WITNESSES** - Yes.

**CHAIR** - Thank you. Thanks both of you very much for your time.

**The witnesses withdrew.**

**The Committee adjourned at 3.22 p.m.**