



PARLIAMENT OF TASMANIA

House of Assembly Standing Committee on Government
Administration B

Community Protection (Offender Reporting) Amendment Bill 2025

MEMBERS OF THE COMMITTEE

Ms Badger
Ms Butler
Mr George
Mr Fairs
Ms Haddad (Chair)
Ms Howlett
Ms Johnston (Deputy Chair)

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CONTENT WARNING

The Committee recognises that the evidence received during this Inquiry may be distressing for some people. The Report contains information which may refer to sexual abuse, child sexual abuse, or other potentially violent offences. The Committee encourages readers to exercise care as they engage with this content.

If anything contained within the Report raises concern or distress, the following services can be contacted for support:

- State-wide Sexual Assault Support Line 24/7 support provided by Sexual Assault Support Service and Laurel House Ph: 1800 697 877
- 1800RESPECT 24/7 counselling and information support for domestic, family and sexual violence Ph: 1800 737 732 | SMS: 0458 737 732 | webchat: <https://180orespect.org.au>
- Lifeline Tasmania helpline on 13 11 14 or via text at 0477 13 11 14 for 24/7 mental health support.
- 13 YARN 24/7 crisis support for Aboriginal and Torres Strait Islander People Ph: 13 92 76
- QLife support from 3pm – 9pm for members of the LGBTIQ+ community or those who support them on 1800 184 527 or via webchat: <https://qlife.org.au/get-help>
- Kids Helpline 24/7 support for children and young people aged 5 to 25 years Ph: 1800 55 1800 | webchat: <https://kidshelpline.com.au>

CHAIR'S FOREWORD

On behalf of the House of Assembly Government Administration Committee B Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025, I am pleased to present this Report.

Government Administration Committee B received a referral from the House of Assembly moved by Ms *Johnston*, on 26 March 2026, for the Bill to be examined in detail.

The Committee received written submissions and held a series of public hearings. On behalf of the Committee, I would like to thank all those who took the time to provide evidence to the Inquiry for sharing their invaluable experience and knowledge.

The safety of children and young people is paramount and a key responsibility of Government. Legislation should safeguard children and uphold their right to protection from harms of sexual offending.

The Committee recognises the Bill's intent to keep children safe and to reduce the potential for harm from sexual offenders. In particular, the Committee recognises and supports the intent of Government to implement the recommendations of the *Commission of Inquiry into the Tasmanian Government's responses to child sexual abuse* (the *Commission of Inquiry*).

However, the Committee notes the Bill goes beyond the scope of the *Commission of Inquiry* recommendations and has heard substantial evidence of likely unintended consequences, caused by the proposed introduction of an application-based public disclosure scheme as it is currently drafted.

As drafted, the proposed scheme would place children and young people at further risk and could expose victim survivors of child sexual abuse to further trauma and harm. It is regrettable that the proposed scheme has been retrofitted into a pre-existing Bill.

There were several drafts and iterations of what eventually became this Bill, due to significant concern from community members and stakeholders. These concerns were raised by Members of Parliament in a letter to Minister Felix *Ellis* MP, asking him to withdraw and redraft the Bill. Following this, the Minister issued a media release announcing the Bill would be dedicated to the memory of Daniel Morcombe and named 'Daniel's Law.'

The Committee was grateful to hear from Denise and Bruce Morcombe at a public hearing and recognises the tragic loss of their son Daniel in 2003. Denise and Bruce

Morcombe have worked tirelessly to protect children, through advocacy, education programs and the other important work of the Daniel Morcombe Foundation. We hope that the work of this Committee will add to a robust framework to keep children in Tasmania safe.

Given the significant concerns and complexity of amendments required to the current Bill, we recommend the Bill be withdrawn and a new Bill drafted. We recommend the new Bill should implement the *Commission of Inquiry* recommendations and take into consideration the findings and recommendations of this Report.

Importantly, work on the new Bill should be done in full consultation with relevant stakeholders and through a victim-survivor, trauma informed lens.

Thank you again to everyone who provided evidence to this Inquiry, and to our Committee Secretary Ms Mary de Groot, for her invaluable work on this Inquiry.



Ella Haddad MP
CHAIR

30 September 2026

FINDINGS

Overarching Findings

1. The safety of children and young people is paramount and a key responsibility of Government.
2. Legislation should safeguard children and young people and uphold their right to protection from harms of sexual offending.
3. Legislation designed to safeguard children and young people and protect them from harm must be drafted through a trauma informed, child-focused and evidence-based lens to the highest standard.
4. Implementation of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* recommendations remains of the highest importance to Government and the Parliament of Tasmania.

Clause Findings

5. The amended long title proposed by Clause 4 does not accurately reflect the intention of the Bill.
6. Expert witnesses, including victim-survivor support organisations, stated children and young people should not be included on a reportable offender Register, except in exceptional circumstances.
7. Expert witnesses stated that research indicates the neurological development of young people still occurs until around the age of 25 and therefore caution should be exercised regarding inclusion on a reportable offender Register before the age of 25.
8. The Bill is unclear on whether Section 7 of the Act applies to offenders who were under the age of 18 at the time of the offence.
9. As drafted Clause 11, amending Section 10 of the Act, provides an inadequate set of criteria to be taken into account by the Court when considering registering an offender under the age of 18.
10. As drafted new Section 11A provides that, where an individual is subject to multiple orders, the most recent order is the one that will be applied.
11. Some of the new Sections proposed in Clause 19 duplicate parts of the current Registration to Work with Vulnerable People (Registration) process. Proposed Section 15D appears to be redundant if the Registration process works as intended.

12. Proposed Section 15E is essentially a proactive disclosure provision to allow the Commissioner of Police to disclose to a range of people that an individual has been charged, but not yet convicted, of a reportable offence.
13. Aspects of the proposed increased reporting requirements under Clause 21 could be misunderstood because they are ambiguous and therefore risk unintentional non-compliance.
14. Literacy, including digital literacy, capacity will impact people's ability to understand and comply with new reporting requirements proposed by Clause 21.
15. Additional and continuing resourcing will be required to support and ensure compliance with new reporting requirements of proposed Clause 21.
16. Clarity and timely notifications are required to ensure reportable offenders travelling or residing interstate are appropriately monitored by interstate authorities.
17. Further protections for reportable offenders who are children or young people are required in respect of the proposals under Clause 25.
18. The proposed insertion of minimal registration periods in Schedules 2 and 3 may have a disproportionate impact on children and young people.
19. There are several drafting inconsistencies arising from Clause 32 and 34.
20. There are competing priorities between reportable offenders, victim-survivors and the community regarding the protection of information provisions proposed in Clause 36.
21. Gaps and delays in information sharing are undermining effective child protection outcomes.
22. Child information sharing between and within agencies is reactive, rather than proactive.
23. Legislated proactive disclosure between and within agencies was a key recommendation of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings*, to ensure information sharing arrangements minimise delays, improve dissemination of relevant information and reduce the risk of communication gaps.
24. Clause 43 goes beyond the scope of key recommendations of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* for greater information sharing between agencies and instead provides for proactive disclosure to a parent, guardian, carer or child.

25. Clause 43 does not expressly prevent the disclosure of information relating to reportable offenders who were children or young persons at the time of their offending.
26. Disclosures under Clause 43 to children and young people lack a statutory framework for the disclosure of sensitive information in a trauma-informed manner.
27. Clause 44 goes beyond the scope of key recommendations of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* for greater information sharing between agencies by providing an application-based public disclosure scheme.
28. There is considerable scepticism amongst victim-survivor support services about the effectiveness and impact of Clause 44, suggesting a withdrawal of the Clause for review and further consultation.
29. A public disclosure scheme will not reduce recidivism but may instead lead to a greater risk of recidivism, by contributing to social isolation, unemployment, vigilantism, and housing instability for people on the Register.
30. Public disclosure schemes shift responsibility for safeguarding on to parents and guardians rather than resting with public authorities.
31. There is concern that an application-based public disclosure scheme will not necessarily enhance child safety, may result in a false feeling of safety that an individual who is not registered does not pose a risk, and perpetuates a myth that offenders are more likely to be unknown to victims and their families.
32. While proposed Section 44CA (8) seeks to prevent the weaponisation of the application-based disclosure scheme in Tasmanian Courts, there is a perceived risk that it could be weaponised in Federal Circuit and Family Court of Australia proceedings.
33. A disclosure under Clause 43 or 44 will increase the need for greater services to support people receiving a disclosure, especially children and young people and Aboriginal people. This will have a significant resourcing impact on community sector organisations.
34. The Committee notes that Tasmania Police intends to develop a dedicated IT system to support the operation of the disclosure scheme and that effective implementation will require appropriate technological and workforce resources.

35. Clause 45 places unreasonable expectations on people in receipt of disclosure information to maintain confidentiality from others they believe may be impacted, including families whose children they believe may also be in contact with offenders.
36. Clause 45 imposes an extra burden on families to disclose to Tasmania Police any potential contact between an offender and other people in their community.
37. Clause 45 imposes an additional burden on Tasmania Police to proactively investigate whether recipients of disclosure information are aware of other reportable contact.
38. Clause 45 places children and young people who receive a disclosure at further risk by preventing them from making a secondary disclosure to their parents, guardians or carers.
39. The experience of victim-survivors and the desire of the community to safeguard children may result in unlawful secondary disclosures being made, regardless of potential criminal liability.
40. Clause 47 is a significant expansion of existing police search and arrest powers, allowing these powers to be exercised without a warrant.
41. Proposed Section 47A may not adequately protect adults whose most recent registerable offence was committed when they were a child or young person, raising questions about the balance between community safety, privacy and rehabilitation.
42. The proposed inclusion of Section 11(1) and 11(2) offences under the *Sex Industry Offences Act 2005* in the Schedules, unnecessarily discriminates against sex workers with children in their care, where those children cannot reasonably be considered at risk.
43. The proposed inclusion of Section 7(1)(d) and 7(2)(d) of the *Sex Industry Offences Act 2005* in the Schedules, would make someone convicted of these offences a reportable offender. Scarlet Alliance argue that these offenders pose no more risk to the community than offenders convicted of the same substantive offence under general criminal law.
44. The proposed inclusion of Section 8(2) of the *Sex Industry Offences Act 2005* in the Schedules duplicates offences already captured by the inclusion of other offences in the Schedules and risks stigmatising sex workers.

45. Sections 9(1) and 9(2) of the *Sex Industry Offences Act 2005* relate directly to child safety matters and the involvement of children in sex work and should remain listed in the Schedules.

RECOMMENDATIONS

Overarching Recommendations

The Committee recommends:

1. The Community Protection (Offender Reporting) Amendment Bill 2025 be withdrawn.
2. A new Bill be drafted that would implement the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* recommendations and take into consideration the findings and recommendations of this Report.
3. The new Bill be drafted in full consultation with relevant stakeholders.
4. The new Bill be drafted with a trauma informed lens.

Clause Recommendations

The Committee recommends:

5. Clause 4 be redrafted to accurately reflect the content and intent of the Bill.
6. The Government review and either amend or remove proposed Section 6A in Clause 8 of the Bill, in light of evidence received by the Committee, and make any required consequential amendments.
7. The Bill be amended to clarify that Section 7 of the Act applies only to adult offenders.
8. If proposed Section 6A in Clause 8 is retained, Clause 11 should be amended to include expanded criteria for the Court to consider before placing a child or young person on the reportable offender Register.
9. If proposed Section 6A in Clause 8 is removed, Clause 11 must also be accordingly amended to reflect that change.
10. If proposed Section 6A in Clause 8 is retained, Clause 12 should be amended to consider a more individualised approach to potential restrictions on a child or young person.
11. Clause 15 be amended to establish a review mechanism to be applied when an individual is subject to multiple orders.
12. The Government review the operation of the provisions of Clause 19 in relation to the Registration to Work with Vulnerable People process.
13. The proposed reporting requirements of Clause 21 be more clearly articulated so that they are not misinterpreted.

14. The Government allocate additional and continuing case management support for offenders to ensure their understanding of, and compliance with, new reporting requirements.
15. The Government review how the new reporting requirements proposed by Clause 21 are to be implemented to take into consideration literacy capability and digital access challenges.
16. The Government review how reporting obligation non-compliance is dealt with, including unintentional non-compliance arising from literacy capability and digital access challenges.
17. The Government review existing interstate information sharing arrangements to ensure adequate, clear and timely notifications when a reportable offender intends to travel or reside interstate.
18. If proposed Section 6A in Clause 8 is retained, Clause 25 be amended to provide increased protections for children and young people.
19. If Section 6A in Clause 8 is retained, Clause 30 must be amended to provide separate and specific provisions to allow the Court discretion to apply shorter reporting periods for children and young people.
20. If Section 6A in Clause 8 is retained, reporting obligations proposed by Clause 30 that are applied to a child or young person should be automatically reviewed when an offender reaches adulthood.
21. If Section 6A in Clause 8 is removed, Clause 30 should be consequentiality amended.
22. The Bill be amended to resolve inconsistencies arising from Clause 32 and 34.
23. The Government consult further with relevant stakeholders, including victim-survivors, in redrafting Clause 36 to ensure no unintended consequences arise.
24. Clauses 40 – 42 be supported as implementation of key *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* recommendations
25. Clause 43 be amended to adopt a trauma-informed statutory framework for how disclosures are made, that is developed in consultation with specialist sexual violence support services, victim-survivors, Aboriginal Tasmanians and multi-cultural communities.
26. Establish and fund a dedicated trauma-informed support framework to assist children, young people, victim-survivors, parents and carers before, during and after any disclosure is made under the *Community Protection (Offender Reporting) Act 2005*.

27. The Government provide additional funding to specialist sexual violence, victim-survivor advocacy and counselling services to support the disclosure scheme under Clause 43 and ensure people receiving disclosures can access timely professional support.
28. The disclosure scheme under Clause 43 should not commence until appropriate specialist support, advocacy and therapeutic service capacity is in place to ensure recipients of disclosures can access timely, trauma-informed assistance and safeguarding support.
29. A dedicated Tasmania Police IT system for disclosure must be complete and operational before the Bill is proclaimed.
30. Clause 44 be removed from the Bill.
31. Clause 45 be redrafted to address the impracticalities identified in Findings 35 - 39. In particular, the Bill be amended to allow a child who receives a disclosure to share that information with their parent, guardian or carer where appropriate.
32. Further information and evidence is required to justify warrantless search and arrest powers for reporting-related offences under this Act, including demonstrated evidence as to how existing powers are inadequate.
33. If Section 6A in Clause 8 is retained, Clause 49 must be amended to insert safeguards for people whose most recent reportable offence was committed when they were a child or young person.
34. If Section 6A in Clause 8 is removed, Clause 49 must be consequently amended.
35. Tasmania Police publish clear operational guidelines governing the exercise of publishing powers under proposed Sections 47A and 47B, including the circumstances in which disclosure is appropriate and the protections that apply to vulnerable cohorts.
36. The Schedules be amended to remove the following Sections of the *Sex Industry Offences Act 2005* from the Schedules to the Bill:
 - Section 7(1)(d) and 7(2)(d);
 - Section 8(2); and
 - Section 11 (1) and 11(2).
37. Sections 9(1) and 9(2) of the *Sex Industry Offences Act 2005* remain in the Schedules to the Bill.

1 APPOINTMENT AND CONDUCT OF THE INQUIRY

Appointment

- 1.1 The Community Protection (Offender Reporting) Amendment Bill 2025 (the Bill) was introduced in the House of Assembly (the House) on 4 November 2025 by the Minister for Police, Fire and Emergency Management, the Honourable Felix Ellis MP.
- 1.2 On 26 March 2026 the House commenced its second reading debate on the Bill and Ms Kristie Johnston MP moved a successful motion to refer the Bill to the House of Assembly Standing Committee on Government Administration B (the Committee) as follows:
 - (1) *The Community Protection (Offender Reporting) Amendment Bill 2025 (No. 61) be referred to the Standing Committee on Government Administration Committee B for inquiry and report thereon.*
 - (2) *The Committee report by 27 October 2026.*
- 1.3 On 24 April 2026, the Committee met and formally received the reference. This Inquiry was launched on the same day.

Conduct of the Inquiry

- 1.4 The Committee resolved to invite interested people and organisations to make a submission in relation to the reference, by way of advertisement on the Parliament of Tasmania website and in the three major Tasmanian newspapers. The Committee also directly invited a number of individuals and organisations to provide the Committee with any information they deemed relevant to the Inquiry.
- 1.5 Submissions to the Inquiry opened on 24 April 2026 and closed on 5 June 2026.
- 1.6 The Committee received 10 submissions and held three public hearings, with 17 witnesses.
- 1.7 For this Inquiry, Ms Tabatha Badger MP was a proxy for Ms Cecily Rosol MP and Ms Jen Butler MP was a proxy for Ms Meg Brown MP.
- 1.8 Mr Roger Jaensch MP served on the Inquiry from its commencement until 11 August 2026. On this date, Ms Jane Howlett MP was appointed to the substantive membership of Government Administration Committee B, including to this Inquiry.

Structure of this Report

- 1.9 This Report consists of an examination of the Bill, including a discussion of evidence received as well as Committee findings regarding the Bill's Clauses and overall intended impact of the Bill. The Report comprises:
- Chapter 1 outlines the appointment and conduct of the Inquiry.
 - Chapter 2 provides background to the Bill.
 - Chapter 3 examines the individual Clauses of the Bill, focusing on Parts 1 and 2.
 - Chapter 4 examines the individual Clauses of the Bill, focusing on Part 3.
 - Chapter 5 examines the individual Clauses of the Bill, focusing on Parts 4 and 5.
- 1.10 This Report should be read in conjunction with the attached documents:
- Appendix A: List of Submissions received by the Inquiry;
 - Appendix B: List of witnesses to the Inquiry;
 - Appendix C: the Minutes of the Inquiry; and
 - Appendix D: Transcripts of Evidence from public hearings.

2 BACKGROUND TO THE BILL

- 2.1 The Community Protection (Offender Reporting) Amendment Bill 2025 (the Bill) proposes to amend the *Community Protection (Offender Reporting) Act 2005* (Tas)¹ to which Royal Assent was given on 15 December 2005, the *Community Protection (Offender Reporting) Regulations 2016* (Tas)², first made on 25 January 2016 and the *Sentencing Act 1997* (Tas)³, which received Royal Assent on 22 December 1997. Broadly, the Bill proposes to increase protection of children, adults and the community from offenders of sexual or other serious offences.⁴
- 2.2 The version of the Bill examined by this Inquiry is the third version of the Bill, with the first draft initially released in December 2023.
- 2.3 Tasmania Police released the draft version of the Community Protection (Offender Reporting) Amendment Bill 2023 (2023 Bill) for public consultation from December 2023 - February 2024. The consultation received 13 submissions predominantly from legal practitioners and specialist support service providers experienced in working with victim-survivors.⁵ The submissions broadly raised concerns about the rights of victim-survivors, whistleblowers and journalists; the treatment of information obtained through accessing the Register and the treatment of offenders who are under the age of 18. The 2023 Bill was not tabled in the House.
- 2.4 The second version of the Bill, the Community Protection (Offender Reporting) Amendment Bill 2024 (2024 Bill), was read for the first time in the House on 28 November 2024.⁶ The Bill was brought by the Minister for Police, Fire and Emergency Management, Minister Ellis.

¹ *Community Protection (Offender Reporting) Act 2005* (Tas), <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2005-061>.

² *Community Protection (Offender Reporting) Regulations 2016* (Tas), <https://www.legislation.tas.gov.au/view/whole/html/asmade/sr-2016-001> and *Community Protection (Offender Reporting) Amendment Regulations 2017* (Tas), <https://www.legislation.tas.gov.au/view/html/asmade/sr-2017-075#GS9@EN>.

³ *Sentencing Act 1997* (Tas), <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1997-059>.

⁴ Clause 4, Community Protection (Offender Reporting) Amendment Bill 2025 (Tas), No.61 of 2025, https://www.parliament.tas.gov.au/data/assets/pdf_file/0029/98156/61-of-2025.pdf.

⁵ Tasmania Police, 'Community Protection Offender Reporting Consultation,' Submissions, <https://www.police.tas.gov.au/community-protection-offender-reporting-consultation-submissions/>.

⁶ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 28 November 2024, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2024/november/house-of-assembly-28-november>.

- 2.5 On 7 May 2025, prior to the 2024 Bill being read for the second time, a majority of Members of the House wrote to the Minister, raising concern with the content of, and lack of consultation undertaken on, the 2024 Bill. They requested the 2024 Bill be withdrawn and redrafted.⁷ The letter noted that most stakeholders who provided submissions to the 2023 Bill were not consulted on the 2024 Bill.
- 2.6 Also on 7 May 2025, the Minister issued a media release announcing the 2024 Bill would be known as ‘Daniel’s Law.’
- 2.7 The Minister’s draft second reading speech was updated accordingly and circulated to Members of the House at 11 a.m. on 8 May 2025.
- 2.8 The Minister proceeded with his second reading speech on 8 May 2025 with Bruce and Denise Morcombe attending the Parliament. By agreement, the Minister adjourned debate on the Bill after second reading contributions from across the Chamber, for it to continue at a later time.
- 2.9 Members raised a number of concerns with the 2024 Bill during the second reading debate, which occurred on 27 May 2025. These included the lack of consultation as well as specific proposed Sections regarding: the structure proposed for the management and sharing of information through the proposed community disclosure scheme; the registration of children as offenders; issues of public safety; potential vigilantism and the role of media reporting.
- 2.10 Due to the 2025 General Election and the Prorogation of the Fifty-First Parliament, the 2024 Bill lapsed before the second reading debate was completed.
- 2.11 The Bill currently under examination was introduced by Minister *Ellis* and was read for the first time on 4 November 2025, after the Fifty-Second Parliament opened in August 2025.⁸
- 2.12 On 19 March 2026 a group of Members of Parliament again wrote to the Minister regarding the Bill. They noted that recent consultation had occurred,

⁷ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 27 May 2025, p. 109, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2025/may/house-of-assembly-27-may>.

⁸ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 4 November 2025, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2025/november/house-of-assembly-4-november>.

but said concerns regarding clarity, evidence and potential unintended consequences of the Bill remained. Members also raised their concern that ‘in the current form, the Bill risks conflating two distinct and complex policy objectives: strengthening the operation of the sex offender Register, and introducing a disclosure scheme.’⁹ They requested the Bill be referred to this Committee for detailed examination. On 24 March 2026 the Minister replied, providing the Government’s support of the proposed referral.¹⁰

- 2.13 Consequentiality, on 26 March 2026 Minister *Ellis* MP completed his second reading speech. During this speech, Minister *Ellis* MP stated that further targeted consultation had been undertaken by the Department of Police, Fire and Emergency Management (the Department) in September 2025. He explained the Bill included amendments which addressed concerns raised by stakeholders, as well as concerns raised by Members during the second reading debate on the 2024 Bill.¹¹
- 2.14 After Minister *Ellis*’ speech on 26 March 2026, Ms *Johnston* MP successfully moved the referral of the Bill to this Committee.¹²
- 2.15 During his contribution on the second reading debate Minister *Ellis* provided the following context to the Bill:

The Act of conception in the early 2000s was offender-centric and designed to be highly restrictive around access to information recorded in the register. These restrictions prompted Judge Turnbull of the Federal Circuit and Family Court of Australia to make the submission in January 2023 to the Commission of Inquiry into the Tasmanian Government’s Response to Child Sexual Abuse in Institutional Settings about the restrictive operation of the confidentiality and release-of-information provisions in the act.

Judge Turnbull submitted that the legislation should be reviewed to ensure that it is properly protecting children by allowing for information on reportable offenders to be readily accessible to child safety services to determine whether

⁹ Parliament of Tasmania, House of Assembly, Parliamentary Debates, pp. 75-76, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

¹⁰ Parliament of Tasmania, House of Assembly, Parliamentary Debates, pp. 75-76, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

¹¹ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 26 March 2026, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

¹² Parliament of Tasmania, House of Assembly, Votes and Proceedings, 26 March 2026, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

children coming to notice were at risk of sexual abuse. Although the act has been amended on two previous occasions, once to include the provision to make community protection orders under section 10A, and on another occasion to recognise corresponding orders, no significant review of the act has been undertaken since it commenced.

Issues and limitations with the practical operation of the act to effectively monitor offenders and prevent further offending, given technological and other advances, have become evident and additionally, our understanding of how sexual offences are committed has changed significantly. We now have a better understanding of the complexities of these matters and we need to have legislation that can be used effectively to prevent known sex offenders from committing these heinous crimes.

We need legislation that can be used to actively protect children and the community from the devastating consequences of sexual harm. As such, the bill seeks to achieve a shift away from offender-centric legislation to an act that upholds and strengthens protection for our children and our community. The long title of the act is being amended to reflect this reframing, and will add an express objective of protecting children, adults and the community and allowing information from the register to be disclosed for the safety and protection of children and the community. This will ensure that the court will consider the protection and safety of our community as a priority and will ensure that the act is consistent with contemporary national and international principles of child protection.¹³

2.16 Minister Ellis went on to describe some of the consultation that had been undertaken on this version of the Bill:

We've listened to the concerns of stakeholders regarding the provisions and worked hard to ensure that the bill clearly reflects its intended purpose, which is to restrict the unnecessary release of information specifically disclosed under the act, and not to stop victim/survivors from telling their stories of their own lived experience. We've also included clarifying provisions, across multiple schedules and sections, that information must not be disclosed under the act if it identifies a victim or complainant. The feedback we received in relation to the victim-centred provisions demonstrates the value of public consultation in the legislative drafting process. We recognise that a disclosure scheme is just one element of a broader approach to keeping children safe. We understand that being told someone with access to your child is not on the register does not necessarily mean that your child is safe from harm.

¹³ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 26 March 2026, pp. 67-68, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

The approach that Tasmania Police will take to information disclosures will be informed by this fact. Trauma-informed explanatory materials are being developed to assist our communities to understand the scheme, its purpose and its limitations. This includes information sheets for victim/survivors, parents, guardians and carers, youths, employers, support services and the reportable offenders themselves.

We know the implementation of the disclosure scheme requires a careful and considered approach in balancing community safety and achieving the policy intent. We have worked hard to ensure that our disclosure scheme is suitable and workable in the Tasmanian context. Our highly-trained reportable offender and child exploitation unit within Tasmania Police stands ready to implement the disclosure scheme and to utilise the new provisions within the bill to protect Tasmanian children from harm.¹⁴

- 2.17 The Minister also noted the inclusion of separate provisions for adult and child offenders in the Bill.¹⁵
- 2.18 Reportable offender disclosure legislation is in place in both Western Australia and Queensland. The Western Australian legislation, the *Community Protection (Offender Reporting) Act 2004*, provides a three-tier disclosure scheme. The WA Act was amended in 2012 to introduce the three-tier scheme. The tiers are proactive disclosure, application-based disclosure and a website-based locality search disclosure.¹⁶
- 2.19 In 2025, the Queensland Parliament passed the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Act 2025*.¹⁷ This Act amended the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, by implementing a public register with a three-tiered disclosure scheme. Denise and Bruce Morcombe, the parents of Daniel Morcombe who was abducted and killed in 2003, advocated for the development of Daniel's Law in Queensland. They provided the following summary to the Committee:

¹⁴ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 26 March 2026, p.69, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

¹⁵ Parliament of Tasmania, House of Assembly, Parliamentary Debates, 26 March 2026, pp. 70-71, <https://www.parliament.tas.gov.au/house-of-assembly/chamber-proceedings/proceedings/2026/january/house-of-assembly-26-march>.

¹⁶ *Community Protection (Offender Reporting) Act 2004* (WA), [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_49137.pdf/\\$FILE/Community%20Protection%20\(Offender%20Reporting\)%20Act%202004%20-%20%5B02-s0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_49137.pdf/$FILE/Community%20Protection%20(Offender%20Reporting)%20Act%202004%20-%20%5B02-s0-00%5D.pdf?OpenElement).

¹⁷ *Community Protection and Public Children Sex Offender Register (Daniel's Law) Bill 2025* (QLD), <https://www.legislation.qld.gov.au/view/html/bill.first/bill-2025-042>.

Ms MORCOMBE - 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.
- Three offenders charged for allegedly breaching their reporting obligations.¹⁸

¹⁸ Transcript of Evidence, 3 August 2026, Bruce and Denise Morcombe, pp. 2-3.

3 EXAMINATION OF THE BILL – PARTS 1 AND 2

- 3.1 This Chapter considers Parts 1 and 2 of the Bill. Evidence received regarding individual Clauses is included, as well as the Committee's comments on individual Clauses as a result of its inquiries.

Part 1 – Preliminary (Clauses 1 and 2)

Clauses 1 and 2

- 3.2 Clauses 1 and 2 set out the short title and commencement provisions of the Bill. The Bill's provisions are set for a date to be proclaimed. The Committee has no comment on these Clauses.

Part 2 – Community Protection (Offender Reporting) Act 2005 Amended (Clauses 3 – 56)

- 3.3 The Committee has considered the evidence it received on Part 2 of the Bill. Evidence was not received on every Clause, meaning some have not been examined in detail.

Clauses 3 - 7

- 3.4 Clause 3 notes the Principal Act for Part 2 of the Bill.
- 3.5 Clause 4 proposes a substitute long title for the Act, to shift to a victim-centred focus:
- An Act to protect children, adults and the community from future offending by certain offenders who commit sexual or other serious offences, by requiring courts to make orders specifying certain offenders to be reportable offenders, requiring those offenders to keep police informed of their whereabouts and other personal details for a period of time and to refrain from engaging in certain work, requiring a Register of collected information disclosure scheme to enable the sharing of information under the Act in certain circumstances, and for related purposes.¹⁹*
- 3.6 Clause 5 amends current, or adds new, definitions into the Act.
- 3.7 Clause 6 proposes the insertion of new Section 4A, which specifies who the Police Commissioner (the Commissioner) may delegate their duties under the Act to.

¹⁹ Clause 4, Community Protection (Offender Reporting) Amendment Bill 2025 (Tas), No.61 of 2025, https://www.parliament.tas.gov.au/data/assets/pdf_file/0029/98156/61-of-2025.pdf.

3.8 Clause 7 is a consequential amendment to reflect proposed Clause 8.

Finding

5. The amended long title proposed by Clause 4 does not accurately reflect the intention of the Bill.

Recommendation

5. **Clause 4 be redrafted to accurately reflect the content and intent of the Bill.**

Clause 8

- 3.9 Clause 8 repeals existing Section 6 in the Act, being ‘Order requiring registration of offender.’ It proposes two replacement Sections which separate the registration of adult and child offenders, as well as prescribing additional detail for these registration processes. The proposed Sections are 6 ‘Order requiring registration of adult offender’ and 6A ‘Consideration of order relating to child offender.’ Evidence received by the Committee broadly supported the separation of offender type.²⁰
- 3.10 Tasmania Police informed the Committee there are currently 306 reportable offenders in the community and a further 38 are incarcerated.²¹
- 3.11 Evidence received by the Committee supported the separation of adult and child offenders.²² However, this support was largely accompanied by the concern that any registration of children still may not be the most appropriate way to manage these offences.
- 3.12 Shirleyann Varney, CEO of the Sexual Assault Support Service (SASS), said her organisation is concerned about the potential impact of registration on a young person’s future:

***Ms VARNEY** - ... 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*

²⁰ See Submission No. 2, Laurel House; Submission No. 3, Interim Commissioner for Children and Young People; Submission No. 6, Sexual Assault Support Service; Submission No. 8, Bravehearts and Submission No. 10, Tasmanian Family and Sexual Violence Alliance.

²¹ Transcript of Evidence, 21 August 2026, Tasmania Police, p. 12.

²² See Submission No. 2, Laurel House; Submission No. 3, Interim Commissioner for Children and Young People; Submission No. 6, Sexual Assault Support Service; Submission No. 8, Bravehearts and Submission No. 10, Tasmanian Family and Sexual Violence Alliance.

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.²³

3.13 Laurel House, a community-based sexual assault support service, also raised concerns about the potential impacts on children and young people of being listed on the Register. The organisation suggested further work was required to establish an appropriate way for children to be treated under the Act:

- *Clause 8 – s.6A(1,2): Reverse the presumption in subsections (1) and (2) so that the legislation establishes that a reporting order should not be made in relation to a child unless the court is satisfied it is necessary. 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 where no less restrictive alternative is available.*
- *Clause 8 – s.6A(4): Allowing a judge to make a reporting order on their own initiative creates an overly broad scope. This initiative should sit with the prosecution. We have recommend narrowing the conditions under which the court can make an order in this subsection.*
- *Clause 8 – s.6A(5): Allowing the prosecution or Commissioner of Police to apply up to 6 months after sentencing for a child or young person to be placed on the register creates an overly broad scope, particularly as no circumstances are specified for when such applications may be made. We recommend further specifying the purposes for which a delayed application can be made in subsection (5).*
- *Clause 8 – s.6A(7): Allowing a child to be placed on the register without establishing risk to a particular person or class of persons is concerning. At minimum, the court should identify whether a risk exists, how significant it is, and who it relates to, including at least a defined class of persons such as peers, family members, or primary school aged children. Without this, the risk assessment becomes overly broad and punitive. We have proposed amendments below to address this issue.²⁴*

3.14 Nicole Asquith, representing the Tasmanian Family and Sexual Violence Alliance (the Alliance), further emphasised the potential risk that proposed Section 6A could have on the future of children and young people:

Ms ASQUITH - 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

²³ Transcript of Evidence, 3 August 2026, Sexual Assault Support Service, pp. 61-62.

²⁴ Submission No. 2, Laurel House, p.3.

*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.*²⁵

- 3.15 The Interim Commissioner for Children and Young People, Ros Cornish AM, submitted that while the inclusion of specific considerations for potential orders for children and young people in proposed Section 6A are important, additional amendments should be made. Ms Cornish proposed amendments to ensure that a Court cannot impose an order on a child or young person unless risk has been proven.²⁶
- 3.16 The Committee heard evidence about the potential registration of child offenders including the need for appropriate mechanisms and criteria for any inclusion of a child or young person on the Register. This will be discussed in detail in the Committee's assessment of Clause 11.
- 3.17 The Alliance advocated for the removal and proper independent assessment of proposed Section 6A,²⁷ and provided recommendations for consideration if the proposed Section is not removed from the Bill. The Alliance recommended the following:

Recommendation 5: *That if the Committee decides that s6A is to be retained that a child or young person is not registered as a reportable offender unless:*

- a) an individualised risk assessment of recidivist offending is undertaken by independent experts on child and youth offending,*
- b) registration is only applied after all other desistance strategies have been explored, and*
- c) registration is applied only as a last resort to those offenders who have been assessed as high risk of recidivist sexual violence.*

Recommendation 6: *That if the Committee decides that s6A is to be retained that the provisions for children and young people are extended to those under the age of 25 years*

²⁵ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 34.

²⁶ Submission No. 3, Interim Commissioner for Children and Young People, pp. 4-5.

²⁷ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, pp. 8-12.

...

Recommendation 8: That if the Committee decides that s6A is to be retained that further exploration of the relationship between the COPR and the Annulled Convictions Act 2003 is undertaken to assess whether annulment may be appropriate for children and young people charged with Schedule 1 offences

Recommendation 9: That if the Committee decides that s6A is to be retained that courts are **not** empowered to impose the registration of children and young people as reportable offenders unless an individualised risk assessment of recidivist offending is undertaken by independent experts on child and young offending²⁸

- 3.18 The Tasmanian Aboriginal Legal Service (TALS) raised concerns about the potential impact of Section 6A on Aboriginal and Torres Strait Islander children and young people in Tasmania. The organisation noted Tasmanian Aboriginal children and young people are six times more likely to be in detention than non-Aboriginal children and young people. Australian Aboriginal youths are also 12.1 times more likely to be in out-of-home care and eight times more likely to have experienced physical or emotional abuse.²⁹ Representatives of TALS endorsed increased early intervention programs as an alternative to including children on the Register:

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

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

²⁸ Submission No. 10, Tasmanian Family and Violence Alliance, pp. 12-13.

²⁹ Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, p. 4.

*them being - the community having that risk mitigated; but at some point, if they're going to be released into the community and they haven't had the appropriate mechanisms available to them, then the time they've spent incarcerated hasn't achieved anything.*³⁰

- 3.19 Early intervention and wrap around support services were also endorsed by both the Alliance and Laurel House. The organisations raised the South Australian (SA) domestic violence disclosure scheme as an example of early intervention and support programs.
- 3.20 Ms Asquith, representing the Alliance, discussed how this scheme could be amended for use in the Tasmanian offender reporting context:

Ms ASQUITH - *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.*³¹

- 3.21 Laurel House also supported the SA scheme as an example of a successful disclosure scheme with early intervention and support interwoven, and noted recent reviews of the SA scheme:

Dr MERCER-MAPSTONE - *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*

³⁰ Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, pp. 9-10.

³¹ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 32.

*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.*³²

- 3.22 Evidence received by the Committee recommended extending the age of people to be subject to proposed Section 6A to include young people aged up to 25.³³ The Alliance stated:

*Aligns with evidence about the neurodevelopment of young people³⁴, and acknowledges that the transition to adulthood exceeds current limitations to those under the age of 18 years, especially those young people who have had impaired childhood development due to disability and family separation, such as those in out-of-home care.*³⁵

- 3.23 Ms Asquith further spoke to this recommended age at a public hearing:

Ms ASQUITH - ... 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.³⁶

³² Transcript of Evidence, 3 August 2026, Laurel House, p. 75.

³³ See Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 9 and Submission No. 2, Laurel House, p. 4.

³⁴ Cited in Tasmanian Family and Sexual Violence Alliance, p. 9, Footnote 7, Johnson et al (2009) Adolescent maturity and the brain: the promise and pitfalls of neuroscience research in adolescent health policy. *Journal of Adolescent Health*, 45(3), 216-21. Hochberg & Konner (2020) Emerging Adulthood, a Pre-adult Life-History Stage. *Frontiers in Endocrinology*, 14(10), 918.

³⁵ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 9

³⁶ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 35.

Findings

6. Expert witnesses, including victim-survivor support organisations, stated children and young people should not be included on a reportable offender Register, except in exceptional circumstances.
7. Expert witnesses stated that research indicates the neurological development of young people still occurs until around the age of 25 and therefore caution should be exercised regarding inclusion on a reportable offender Register before the age of 25.

Recommendation

- 6. The Government review and either amend or remove proposed Section 6A in Clause 8 of the Bill, in light of evidence received by the Committee, and make any required consequential amendments.**

Clause 9

- 3.24 Clause 9 of the Bill proposes to amend Section 7 of the Act, which is ‘Reporting orders for other offences.’ This Section provides guidance on how orders should be made for reportable offenders who have committed an offence which is not a Class 1, 2 or 3 offence. The proposed amendment specifies that any individual under order as set out in Section 7 are to comply with obligations under the Act for a period specified by the Court.
- 3.25 Ms Cornish AM, the Interim Commissioner for Children and Young People, raised concern that the Bill does not include an amendment to provide a different Court process for children or young people who commit offences. She submitted:

In light of other amendments that propose to limit the registration of people who offended as a child, this appears to be an oversight or legislative loophole. Consideration should be given to whether it would ever be appropriate for a person who committed an offence as a child that was not a Class 1, 2 or 3 offence to be listed on the Register, and appropriate amendments should be drafted so that s.7 only applies to persons who committed an offence as an adult.³⁷

Finding

8. The Bill is unclear on whether Section 7 of the Act applies to offenders who were under the age of 18 at the time of the offence.

Recommendation

- 7. The Bill be amended to clarify that Section 7 of the Act applies only to adult offenders.**

³⁷ Submission No. 3, Interim Commissioner for Children and Young People, p. 5.

Clause 10

- 3.26 Clause 10 proposes amendments to Section 9 which details how Magistrates may make reporting orders following an application from the Commissioner, adding clarity to the interaction between Sections 9, 24 and 25. The Committee received no evidence regarding this Clause and provides no further comment.

Clause 11

- 3.27 Clause 11 proposes amendment to Section 10 of the Act to expand the matters the Court is to take into account when considering an order under the Act. This includes consideration of an offender's criminal history, previous reportable offending and if the offender is, or was, a child at the time of the offence. On the latter, consideration is also to be given to the 'General principles of youth justice' provided by the *Youth Justice Act 1997*.
- 3.28 The Interim Commissioner for Children and Young People raised concern that the proposed amendments to Section 10 do not align with the findings of the *Commission of Inquiry into the Tasmanian Government's responses to Child Sexual Abuse in Institutional Settings (Commission of Inquiry)* or the pending review of the *Youth Justice Act 1997*:

A more significant issue, however, concerns the reference to the principles in s.5 of the Youth Justice Act. I have been advised that consultation on the Youth Justice Act review will commence later this year, and note that the Commission of Inquiry was highly critical of the principles in s.5, drawing attention to the fact that they place 'a heavy emphasis on sanction and punishment, rather than rehabilitation, restoration, and reintegration'. As an alternative, the Commission of Inquiry suggested a more rights-based approach and recommended that '[t]he Tasmanian Government should ensure legislation to replace or amend the Youth Justice Act 1997 contains updated general principles of youth justice that reflect contemporary understandings of child development, children's antisocial behaviour and children's needs'.³⁸

As such, mindful of the fact that the statutory youth justice principles will soon be revised, I suggest that the proposed ss.10(1A) and 10(3) be reworded to ensure that any future form of these principles will be adopted for the purposes of decision-making under ss.10(1A) and 10(3). Notably, this again highlights the need to implement the TLRI's recommendation to undertake a comprehensive review of the CPOR Act provisions as they relate to children and young people alongside the Youth Justice Act review.³⁹

³⁸ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 6, Footnote 16, *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, Who Was Looking After Me? Prioritising the Safety of Tasmanian Children (Report, Volume One – Summary, Recommendations and Findings, August 2023)*, see recommendation 12.12.

³⁹ Submission No. 3, Interim Commissioner for Children and Young People, p. 6.

- 3.29 Tasmania Legal Aid (TLA) supports the intent of Clause 11, but said it could not be fully operationalised, because of the requirement in Section 6 of the Act for orders to be made at the time of sentencing.⁴⁰
- 3.30 Support service providers in Tasmania were broadly supportive of the matters to be taken into account by a Court when a potential order for a child or young person is under consideration. However, these organisations strongly advocated for specific assessment criteria to be included.
- 3.31 Laurel House suggested the experiences of the individual child or young person be considered including in the areas of:
- *child sexual abuse, sexual exploitation, or harmful sexual exposure;*
 - *family or domestic violence and 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 family 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 the impacts of colonisation, particularly 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 HSB⁴¹ and adult sexual offenders;*
 - *the likely impact of registration on the child or young person's rehabilitation, education, employment, housing, therapeutic engagement, social development, cultural connection, and long-term reintegration;*
 - *whether registration may compound existing trauma, stigma, criminalisation, or institutionalisation; and*
 - *the risk of conflating HSB with entrenched adult predatory offending.*

⁴⁰ Submission No. 5, Tasmania Legal Aid, p. 3.

⁴¹ Harmful Sexual Behaviour

We also recommend that any judicial officer determining whether to impose a reporting order on a child should receive specialised and ongoing training regarding child development, trauma (including child maltreatment and adverse childhood events), HSB, family and sexual violence, child sexual abuse, disability, neurodivergence, cultural safety, and the impacts of criminalisation and surveillance on children and young people.⁴²

- 3.32 Bravehearts similarly recommended that criteria should be included for consideration when a child or young offender is being considered for inclusion on the Register, including the potential formalisation of these criteria through a period of co-design with young people:

Ms GEALE - ... 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.⁴³

- 3.33 In addition to the general criteria of assessment regarding the potential registration of a child, Laurel House also proposed that the Bill be amended 'to explicitly provide that children who are convicted of offences involving self-generated or consensual peer image-sharing are not to be subject to reporting orders unless additional risk-based criteria are satisfied.'⁴⁴ Kathryn Fordyce, CEO of Laurel House, said at a public hearing:

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

⁴² Submission No. 2, Laurel House, pp. 5-6.

⁴³ Transcript of Evidence, 3 August 2026, Bravehearts, p.27.

⁴⁴ Submission No. 2, Laurel House, p. 8.

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.⁴⁵

Finding

9. As drafted Clause 11, amending Section 10 of the Act, provides an inadequate set of criteria to be taken into account by the Court when considering registering an offender under the age of 18.

Recommendations

8. **If proposed Section 6A in Clause 8 is retained, Clause 11 should be amended to include expanded criteria for the Court to consider before placing a child or young person on the reportable offender Register.**
9. **If proposed Section 6A in Clause 8 is removed, Clause 11 must also be accordingly amended to reflect that change.**

Clause 12

- 3.34 Clause 12 amends Section 10A of the Act to extend the potential prohibition or restrictions on movement or conduct by a reportable offender, including potential restrictions to internet access and the potential for reportable offenders to be subject to electronic monitoring.

⁴⁵ Transcript of Evidence, 3 August 2026, Laurel House, pp. 78-79.

- 3.35 The Interim Commissioner for Children and Young People raised concerns that placing children and young people on the Register may conflict with their rights. She submitted:

Firstly, in my view, consideration should be given to the more rights-based approach under the Crimes (Child Sex Offenders) Act 2005 (ACT).⁴⁶ Under s.132D(2) of this Act, the Court may only make a ‘prohibition order’ for a ‘young person’ after considering the CYP director-general’s report,⁴⁷ and if satisfied that all other reasonably appropriate ways of managing the young person were considered by the chief police officer before they applied for the order. Further, when making any order under s.132D, the Court must also consider the factors in s.132E(1) including, among other things, the person’s present age and, if they are a young person, their best interests, including their educational needs and access to family members.

Secondly, regarding the potential application of electronic monitoring to a child, I refer you to the Human Rights Law Centre’s feedback on the Youth Justice (Electronic Monitoring) Amendment Bill 2025 (Qld).⁴⁸ While this Bill relates to conditions for bailees, not young people convicted of a crime,⁴⁹ the Human Rights Law Centre noted that ‘[s]hackling children with devices can impact their ability to engage positively with protective factors such as school, employment and community activities’.⁵⁰ They also noted ‘[t]here is no conclusive evidence ... that subjecting children to electronic monitoring reduces recidivism’.⁵¹ As such, I suggest that a more nuanced approach to the potential application of s.10A(4) to children is required.⁵²

Recommendation

- 10. If proposed Section 6A in Clause 8 is retained, Clause 12 should be amended to consider a more individualised approach to potential restrictions on a child or young person.**

⁴⁶ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 8, Footnote 20: A ‘young person’ is defined in the Dictionary of the Crimes (Child Sex Offenders) Act 2005 (ACT) as ‘person who is not yet an adult’.

⁴⁷ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 8, Footnote 21: This is the Director-General of the unit responsible for the Children and Young People Act 2008 (ACT).

⁴⁸ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 8, Footnote 22: Human Rights Law Centre, Submission to the Health, Environment and Innovation Committee (Qld), Youth Justice (Electronic Monitoring) Amendment Bill 2025 (Qld) (5 March 2025).

⁴⁹ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 8, Footnote 23: The Bill intends to extend the trial of electronic monitoring as a bail condition for children while evidence about the effectiveness of electronic monitoring is assessed.

⁵⁰ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 9, Footnote 24: Human Rights Law Centre, Submission to the Health, Environment and Innovation Committee (Qld), Youth Justice (Electronic Monitoring) Amendment Bill 2025 (Qld) (5 March 2025).

⁵¹ Cited in Submission No. 3, Interim Commissioner for Children and Young People, p. 9, Footnote 25: Human Rights Law Centre, Submission to the Health, Environment and Innovation Committee (Qld), Youth Justice (Electronic Monitoring) Amendment Bill 2025 (Qld) (5 March 2025).

⁵² Submission No. 3, Interim Commissioner for Children and Young People, pp. 8 – 9.

Clauses 13 and 14

- 3.36 Clause 13 provides a consequential amendment to Section 10B of the Act to reflect changes under Clause 12. The Committee provides no comment.
- 3.37 Clause 14 proposes to insert new Sections 10C and 10D, which provide further context to the conduct of officials and offenders regarding community protection orders. The Committee provides no comment.

Clause 15

- 3.38 Clause 15 repeals existing Section 11 of the Act and inserts new Sections 11 ‘Corresponding reportable offenders’ and 11A ‘Interaction of orders.’ New Section 11 continues the existing requirement that reportable offenders from other jurisdictions be considered reportable offenders in Tasmania. It also provides that a corresponding reportable offender is a person who ‘falls within a class of persons who are prescribed by the regulations to be corresponding reportable offenders for the purposes of this Act.’⁵³

Proposed new Section 11A provides that, where a reportable offender is subject to multiple orders, whether under the Act or other legislation, the most recently made order and its conditions and obligations is the one which should be followed.

- 3.39 TLA recommended further consideration of the handling of multiple orders out against a single individual:

this may create risk in circumstances where the more recent order has been made on more limited evidence or with less information available to the Court than an earlier order.

Safe at Home queries whether consideration should instead be given to:

- *An automatic review mechanism when inconsistent orders are identified; or*
- *A mechanism allowing reconsideration of the order by a court.*

Comparable approaches exist within the Family Law Act 1975 (Family Law Act) provisions dealing with inconsistent family violence and family law orders, and the National Domestic Violence Order recognition scheme options.⁵⁴

Finding

10. As drafted new Section 11A provides that, where an individual is subject to multiple orders, the most recent order is the one that will be applied.

⁵³ Clause 15, Community Protection (Offender Reporting) Amendment Bill 2025, https://www.parliament.tas.gov.au/data/assets/pdf_file/0029/98156/61-of-2025.pdf.

⁵⁴ Submission No. 5, Tasmania Legal Aid, p. 4.

Recommendation

- 11. Clause 15 be amended to establish a review mechanism to be applied when an individual is subject to multiple orders.**

Clauses 16 – 18

- 3.40 Clauses 16, 17 and 18 are consequential changes to reflect the proposed amended Schedules of Class 1, 2 and 3 offences under the Act. The Committee has no comment on these Clauses.

Clause 19

- 3.41 Clause 19 of the Bill inserts new Part 2A ‘Child-related services and disclosure in relation to charges,’ into the Act. New Part 2A, to appear after Section 15 in the Act, inserts Section 15A and 15B which provide that reportable offenders must not engage in child-related employment.
- 3.42 The new Part 2A also provides the Commissioner additional powers to require or request information regarding the conduct of a relevant charged reportable offender in relation to child-related service. Proposed Sections 15C, 15D and 15E provide that charged persons may be required to disclose charges to their employer, or that the Commissioner be empowered to make such disclosures to the employer, as required. This means in some instances disclosures regarding an individual could be made when they have been charged but not yet convicted.
- 3.43 The inclusion of provisions regarding charged persons raised concerns about a potential lack of procedural fairness.⁵⁵ TLA summarised these concerns:

First, disclosure of allegations prior to determination risks undermining the presumption of innocence. Secondly, disclosure of the details of an alleged offence to third parties, who may include potential witnesses, may compromise the cogency of their evidence, the whole of the prosecution case or the opportunity of a fair trial.

There is also a risk of unintended consequences, including vigilante behaviour, particularly given the nature of the offences captured by the Act. Although clause 36 proposes offences relating to misuse of information, this may not provide sufficient practical protection in circumstances where the information is likely to be highly sensitive.⁵⁶

⁵⁵ See Transcript of Evidence, 3 August 2026, contributions from Burce and Denise Morcombe, and Bravehearts and Transcript of Evidence, 6 August 2026, contributions from the Tasmanian Aboriginal Legal Service and Tasmania Legal Aid.

⁵⁶ Submission No. 5, Tasmania Legal Aid, p. 5.

- 3.44 Tasmanian Aboriginal Legal Service (TALS) also described the creation of a potentially unfair legal precedent through increasing the level of conduct for Tasmania Police in regard to charged, not convicted, offenders. TALS submitted:

The Bill inserts powers for police to collect information from adults charged with reportable offences regarding any child related employment or activity they engage in. The Bill also provides for the disclosure of this collected information to employers or potential employers, parents and carers for the purpose of protecting children. TALS hold concerns with regards to the consequences of collecting, and sharing, information on adults charged with reportable offences, whilst the matter remains unresolved.

While the community must be protected, an accused person to has the right to the presumption of innocence, and fair legal proceedings.⁵⁷ The unintended consequences of collecting and sharing personal information regarding an accused adult can be widespread, including the potential for irreversible impacts to their personal, family and professional life and a heightened risk of adverse community attention.⁵⁸ It is also of upmost importance to consider the potential impacts on victim-survivors, who can be harmed by the information being collected and shared on the accused as it may lead to them being identified and subject to increased risk.⁵⁹

TALS are not entirely condemning the prospect of information being collected and shared from adults charged with reportable offences. However, TALS are of the position that the powers inserted by the Bill must be enacted in a way that does not create negative, unintended consequences for either the accused or the victim-survivor.⁶⁰

- 3.45 In response to a Question taken on Notice at a public hearing, TALS further discussed its concern with sharing information about charged people, noting the following:

In establishing guidelines regarding the access to, and verification and disclosure of, personal information the Commissioner must balance community safety with the protection of privacy rights, procedural fairness, information accuracy, and misuse prevention. Additionally, it is important that the Commissioner consult Aboriginal Community-Controlled Organisations ('ACCOs') and Aboriginal community members to embed cultural knowledge and culturally safe practices

⁵⁷ Cited in Submission No. 4, Tasmanian Aboriginal Legal Service, p.3, Footnote 7, Attorney-General's Department, *Presumption of innocence; Public sector guidance sheet*, Australian Government (accessed 18 May 2026).

⁵⁸ Cited in Submission No. 4, Tasmanian Aboriginal Legal Service, p.3, Footnote 8, Law Council of Australia, *Cautious approach for sex offender register required, says Law Council* (9 January 2019).

⁵⁹ Cited in Submission No. 4, Tasmanian Aboriginal Legal Service, p.3, Footnote 9, Queensland Council for Civil Liberties, *QCCL opposes Public Sex Offender Register* (17 March 2025).

⁶⁰ Submission No. 4, Tasmanian Aboriginal Legal Service, p. 3.

in accessing, verifying and disclosing the personal information collected from Aboriginal peoples. This will also ensure that the diverse relationships found in Aboriginal communities that exist outside of legislated definitions⁶¹ are reflected in the framework and different community attitudes towards privacy are considered.⁶¹

- 3.46 While also being cautious of the protection of an individual's right to a fair trial,⁶² Bravehearts endorsed the intention of proposed Section 2A, in providing additional protections while an offender is in the 'charged' period:

These provisions recognise that child protection requires proactive and preventative measures rather than relying solely on responses after harm has occurred. The period between a person being charged with a reportable offence and the finalisation of criminal proceedings may present significant risks to children, particularly where the alleged offending involves sexual abuse or exploitation. The proposed powers provide an important mechanism for identifying and managing those risks by ensuring that relevant information can be shared with employers, prospective employers, parents, guardians and carers when necessary to protect children from potential harm.⁶³

- 3.47 In response to a Question taken on Notice at a public hearing, SASS endorsed the development of an appropriate framework for such disclosures of charged individuals to their employer:

Where disclosure is made to an employer or prospective employer, it should be accompanied by clear guidance and timely access to specialist safeguarding advice and consultation. Employers will vary considerably in their safeguarding experience, capability and confidence, and receipt of this information may require consequential decisions about contact with children, duties, supervision, workplace arrangements, confidentiality and other protective measures. The scheme should support employers to understand their responsibilities, assess the implications of the disclosure within their particular workplace context, and translate that information into a proportionate safeguarding response. Disclosure should enable an informed and coordinated protective response, rather than leave individual employers to navigate complex safeguarding and risk-management decisions without appropriate support.⁶⁴

⁶¹ Response to Questions on Notice from Tasmanian Aboriginal Legal Service, dated 26 August 2026, p. https://www.parliament.tas.gov.au/_data/assets/pdf_file/0017/111680/26082026_TALS-Question-on-Notice_Redacted.pdf.

⁶² Transcript of Evidence, 3 August 2026, Bravehearts, p. 23.

⁶³ Submission No. 8, Bravehearts, pp. 1-2.

⁶⁴ Response to Questions on Notice from the Sexual Assault Support Service, dated 2 August 2026, https://www.parliament.tas.gov.au/_data/assets/pdf_file/0018/111681/02092026_SASS-Questions-on-Notice_Redacted.pdf.

- 3.48 Tasmania Police discussed the origin and intent of these mechanisms in relation to charged persons who have not been convicted. Witnesses said it should only be applicable in specific instances, essentially as an additional protective mechanism if existing ones have not worked effectively:

Ms RICHARDS - Well, that specifically relates to people working in child-related services. I take it you're referring to sections 15A, B and C? Those sections relate to people working in child-related services, and I'm sure that we've all seen the media attention on childcare centres on the mainland where there have been people working in those environments and had legislation such as this been in place, if there had been a person charged, but not yet convicted, working in a childcare centre, that would have prevented that from happening. And we put the safety of children who are in those environments paramount above the possibility that it might impact an alleged offender in any other way. But they're certainly not intended to inform every employer. It's really when there's potential for children to be at risk because obviously it can be a really long time between the point of charging and the point of that matter concluding in court, sometimes years. So can be a really long interim period where children can still be at risk.

Mr GEORGE - So would you see that being a fairly regular event as child-minding facilities approach you as they, you know, as they think of taking on new employees?

Mr BLACKWOOD - I suppose before it even gets to that, if an offender has been charged but not yet convicted, during that time, any working with vulnerable persons card would have been suspended or revoked, which would mean their employment would cease in that it could be a requirement for that.

CHAIR - That's a mandatory pathway, isn't it?

Mr BLACKWOOD - Yes.

Ms REARDON - Which is what we do now, anyway.

CHAIR - I thought that was the case but wanted to confirm.

Mr BLACKWOOD - So those notifications, a lot of the time, hopefully, would not be necessary because they should be out of that employment because of not having a working with vulnerable people card.

Mr GEORGE - Losing the card.

Mr BLACKWOOD - Yeah.

CHAIR - And then the Registrar is obliged to tell the employer, aren't they, when a card is cancelled?

Findings

11. Some of the new Sections proposed in Clause 19 duplicate parts of the current Registration to Work with Vulnerable People (Registration) process. Proposed Section 15D appears to be redundant if the Registration process works as intended.
12. Proposed Section 15E is essentially a proactive disclosure provision to allow the Commissioner of Police to disclose to a range of people that an individual has been charged, but not yet convicted, of a reportable offence.

Recommendations

12. **The Government review the operation of the provisions of Clause 19 in relation to the Registration to Work with Vulnerable People process.**

Clause 20

- 3.49 Clause 20 proposes a consequential change to Section 16 in light of the proposed inclusion of new Section 6A. The Committee makes no comment, other than noting further consequential drafting changes should be undertaken if amendment is made to the Bill.

Clause 21

- 3.50 Clause 21 seeks to amend Section 17 of the Act. Section 17 provides the instances in which reportable offenders must report their personal details, and the extent of personal details to be provided. This includes the provision of information regarding a reportable offender's relationship status, if electronic monitoring is occurring, online internet activity, banking information and information regarding any Registration to Work with Vulnerable People.
- 3.51 Bravehearts provided strong endorsement for the expansion of reporting requirements for reportable offenders. This was especially noted in relation to domestic relationships and for information 'relating to transient accommodation arrangements, banking details, travel movements, passport information, citizenship status, Working with Vulnerable People registrations, and electronic monitoring orders.'⁶⁶ Bravehearts stated these additional reporting requirements:

acknowledge the evolving methods through which offenders may seek to avoid detection, circumvent reporting obligations, establish access to children, or facilitate offending across multiple jurisdictions (Morgan, 2022; Smallbone, Marshall & Wortley, 2008). Advances in technology, increased mobility, and the

⁶⁵ Transcript of Evidence, 21 August 2026, Tasmania Police, pp. 7-8.

⁶⁶ Submission No. 8, Bravehearts, p. 2.

*growing transnational nature of child sexual exploitation necessitate offender reporting frameworks that are capable of responding to contemporary risks.*⁶⁷

- 3.52 TLA raised concerns that the increased reporting obligations proposed by Clause 21, could be cumbersome and impractical for individuals under orders. This increased burden could lead to increased non-compliance, which could trigger unintended adverse outcomes.⁶⁸

TLA notes that section 45D creates a general offence for failure to comply with obligations under the Act. In that context, it is particularly important that compliance obligations are drafted as clear and instructive as possible. TLA is concerned that the increasing complexity and provisions within section 17 may create risk of unintentional non-compliance, uncertainty regarding reporting obligations, and disputes whether a reasonable excuse exists for non-compliance.

*TLA is also concerned that the increasing complexity of section 17 may also unnecessarily complicate the Registrar's responsibility of maintaining the Community Protection Offender Register in accordance with section 43.*⁶⁹

- 3.53 At a public hearing, representatives of TLA further discussed the potential impact of increased reporting, as well as potential changes:

Mr DAVEY - ... there are already a lot of reporting obligations, and there are obvious points around where someone lives, the car they drive and things like that; but the list became very, very thorough. I think there was one pointed out whether a partner is pregnant. That may be a tricky - at what point does someone become aware, at what point is someone comfortable in sharing that? There's some complexities with that. It's a bit of a balance of how much obligation do we put on to a reportable offender and then also the resources for the person receiving it and what do they do with that.

...

Ms CHANDLER - If I can add, there are already some registration schemes that require the proactive disclosure of information of people who are on the system. Even the organisations themselves have sometimes put up information [about what is required from the person registered] that has turned out not to be correct. Sometimes it's really difficult to tell exactly what to declare and exactly how to declare it. So, the practical things around, is there a form that somebody can fill in, or that somebody can go through with somebody if they can't fill in a form themselves, and make sure that the complete information is submitted; quite often people don't have the knowledge about exactly what it is that they're supposed to

⁶⁷ Submission No. 8, Bravehearts, pp. 2-3.

⁶⁸ Submission No. 5, Tasmania Legal Aid, p. 6.

⁶⁹ Submission No. 5, Tasmania Legal Aid, p. 6.

*be disclosing. So again, their non-compliance is not really super intentional. I mean, there's an obligation, obviously, for them to be aware of that, but it's not surprising if certain pieces of information drop away if people aren't using them a lot.*⁷⁰

3.54 The TLA recommends further review into Section 17 of the Act be undertaken.⁷¹

3.55 TALS also raised concern regarding the impacts of increased digital monitoring on members of the Tasmanian Aboriginal community. Lucas Tolputt, TALS Policy and Project Lead, stated at a hearing that:

Mr TOLPUTT - ... when it comes to digital literacy and access to social media platforms and the like: 41 per cent of Aboriginal peoples around Australia are digitally disadvantaged, to put it that way. Now, the provisions in the Bill do look at expanding surveillance methods around digital footprint. I guess what that highlights is that there is potential for a natural discrimination there, when there is such a large portion of that demographic that are not well educated in the digital landscape.⁷²

3.56 In responses to Questions taken on Notice at a public hearing, TALS expressed concern as to whether Aboriginal reportable offenders would be able to meet the reporting requirements of increased monitoring:

Additionally, TALS refer the Committee to the evidence provided on 6 August 2026 in relation to literacy gaps experienced by Aboriginal peoples. As stated, 41% of Aboriginal peoples are 'digitally excluded'²² and only 40% to 70% are functionally literate in English.²³ This presents a possible 'unintended consequence' where literacy gaps will be barrier for Aboriginal people to appropriately understand, and comply with, expanded reporting mechanisms. This places Aboriginal peoples at higher risk of breaching orders simply due to literacy barriers and lack of understanding.²⁴ Obviously, the issue of Aboriginal literacy is a concern that extends well beyond the scope of the Bill, however the possibility for Aboriginal peoples to experience disadvantage in complying with the Bill's provisions due to this nonetheless exists.⁷³

Findings

13. Aspects of the proposed increased reporting requirements under Clause 21 could be misunderstood because they are ambiguous and therefore risk unintentional non-compliance.

⁷⁰ Transcript of Evidence, 6 August 2026, Tasmania Legal Aid, p. 19.

⁷¹ Submission No. 5, Tasmania Legal Aid, p. 5.

⁷² Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, p. 4.

⁷³ Response to Questions on Notice from Tasmanian Aboriginal Legal Service, dated 26 August 2026, p. https://www.parliament.tas.gov.au/data/assets/pdf_file/0017/111680/26082026_TALS-Question-on-Notice_Redacted.pdf.

14. Literacy, including digital literacy capacity will impact people's ability to understand and comply with new reporting requirements proposed by Clause 21.
15. Additional and continuing resourcing will be required to support and ensure compliance with new reporting requirements of proposed Clause 21.

Recommendations

13. **The proposed reporting requirements of Clause 21 be more clearly articulated so that they are not misinterpreted.**
14. **The Government allocate additional and continuing case management support for offenders to ensure their understanding of, and compliance with, new reporting requirements.**
15. **The Government review how the new reporting requirements proposed by Clause 21 are to be implemented to take into consideration literacy capability and digital access challenges.**
16. **The Government review how reporting obligation non-compliance is dealt with, including unintentional non-compliance arising from literacy capability and digital access challenges.**

Clause 22

- 3.57 Clause 22 proposes replacing Section 18 to require a reportable offender to report annually, and as required, to the Registrar. The Committee provides no comment on Clause 22.

Clause 23

- 3.58 Clause 23 of the Bill extends the information required to be provided by reportable offenders when they plan to travel out of Tasmania. This includes additional information about travel and accommodation arrangements. The proposed amendments also provide for the Registrar to contact relevant protection organisations about a reportable offender's intention to travel out of Australia.
- 3.59 TLA recommends 'a clear interstate information sharing and notification mechanism between child safety authorities where a reportable offender intends to travel or reside interstate' be implemented to ensure clarity.⁷⁴

Finding

16. Clarity and timely notifications are required to ensure reportable offenders travelling or residing interstate are appropriately monitored by interstate authorities.

⁷⁴ Submission No. 5, Tasmania Legal Aid, pp. 6-7.

Recommendation

- 17. The Government review existing interstate information sharing arrangements to ensure adequate, clear and timely notifications when a reportable offender intends to travel or reside interstate.**

Clause 24

- 3.60 Clause 24 broadens the location in which reports can be made to include in a place 'or in a manner'⁷⁵ which is approved by the Registrar. The Committee makes no comment.

Clause 25

- 3.61 Clause 25 amends Section 21 of the Act, being 'Power to take photographs and carry out non-intimate forensic procedures.' This Section provides for appropriate processes to be followed when required, while also providing some protections for the safety of reportable offenders. The proposed amendments insert a penalty if reportable offenders fail to comply with required actions. It also provides instances where reasonable force may be used by authorised persons to enable the necessary forensic procedures to be carried out.
- 3.62 While endorsing the additional protections against inappropriate photography of reportable offenders, the Interim Commissioner for Children and Young People submits that further protections for children and young people would be appropriate.⁷⁶

Finding

17. Further protections for reportable offenders who are children or young people are required in respect of the proposals under Clause 25.

Recommendation

- 18. If proposed Section 6A in Clause 8 is retained, Clause 25 be amended to provide increased protections for children and young people.**

Clauses 26 – 29

- 3.63 Clause 26 substitutes the reporting obligations for a reportable offender, as provided for by Section 23 of the Act.
- 3.64 Clause 27 is a consequential amendment to Section 23A of the Act to include reference to a reportable offender who may be a child.

⁷⁵ Clause 24, Community Protection (Offender Reporting) Amendment Bill 2025 (Tas), No.61 of 2025, https://www.parliament.tas.gov.au/data/assets/pdf_file/0029/98156/61-of-2025.pdf.

⁷⁶ Submission No. 3, Interim Commissioner for Children and Young People, p. 11.

- 3.65 Clause 28 amends Section 23B of the Act, being the ‘Variation of obligations of young reportable offenders.’ The proposed amendment provides that variations can be considered if a young reportable offender does not pose an ‘unreasonable’ risk to others, not just a ‘risk,’ as currently in the legislation.
- 3.66 Clause 29 is a minor technical amendment.
- 3.67 The Committee did not receive evidence and makes no comment on Clauses 26 – 29.

Clause 30

- 3.68 Clause 30 amends Section 24 of the Act which provides the length of reporting period for reporting offenders. The proposed amendments insert, for each potential class of offence, minimum reporting periods alongside the existing maximum reporting periods.
- 3.69 The Alliance raised concerns about the applicability of registration periods under Schedule 2 and 3 upon children or young people who have been charged. The Alliance suggests:

the current registration periods could mean that a child or young person is registered for longer than they have lived at the time of offending. We suggest that registration periods need to include child-specific registration periods to ensure that they are not further disadvantaged as they transition from childhood to adulthood, such as employment, education, housing, and recreation limitations.⁷⁷

Finding

18. The proposed insertion of minimal registration periods in Schedules 2 and 3 may have a disproportionate impact on children and young people.

Recommendations

19. If Section 6A in Clause 8 is retained, Clause 30 must be amended to provide separate and specific provisions to allow the Court discretion to apply shorter reporting periods for children and young people.
20. If Section 6A in Clause 8 is retained, reporting obligations proposed by Clause 30 that are applied to a child or young person should be automatically reviewed when an offender reaches adulthood.
21. If Section 6A in Clause 8 is removed, Clause 30 should be consequentiality amended.

⁷⁷ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 11.

Clauses 31 – 35

3.70 Clause 31 repeals Section 26 of the Act.

3.71 Clause 32 inserts proposed Section 27A, ‘Suspension of reporting obligations of reportable offenders on Commissioner’s own initiative.’ This provides scope for the Commissioner to amend the conditions of a reportable offender’s reporting obligations.

3.72 The Interim Commissioner for Children and Young People identified several drafting inconsistencies in relation to the application of provisions to children and young people:

The proposed s.27A outlines circumstances where the reporting obligations of certain reportable offenders, including a reportable offender who has a cognitive or physical impairment or a mental illness, or a reportable offender who was a child when they committed the last offence for which they are a reportable offender, may be suspended.

My query relates to how the proposed s.27A, insofar as it applies to a reportable offender who was a child when they committed their last reportable offence, relates to the current s.23C, which outlines circumstances where the Police Commissioner may suspend the reporting obligations of a ‘young reportable offender’.

On my reading of the proposed amendments, it seems that a reportable offender who was a child when they committed their last reportable offence, and who is still a child, could potentially be covered by both s.23C and the proposed s.27A. I note that the wording in these two provisions differs slightly, with the former requiring the Police Commissioner to be satisfied that the person ‘does not pose an unreasonable risk to the safety or wellbeing of any child or children’ and the latter requiring the Police Commissioner to be satisfied that the person ‘does not pose an unreasonable risk of offending against a child, an adult or the community’ (emphasis added). Further, it seems there would be different standards for revoking a s.23C suspension under the current s.23F for a young reportable offender compared to the standards for revoking a suspension under the proposed s.27A(3) for a reportable offender who committed their last reportable offence as a child. Consideration should be given to revising the proposed s.27A or making other amendments to address this issue.⁷⁸

3.73 Clause 33 is a consequential amendment to Section 30 which of the Act to reflect amended relevant authorities.

⁷⁸ Submission No. 3, Interim Commissioner for Children and Young People, pp. 11 – 12.

3.74 Clause 34 substitutes new Sections 33 and 33A into the Act, which regard instances in which reportable offenders may fail to comply with their reporting obligations.

3.75 The Interim Commissioner for Children and Young People has identified that clarification is required regarding how new proposed provisions interrelate:

While the current s.33 outlines the offence of a reportable offender failing to comply with their reporting obligations, the proposed amendment would make it an offence for a reportable offender to fail to comply with any obligations imposed on them under the CPOR Act. In addition, the penalty is proposed to be increased from a maximum fine of 100 penalty units or maximum 2 years imprisonment (or both) to a maximum fine of 200 penalty units or maximum 3 years imprisonment (or both). Noting the proposed widening of the scope of s.33 and increased severity of the penalties, consideration should be given to their potential application to young reportable offenders, noting again the significant challenges that young reportable offenders can face in complying with reporting obligations.

I also note the proposed amendment to s.33A, which relates to failure to comply with a Community Protection Order, and extends the offence provision to failure to comply with an interim Community Protection Order. Clarification might be needed regarding how s.33A would relate to the amended s.33. That is, if a reportable offender who is subject to a Community Protection Order fails to comply with that order, then, under the proposed amendment to s.33, which covers any obligations imposed on a reportable offender under the CPOR Act, this could include obligations imposed on them pursuant to any Community Protection Order. It seems such a failure could potentially contravene both the amended s.33 and the amended s.33A – though I note the 2025 Bill proposes the same penalty in both cases.⁷⁹

3.76 Clause 35 inserts a new penalty for instances in which false or misleading information is provided in regard to any aspect of the Act.

Finding

19. There are several drafting inconsistencies arising from Clause 32 and 34.

Recommendation

22. The Bill be amended to resolve inconsistencies arising from Clause 32 and 34.

Clause 36

3.77 Clause 36 inserts new Sections 34A and 34B after Section 34 of the Act.

⁷⁹ Submission No. 3, Interim Commissioner for Children and Young People, p. 12.

- 3.78 Proposed new Section 34A ‘Conduct intended to cause harassment of reportable offenders or charged persons’ provides that information regarding reportable offenders cannot be shared in public in a manner to cause harassment and creates an offence. Subsection (4) of the Section provides that it is not an offence if a victim or complainant shares information that is their personal experience.
- 3.79 Proposed new Section 35B ‘Publication, display and situation of identifying information of reportable offender or charged person’ makes it an offence for a person to publish, display or use information to identify a reportable offender or charged person without written permission from the Minister. Exemptions apply for victims or complaints to share their personal experience in accordance with the provisions of this Act.⁸⁰

- 3.80 TLA recommends that further clarity be provided regarding the publishing of information regarding reportable offenders under proposed Section 34A:

TLA’s Safe at Home division notes that the proposed offences appear to focus on protecting the status of a person as an ‘identified person’, rather than protecting information. Consideration should be given to whether the offences should instead be more clearly directed toward misuse or disclosure of protected information obtained under the Act.

TLA notes that the definition of ‘publish’, including the phrase ‘the public or a section of the public’, may create uncertainty regarding the scope of the offence provisions. For example, it is unclear whether private messages shared between friends, including within social media group chats or private emails, would constitute publication to ‘the public’ or ‘a section of the public’.

From a victim-survivor perspective, consideration should be also given to whether the proposed provisions may be perceived as providing greater protection to alleged or convicted offenders than to victim-survivors.⁸¹

- 3.81 At a public hearing, representatives of TLA suggested the Bill should be considered through a victim-lens where appropriate, including in relation to proposed Sections 34A and 34B:

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

⁸⁰ Clause 36, Community Protection (Offender Reporting) Amendment Bill 2025, https://www.parliament.tas.gov.au/data/assets/pdf_file/0029/98156/61-of-2025.pdf.

⁸¹ Submission No. 5, Tasmania Legal Aid, p. 9.

*There are some things like the definition for the victim relates only to the primary victim. When that person is incapacitated or deceased, which is possible, what happens if it's family or others close to the victim who have suffered psychologically and emotionally impacted in very similar ways? Are they covered by any protections? Are there things to address their needs?*⁸²

Finding

20. There are competing priorities between reportable offenders, victim-survivors and the community regarding the protection of information provisions proposed in Clause 36.

Recommendation

- 23. The Government consult further with relevant stakeholders, including victim-survivors, in redrafting Clause 36 to ensure no unintended consequences arise.**

Clauses 37 – 39

- 3.82 Clause 37 amends the period of time within which the Courts are to provide details of new orders to the Commissioner, changing it from 'as soon as practicable' to 'within 7 days.'
- 3.83 Clause 38 proposes the inclusion of new Section 41A in relation to the management of information regarding individuals in the witness protection program.
- 3.84 Clause 39 is a minor amendment to the individual who may be made the Registrar.

Clauses 40 – 42

Clause 40

- 3.85 Clause 40 proposes substantial changes to Section 44 of the Act, which is titled 'Access to Register to be restricted.' Clause 40 proposes to replace subclauses 1 – 4 of Section 44 of the Act with new provisions.
- 3.86 Proposed subclause 1 provides the definition of 'relevant agency,' when used in the Section.
- 3.87 Proposed subclause 2 provides the individuals who may access the Register.
- 3.88 Proposed subclauses 3 and 4 provide penalties for the disclosure of information to unauthorised people.

⁸² Transcript of Evidence, 6 August 2026, Tasmania Legal Aid, p. 21-22.

3.89 Proposed subclause 4A provides that the Commissioner is to develop guidelines about access to and use of the Register. These guidelines are further referenced throughout other proposed amendments to the Act.

3.90 Bravehearts and others provided support for the additional information sharing.⁸³ The Committee notes that Clause 40, Section 44(1) as currently drafted does not provide for automatic notification of offenders to agencies.

3.91 The Interim Commissioner for Children and Young People also provided strong support for further information sharing with relevant agencies, especially Child Safety Services:

... , in line with concerns expressed by former Commissioner McLean, it may still be unclear how this provision would apply in practice to ensure, for example, that Child Safety Services (CSS) receive all the information they need from the Register in a timely manner to promote children's safety, noting that disclosures under the proposed s.44(3) would need to comply with the s.44(4A) guidelines. In my view, there should be a clear obligation for police to adopt a proactive approach, sharing information about updates to the Register with CSS within a specified timeframe, to ensure CSS have the latest information required to effectively manage risk to children's safety.⁸⁴

3.92 TLA urged further clarity to ensure that all relevant agencies can access or be provided with information from the Register:

In particular, the Bill does not appear to impose a clear obligation on Tasmania Police or other agencies with access to the Register to proactively notify Child Safety Services where authorities become aware that a reportable offender, or a person charged with a reportable offence has reportable contact with a child.

In these circumstances, risk information may be shared:

- *Proactively – on the initiative of Tasmania Police, the Commissioner, or another authorised agency with access to relevant offender information; or*
- *Reactively – only in response to a request for information, court process or subpoena.*

TLA considers that a reactive approach to information sharing is insufficient to adequately safeguard children from sexual abuse.⁸⁵

⁸³ Submission No. 8, Bravehearts, p. 3.

⁸⁴ Submission No. 3, Interim Commissioner for Children and Young People, pp. 12-13

⁸⁵ Submission No. 5, Tasmania Legal Aid, p.7.

TLA recommended proactive notification of relevant information from the Register, to the Federal Circuit and Family Court of Australia and Courts in other Australian jurisdictions.⁸⁶

- 3.93 Laurel House also said information sharing was key to increasing child safety and noted the significant difference between legislation and implementation:

Ms JOHNSTON - ... 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 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 - ...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...

Ms FORDYCE -... 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

⁸⁶ Submission No. 5, Tasmania Legal Aid, pp. 7-8.

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.

...

Dr MERCER-MAPSTONE - ... 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.⁸⁷

- 3.94 At a public hearing, representatives of Tasmania Police were invited to discuss the current information sharing process between Tasmania Police and the Federal Circuit and Family Court of Australia:

Ms RICHARDS - We already provide proactive disclosure within Family Law Court proceedings, so we have Family Law Court Liaison Officers who sit within our Safe Families coordination unit. When they prepare reports for Family Law Court matters when there are children involved, they check to see if the parties involved are on the register and that information is proactively provided within the Court so there's no reason for - if you're talking about specifically Family Law Court matters, there's no reason for a request to be made because we're already providing that within those reports.⁸⁸

- 3.95 Having received evidence from Tasmania Police as to information sharing practices with the Federal Circuit and Family Court of Australia, the Committee invited TLA to provide comment on this evidence. TLA maintained that experiences of its family law practitioners suggest that 'gaps' remain in the effectiveness and promptness of this information transfer.⁸⁹ TLA provided a case study of practitioner experiences in cases where information regarding non-party partners at the Family Court became required:

TLA practitioners have encountered matters involving allegations that a party's new partner has a history of sexual offending or is a reportable offender. Practitioners have advised that, where the new partner is not a party to the proceedings, their consent is currently required before Tasmania Police will provide information about them.

One practitioner advised that, where allegations arise that a new partner has a history of sexual offending, their usual practice is to raise the allegation while the partner is present at Court and obtain the partner's consent for information to be sought through the s 67ZBA [Family Law Act 1975 Cth] process. This approach depends on the partner attending Court and agreeing to the disclosure.

⁸⁷ Transcript of Evidence, 3 August 2026, Laurel House, pp. 75-76.

⁸⁸ Transcript of Evidence, 21 August 2026, Tasmania Police, p.6.

⁸⁹ Additional Information from Tasmania Legal Aid, dated 8 September 2026, https://www.parliament.tas.gov.au/_data/assets/pdf_file/0019/111682/08092026_TLA.pdf

In a separate matter, a TLA practitioner was required to subpoena the new partner's records. As the partner was not a party to the proceedings, the subpoena had to be served on them and they were entitled to object to production. This added a further procedural step to obtaining the information.⁹⁰

3.96 Consequently, TLA submitted the following for the Committee's consideration:

TLA considers that, where a new partner or another person living with a child is named in a party's affidavit, the Court should be able to obtain information about whether that person is on the Reportable Offenders Register as a matter of course. The person's name should be included in the relevant information-sharing report at the earliest opportunity.

This would reduce reliance on the non-party's consent and the need for practitioners to obtain information through subpoena and Court processes. It would also reduce the risk that relevant information is not identified because the Court, the parties and their legal representatives are unaware that it exists.

TLA therefore maintains its recommendations that a direct and streamlined information-sharing mechanism be established between Tasmania Police and the FCFCOA, as well as other courts exercising jurisdiction in matters concerning the safety and welfare of children, and that sufficient contextual information be made available to enable the Court to properly assess any identified risk.⁹¹

3.97 Tasmania Police representatives also discussed how the changes in the Bill could further enhance proactive disclosure processes:

CHAIR - *Can I ask another question about the current information-sharing arrangements that are in place at the moment. Pre these changes proposed in the Bill, are there ever ... times where you're prevented from sharing information that you feel you should be able to share at an inter-agency level or are all of those pathways fairly open to the information that needs to be shared ...*

Ms REARDON - *I think in my time we haven't had a situation where we haven't been able to share the information.*

Mr BLACKWOOD - *I think moving forward, some of those agencies potentially having direct access to some of that information will speed that access up.*

Ms REARDON - *It would speed it up and its easier pathways to deliver the information.⁹²*

⁹⁰ Additional Information from Tasmania Legal Aid, dated 8 September 2026, https://www.parliament.tas.gov.au/data/assets/pdf_file/0019/111682/08092026_TLA.pdf

⁹¹ Additional Information from Tasmania Legal Aid, dated 8 September 2026, https://www.parliament.tas.gov.au/data/assets/pdf_file/0019/111682/08092026_TLA.pdf

⁹² Transcript of Evidence, 21 August 2026, Tasmania Police, p.7.

3.98 In relation to proposed amendments to Section 44(4), TALS discussed the importance of consultation with Aboriginal Community-Controlled Organisations ('ACCOS') and Aboriginal community members to embed cultural knowledge and culturally safe practises⁹³ in accessing, verifying and disclosing the personal information collected from Aboriginal people.⁹⁴ It submitted this would allow for the creation of 'culturally competent' guidelines which may help to mitigate risks to Aboriginal Tasmanians and increase trust in the police.⁹⁵

3.99 At a public hearing, Tasmania Police Assistant Commissioner Robert Blackwood discussed how Police may address providing a disclosure to a member of the Tasmanian Aboriginal community under the expanded disclosure scheme:

Mr BLACKWOOD - Like any, I suppose, disclosure, we would do it in a trauma-informed way, conscious of what culture there is and what their needs are. So that might involve having discussions with the Tasmanian Aboriginal Centre (TAC) or other organisations, depending on where the links are, to say, 'okay', without disclosing anything in particular to them, 'how do we do this in the best way forward', seeking the advice. That's why we don't want a prescriptive 'every one must be done like this'. I should point out that every one will be done on its own circumstances, but they would each be done acknowledging that it can be confronting, and what the issues might be going forward, also for the offender.

Mr GEORGE - Under these sorts of circumstances, I guess you've got to look at these sorts of unintended consequences as well. Can you sort of take me through what those unintended - I mean, there's unknown consequences always, but what unintended consequences can be the ramifications of that?

Mr BLACKWOOD - You can think of community backlash, the information being shared, vigilantism, damaged property, all those sorts of things. That's why I suppose there's those safeguards in place in relation to the person you are disclosing to - cannot, of course, it doesn't mean that they won't create an offence there - that's why that's there. All those things would be considered. But I suppose out of all of this the child safety would be considered in the first interest.⁹⁶

Clause 41

3.100 Clause 41 inserts new Sections 44AA and 44AB which provide when information should be shared with Registrars of other states, or with Courts. While the Committee received no direct evidence in regard to this Clause, its notes the

⁹³ Cited in Submission No. 4, Tasmanian Aboriginal Legal Service, p. 4, Footnote 13, Department of Education, Children and Young People, *Outcomes Framework: Child Safety, Care and Youth Justice*, Tasmanian Government (April 2026).

⁹⁴ Submission No. 4, Tasmanian Aboriginal Legal Service, p. 4.

⁹⁵ Submission No. 4, Tasmanian Aboriginal Legal Service, p. 4.

⁹⁶ Transcript of Evidence, 21 August 2026, Tasmania Police, p.4.

importance of strong information sharing mechanisms, as discussed throughout this Report.

Clause 42

3.101 Clause 42 deals with the provision of information to prescribed entities by aligning it with other Sections of the Act to provide that the Commissioner, the Registrar and other authorised persons can facilitate proactive disclosure under the Act.

3.102 Currently, Section 44B of the Act, which this Clause amends, allows proactive disclosures to occur to an entity:

- (a) for the purposes of law enforcement, judicial functions or activities; or
- (b) as authorised or required by or under any Act or law; or
- (c) if the Commissioner believes on reasonable grounds that to do so is necessary and appropriate to ensure the safety and wellbeing of a child or children.⁹⁷

3.103 At a public hearing of the Committee, Tasmania Police discussed the Act's current proactive disclosure scheme:

Ms JOHNSTON - Just a bit more information about that criteria at the moment that would be required and the Commissioner's decision to disclose, what's the criteria around that? Can you give some examples of when, for instance, it might be something you put to the Commissioner to exercise that power?

Ms REARDON - It would be circumstance-dependent and has to meet the legislative requirements where it's reasonable and necessary and appropriate for the safety and wellbeing of a child. So, not every offender on the register would pose a risk to children, because we're unique in Tasmania in that we also have adult contact offenders on the register. We have family violence offenders and you could be on the register for offending that doesn't relate to children in any way. So, in those circumstances it certainly wouldn't meet those requirements.

Ms JOHNSTON - So, it's only related to if there's a risk to a child. We've had in hearings beforehand other witnesses come to us talking about - obviously, the Commission of Inquiry made recommendations around - in terms of information sharing, and that is sort of one of the genesis for this particular piece of legislation, and to try and strengthen inter-agency sharing information, so between courts, police, child safety, all those agencies that work in the children's space. At the moment, do you have the ability to share certain information with child safety or the courts in terms of if there is a concern about a child interacting with someone on the register?

Ms REARDON - Yes, we do.

⁹⁷ Section 44B, *Community Protection (Offender Reporting) Act 2005* (Tas), <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2005-061#HP4@EN>

Ms JOHNSTON - And how's that instigated? Is that in terms of - you know, a parent might instigate that disclosure and ask that disclosure be made, or is it something that police do proactively? How you become aware an offender is interacting with a child, and you would disclose to who?

Ms REARDON - So, if the offender makes that notification, then we fill out a child safety referral. If we get third party referrals, those referrals are investigated and then that information is also passed on.

Mr BLACKWOOD - So, Penny, is it fair to say that at the time of registration when an offender is registered, and it's identified then that they may have contact with children, if it's appropriate, then it's a mandatory action straightaway. A child safety services referral is submitted on every occasion there?⁹⁸

Findings

21. Gaps and delays in information sharing are undermining effective child protection outcomes.
22. Child information sharing between and within agencies is reactive, rather than proactive.
23. Legislated proactive disclosure between and within agencies was a key recommendation of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings*, to ensure information sharing arrangements minimise delays, improve dissemination of relevant information and reduce the risk of communication gaps.

Recommendations

24. **Clauses 40 – 42 be supported as implementation of key *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* recommendations.**

Clause 43 and 44

Clause 43

- 3.104 Clause 43 amends Section 44C of the Act, 'Disclosure of information to child, parent, guardian or carer,' to adapt the circumstances in which the Commissioner or the Secretary may inform certain people that a child is in contact with a reportable offender. This amendment also includes provision for sharing this information to the relevant child, if deemed appropriate.

⁹⁸ Transcript of Evidence, 21 August 2026, Tasmania Police, pp. 2-3.

- 3.105 Currently, under Section 44C, proactive disclosure to a parent, guardian or carer may currently occur if it is considered on ‘reasonable grounds that it is necessary and appropriate for the purpose of ensuring the safety and wellbeing of a child or children.’⁹⁹
- 3.106 TLA recommend that disclosure to parents, guardians and carers, be made mandatory, noting its concern ‘that a request-based model alone may be insufficient where a parent, guardian or carer is unaware of the risk and therefore has no reason to seek that information.’¹⁰⁰
- 3.107 SASS provided support for the disclosure of reportable offenders directly to children and young people, but suggested wider reform to appropriately reflect the rights of these cohorts still needs to be undertaken:

The proposed amendment better reflects the realities of children and young people including those ‘living independently, often in caring roles for younger siblings or friends, or who are in employment working alongside adults’.¹⁰¹ However, we note that the confidentiality provisions associated with disclosure do not appear to apply where disclosure is made directly to a child under proposed section 44C.

Reform of this nature should recognise children as rights holders with legitimate expectations of safety, dignity, privacy and participation. It should enable responses that are proportionate, developmentally appropriate, trauma-informed and child-centred while reinforcing the responsibility of institutions and decision-makers to safeguard children from harm. We therefore recommend consideration be given to ensuring that these amendments are supported by appropriate legislative and policy safeguards, operational guidance and workforce capability so that professionals are equipped to exercise such functions safely, consistently and in a manner that is responsive to the needs and circumstances of the individual child.¹⁰²

- 3.108 While generally supporting the expanded disclosure provisions the Interim Commissioner for Children and Young People raised concern that Clause 43, as drafted, does not currently limit information being accessed about reportable offenders who were children at the time of reporting. She stated:

However, I am concerned that, unlike other amendments, clause 43 does not propose to limit s.44C to disclosures about a reportable offender who is not a

⁹⁹ Section 44C, *Community Protection (Offender Reporting) Act 2005* (Tas), <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2005-061#HP4@EN>

¹⁰⁰ Submission No. 5, Tasmania Legal Aid, p. 9.

¹⁰¹ Cited in Submission No. 6, Sexual Assault Support Service, p. 5, Footnote 9, Commissioner for Children and Young People Tasmania (1 March 2024), Re: Consultation on the draft Tasmanian Community Protection (Offender Reporting) Amendment Bill 2023, p. 9.

¹⁰² Submission No. 6, Sexual Assault Support Service, pp. 5-6.

child and who was not a child at the time of the reportable offence. In contrast, I note the limitation in the proposed s.44CA(4), which would prevent disclosures to an applicant about a person who was a child when they committed the latest offence in relation to which they are a reportable offender. Further to this, as mentioned earlier, I suggest that guidelines should be developed to support decision-making under s.44C and that an explicit requirement to comply with these guidelines should be included in this section.¹⁰³

- 3.109 Additionally, the Interim Commissioner raised a potential drafting error in Clause 43:

... I note that in addition to substituting the word 'person' for 'parent, guardian or carer' in s.44C(4), the current reference in this subsection to 'obligations under section 44D' should be removed and replaced with a reference to 'obligations under section 45', noting that the current ss. 44D and 45 are proposed to be repealed and replaced pursuant to clause 45. This would align with the proposed wording for s.44CA(6). However, ... , I have concerns about whether written notice in and of itself is sufficient where disclosures are made to a child.¹⁰⁴

Clause 44

- 3.110 Clause 44 inserts new Section 44CA, after amended Section 44C, with the title 'Application by child, parent, guardian or carer for disclosure,' creating an application-based disclosure scheme. This new provision allows the aforementioned persons to apply to the Commissioner for information as to if an individual specified in their application is a reportable offender. This information cannot be disclosed if the potential reportable offender is a child. Restrictions for the further disclosure of any information retained from the application by the applicant, is applied in relation to proposed substituted Section 45.
- 3.111 Tasmania Police representatives were asked about the intent behind implementing a two-tier, as opposed to a three-tier, disclosure scheme in Tasmania:

Mr GEORGE - ... when you compare it to what Queensland and WA are doing, does this match it, improve it or are there areas that the other states are using that you would like to see imposed?

Ms RICHARDS - Well, the primary difference for us is the tiers of disclosure in terms of that specific area of the legislation. I know that you're all already aware that there's three tiers in other states and we only propose two. That was a decision based on what we thought fit best within the Tasmanian context. We didn't feel that it was appropriate to have a public scheme where people could log on and look

¹⁰³ Submission No. 3, Interim Commissioner for Children and Young People, p. 14.

¹⁰⁴ Submission No. 3, Interim Commissioner for Children and Young People, p. 14.

at photos of people living in their area and that sort of thing. We wanted to ensure that, if we were dealing with disclosure on application, we could do that in a controlled way where we could identify that it's appropriate in the circumstances. That's why we scaled it down from what the other states are doing.

Mr GEORGE - Can you take us a little bit through exactly why you felt that?

Ms RICHARDS - Tasmania is a smaller place. Smaller communities in Tasmania mean that, I guess, people are possibly more likely to become well known as being reportable offenders. So, we considered the fact that people still needed the opportunity to reintegrate into the community, to be able to rehabilitate, and we have to balance the way we approach this legislation with those considerations as well. So, our approach was to specifically look at where there is an identified risk, being able to provide the information, not that it's just out there for anyone who might want to know.

Mr GEORGE - I think the Western Australian one requires you to prove that you're living in the area of the offender of the area that you're doing a search in, right?

Ms RICHARDS - Yes. As Penny mentioned, the unique thing about our register is that it's not just child sex offenders; we've also got offenders on the register who have offended against adults or who have bestiality offences. So some of those people - quite a lot of those people are not necessarily a risk to children, so we have a different model of register as well as our different approach to the way we want to do disclosure.

Ms REARDON - That makes up 21 per cent of our reportable offenders.¹⁰⁵

- 3.112 The inclusion of a public application-based disclosure scheme was heavily critiqued in evidence provided to the Committee. The Alliance raised concerns regarding the public disclosure scheme:

The research evidence is clear: sex offender registries and public disclosure of this information does not reduce recidivist sexual violence.² Offender reporting and registers may have a limited impact on deterring first-time offending, but the deterrence effect should not be over-estimated and this deterrence effect is irrelevant to the object of the Bill, which is to protect the community from “future offending by certain offenders”. Popular opinion—and talkback hosts and vigilante podcasters—may see this as the answer to sexual offending, but the evidence does not support this view. Instead, it applies additional punishment and penalties in a retributive manner that may do more harm than good and may create an unfounded sense of community safety.¹⁰⁶

¹⁰⁵ Transcript of Evidence, 21 August 2026, Tasmania Police, p.11.

¹⁰⁶ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 7.

- 3.113 Laurel House similarly noted the public element of the disclosure scheme may be misunderstood in the community:

Ms FORDYCE - 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.

...

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.¹⁰⁷

- 3.114 Ms Asquith, representing the Alliance at a public hearing, was asked about the operation, and differences, between proactive versus application-based disclosure schemes:

Ms JOHNSTON -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

¹⁰⁷ Transcript of Evidence, 3 August 2026, Laurel House, pp. 69-70.

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.¹⁰⁸

- 3.115 Ms Asquith also discussed how disclosures of information to children and young people should be handled:

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.¹⁰⁹

¹⁰⁸ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 39.

¹⁰⁹ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 41.

- 3.116 Laurel House provided the following key points in opposition to the public disclosure scheme, requesting that the scheme be omitted from the Bill:

Evidence (outlined in full in the attached Laurel House submission, September 2025) indicates that disclosure schemes:

- *don't reduce recidivism;*
- *shift responsibility for safeguarding to individuals (partners/carers/guardians) without support or context;*
- *have no or only minor impacts on deterrence for first time offenders;*
- *don't reduce community fear;*
- *may create a false sense of security for parents/carers/guardians;*
- *increase opportunities for systems abuse in family law contexts;*
- *perpetuate myths that offenders are more likely to be 'unknown' to families; and*
- *may increase reoffending by contributing to social isolation, unemployment, vigilantism, housing instability of individuals on the register.¹¹⁰*

- 3.117 The Alliance also supported the removal of Clause 44 from the Bill, allowing further consultation with stakeholder groups to occur.¹¹¹

- 3.118 SASS submitted that the need for an application-based disclosure scheme has not been proven and that current proactive disclosures already provided for in the Act are sufficient.¹¹² The organisation suggested that consideration be given to the following areas to better understand the intent of proposed 44CA:

- *Available evidence regarding the effectiveness of comparable disclosure schemes in improving community safety is limited.*
- *Disclosure of this nature may create a false sense of security within the community where non-disclosure is interpreted as indicating an absence of risk. It may also contribute to and reinforce a focus on registered persons, rather than promoting broader, more nuanced, more effective and more informed understandings about risks of harm to children.*
- *Where applicants reasonably expect disclosure but disclosure is not provided, there is a risk that they may perceive their concerns to have been minimised or inadequately responded to, resulting in experiences of institutional betrayal or systems harm.*
- *Expectations regarding safeguarding from institutions to individual community members by requiring people to actively seek information in circumstances where agencies and prescribed entities may already possess information relevant to risk assessment, management and intervention, and have the power to exercise proactive disclosure.*

¹¹⁰ Submission No. 2, Laurel House, p. 2.

¹¹¹ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 8.

¹¹² Submission No. 6, Sexual Assault Support Service, p. 6.

- Concerns have been raised in Australian and international literature regarding the potential impact of expanded disclosure settings on factors associated with rehabilitation, reintegration and desistance.¹¹³ This includes increased risks of social isolation, housing instability and unemployment among registered persons. Disruption of these protective factors may have broader implications for risk management and community safety, including consequences for children and family members connected to reportable offenders, some of whom may also be victim survivors.¹¹⁴
- Feedback on the Bill has highlighted concerns regarding the practical operation of confidentiality provisions associated with disclosure and the foreseeable risk of criminal liability where applicants disclose restricted information in the interests of safeguarding children. We note that some victim survivors and community members have understandably identified that they would disclose such information regardless of the prospect of criminal liability. While further amendments have been made in response to these concerns, this raises broader questions as to whether the proposed confidentiality and offence framework appropriately account for practical realities.^{115 116}

3.119 Representatives of Tasmania Police noted the application-based disclosure scheme is just one element of the protections proposed to support children and young people in Tasmania.¹¹⁷ Senior Sergeant Lauren Richards discussed how applications for disclosure of information on an individual who is not listed as a reportable offender, could lead Tasmania Police to conduct further inquiries into that individual:

Ms RICHARDS - There's also often reasons why people would make that application and the outcome may not necessarily be that the person is a reportable offender, but there is a reason why someone made that application in the first place. That gives us an opportunity to have a conversation around what raised these concerns and perhaps that leads into another type of investigation. It's really

¹¹³ Cited in Submission No. 6, Sexual Assault Support Service, p. 7, Footnote 14 'While we understand literature primarily pertains to public disclosure schemes, we also consider this relevant within the context of more limited disclosure schemes.'

¹¹⁴ Submission No. 6, Sexual Assault Support Service, p. 8, Footnote 15, Rosselli, M., & Jeglic, E., (2017), 'Factors Impacting upon Attitudes Toward Sex Offenders: The Role of Conservatism and Knowledge', *Psychiatry, Psychology and Law*, 24(4), p. 496-515; Levenson, J., & Harris, D. (2024), 'The Ripple Effects of Post-Conviction Traumatic Stress in People Required to Register as Sex Offenders and their Families', *Sexual Abuse* 36(5), p. 572-602.

¹¹⁵ Submission No. 6, Sexual Assault Support Service, pp. 7-8.

¹¹⁶ Cited in Submission No. 6, Sexual Assault Support Service, p. 8, Tasmanian Family and Sexual Violence Alliance, Footnote 16, Submission in response to the proposed Community Protection (Offender Reporting) Amendment Bill 2023, including p. 58.

¹¹⁷ Transcript of Evidence, 21 August 2026, Tasmania Police, p. 17.

complementary to what currently exists and it gives us another avenue to be able to reach members of the community who might be at risk.¹¹⁸

- 3.120 Evidence received by the Committee also raised concern with the potential social and legal implications for individuals, of an application-based disclosure scheme. The Alliance raised the potential for ‘failures’ to seek a disclosure potentially being weaponised in legal proceedings:

While we acknowledge that provisions have been included to restrict the use and weaponisation of failing to seek disclosures in Tasmanian family violence and child protection matters, we are concerned that failure to seek a disclosure will creep into Family Law Court matters, where the Tasmanian provisions may not be recognised. Such claims in these contexts do not need to be legally valid to cause additional harms to protective parents and may undermine the safeguarding strategies adopted by protective parents.

We recognise that such a register, available only to key criminal justice and allied child safety practitioners, can provide the necessary oversight required to ensure desistance from offending, whilst also providing some measure of safety of children and young people.¹¹⁹

- 3.121 TLA discussed the fact that the application-based disclosure scheme places the onus on applicants seeking the disclosure and discussed the difference in experience for applicants seeking disclosure via application, versus being proactively disclosed to:

Ms JOHNSTON - ... this Bill puts the onus squarely on potential victims, community members, parents to inquire about all sorts of people in their lives that their young person has contact with. Whereas a bill that actually looks at positive notification will put the onus on those who have the information to disclose to those who need to know the information in order to keep a young person safe. Is that the difference in terms of what we're seeing here?

Ms FAWKNER - Yeah.

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

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

¹¹⁸ Transcript of Evidence, 21 August 2026, Tasmania Police, p. 6.

¹¹⁹ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p. 8.

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

Ms FAWKNER - Yes. And then you're not going to get back to that question of, 'oh, why didn't you make the application?' and adding some negative implication there - systems abuse. It gets rid of all of that.¹²⁰

- 3.122 One element of concern around the application-based disclosure scheme repeatedly raised with the Committee was the potential lack of sufficient support services for individuals who need support after receiving a disclosure. Ms Varney, CEO of SASS, discussed the best-practice model of support which should be implemented when proactive disclosures are made, compared to what is needed to support people with application-based disclosures:

Ms VARNEY - ...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 a 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?

¹²⁰ Transcript of Evidence, 6 August 2026, Tasmania Legal Aid, p. 22-23.

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.¹²¹

- 3.123 Laurel House also strongly supported the provision of specialist support services to people receiving disclosures, especially children and young people:

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.¹²²

¹²¹ Transcript of Evidence, 3 August 2026, Sexual Assault Support Service, p. 59.

¹²² Transcript of Evidence, 3 August 2026, Laurel House, pp. 72-73.

- 3.124 The Alliance also recommended the consideration of appropriate trauma-informed protections for the disclosure of information to children and young people, while commenting that these disclosures are an important inclusion in the Bill. It recommended:

That the Committee consider amendments to the Bill to ensure that disclosures to children and young people are provided only after:

- a) the young person is aware of the implications of receiving this information*
- b) they are offered therapeutic advice and support in processing this information*
- c) disclosure of information about a reportable offender is delivered by a suitably trained support worker in conjunction with any family, kin, or friends that provide support to that young person, and*
- d) any information about the criminalisation of further public disclosure of this information (s45) is provided in age and developmentally-appropriate manner¹²³*

- 3.125 SASS similarly endorsed the development of a ‘properly resourced, child-centred, trauma-informed and multi-agency safeguarding framework,’ to support children and young people who may receive a disclosure:

At a minimum, SASS recommends that the statutory framework, regulations or mandatory operational guidelines require:

- a pre-disclosure safeguarding assessment that considers the child's circumstances, immediate safety, developmental and communication needs, existing supports, and relationship with the person who is the subject of the application;*
- exploration of what has prompted the application and whether it raises safeguarding concerns requiring further assessment or action;*
- appropriate information gathering, interagency consultation and support and safety planning, including consideration of any foreseeable risks arising from both non-disclosure or disclosure;*
- meaningful engagement with the child throughout the process, including supporting them to express their views and concerns and giving those views appropriate weight in decisions about*
- how disclosure occurs and who they trust and want involved, as well as information about relevant safeguarding responsibilities as appropriate;*
- identification of a safe adult or, where no suitable adult is available, access to an independent, appropriately trained support person or service;*
- culturally safe and accessible responses, including access to Aboriginal Community Controlled Organisations and other culturally appropriate supports;*
- engagement and disclosure through an appropriately supported process using developmentally appropriate, trauma-informed and accessible communication, providing ongoing opportunities to clarify the child's understanding;*
- warm referral or direct connection to appropriate support; and*

¹²³ Submission No. 10, Tasmanian Family and Sexual Violence Alliance, p.14.

- planned post-disclosure follow-up, including accessible opportunities for the child to raise new concerns, ask further questions and seek assistance, to assess their ongoing safety, wellbeing and support needs without inadvertently escalating risk.¹²⁴

3.126 Ms Asquith said an increased focus on support, under whichever form of disclosure scheme is implemented, will be essential to support Tasmanians:

Ms ASQUITH - ... 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.¹²⁵

3.127 Bravehearts provided strong support for a considered disclosure scheme, which should include public education on the scheme:

it is important that the Scheme is understood as one component of a broader child protection framework rather than a standalone safeguard (Bravehearts, 2025; Napier et.al., 2018; Sánchez de Ribera et.al., 2024). Many individuals who pose a risk to children will not appear on the Register, either because they have not been detected, have not been convicted of a registrable offence, or are otherwise not subject to registration requirements. As such, there is a risk that the existence of the Scheme could create a false sense of security or complacency

¹²⁴ Response to Questions on Notice from the Sexual Assault Support Service, dated 2 August 2026, https://www.parliament.tas.gov.au/data/assets/pdf_file/0018/111681/02092026_SASS-Questions-on-Notice_Redacted.pdf

¹²⁵ Transcript of Evidence, 3 August 2026, Tasmanian Family and Sexual Violence Alliance, p. 40.

within the community if it is viewed as a comprehensive screening mechanism (Bravehearts, 2025; Napier et.al., 2018; Sánchez de Ribera et.al., 2024).

Accordingly, we encourage the Tasmanian Government to ensure that implementation of the Disclosure Scheme is accompanied by clear public education regarding its purpose and limitations. Communities should be reminded that child safety requires a holistic approach that includes protective behaviours education, ongoing vigilance, robust organisational safeguarding practices, appropriate supervision of children, and the promotion of environments in which children feel safe to disclose concerns. The Disclosure Scheme should therefore be positioned as one tool within a broader suite of child protection measures, rather than as a definitive indicator of risk.¹²⁶

- 3.128 TALS raised the importance of engagement and consultation with members of the Aboriginal community in Tasmania, including Aboriginal Community-Controlled Organisations ('ACCOs') in the development and implementation of legislation that affects Aboriginal Tasmanians. To their knowledge, the invitation to participate in this Committee Inquiry was the first time a Tasmanian 'ACCO' had been consulted on this Bill.¹²⁷ Lee-Anne Carter, TALS Policy and Programs Manager, discussed how consultation with Aboriginal communities needs to be ongoing so Government can gain an understanding of how legislation will impact members of the community, by understanding the diverse needs of each Aboriginal community:

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

Ms BUTLER - *Culturally appropriate?*

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

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

...

¹²⁶ Submission No. 8, Bravehearts, pp. 3-4.

¹²⁷ Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, p. 7.

Ms CARTER - Yeah. The fear is: if you've got a family that's had some interaction or no interaction regardless, but Auntie might have had some interaction, Mum might have had some interaction, Cousin might have, and you want to make a report, I don't believe that that would feel very safe for a lot of people. Even going to the police station, attending the police station, potentially even ringing the police station, because what would that mean? Are they going to come in and they're going to take my kids? Are they're going to take the rest of the kids? Am I going to be blamed for this? So, I think there needs to be some education, some proper-resourced education in relation to reducing potentially any stigma around reporting, things like that. What does it mean if you are reporting? Who can I report to? Having culturally safe people that they can report to within Police.¹²⁸

- 3.129 Ms Carter discussed the processes which should be implemented to support Aboriginal children and young people who receive a disclosure, either proactively or upon application:

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

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

Not just the information, but who they can speak to about it, or where they can get more information; that's really key. Obviously hitting up a lot of where young people, even if they are transient, where they are visiting. Are they hanging out at youth hubs, are they going down to the sports centres, all the practical sort of things of where you would want to put that information. Schools, depending if they're school-refusing or whatever, there are so many things. First is information. Young people need the information; but in saying young people need the information, young people should also have the agency within that information.¹²⁹

¹²⁸ Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, p. 8.

¹²⁹ Transcript of Evidence, 6 August 2026, Tasmanian Aboriginal Legal Service, p. 11.

3.130 Concerns of potential vigilantism were raised with the Committee.¹³⁰ The Committee received a submission from the Western Australia Police Force regarding the implementation of the WA disclosure scheme legislation, including the expectations and experience of vigilantism:

*Prior to the legislation being proclaimed we were firmly of the belief that the public register would create issues regarding sex offender vigilantism. This has not occurred we have had no vigilantism in relation to either the missing or disclosure components.*¹³¹

In its 14 years of operation, only 17 reports of vigilantism have been made to Western Australia Police.¹³²

3.131 While not explicitly relating to the level of public access to the Register, the Western Australia Police Force provided some technical guidance to the Committee regarding issues they face in providing the public facing Register, including safety and confidentiality:

- *If costs permit develop the website front end in a CMS style, (ours is currently in a HTML format, which requires IT skills to update)*
 - *Then allow senior staff to update the website data without the need to go through your Service Desk. This allows timely information and links to be added, such as child safety week, safety on line day or being able to provide updates onto the site in the form of a 'banner' should a portion of the website be unavailable.*
- *Do not identify the actual address of the missing offender when displaying results in the search results.*
- *Develop a system that is mobile device friendly.*
- *Develop a parent / guardian information request form in a user friendly online format. (Although it is about to be modernised currently our disclosure process requires the requester download a form, complete and send back).*
- *Ensure that IT develop sound Google Analytics to capture statistics, which are likely to be required to measure activity across the site and report to parliament.*¹³³

¹³⁰ See Submission No. 10, Tasmanian Family and Sexual Violence Alliance, pp. 5-6; Submission No. 2, Laurel House, p. 2; Submission No. 4, Tasmanian Aboriginal Legal Service, p. 3 and Submission No. 5, Tasmania Legal Aid, pp. 3-4.

¹³¹ Submission No. 7, Western Australia Police Force, p.1.

¹³² Transcript of Evidence, 3 August 2026, Western Australia Police Force, pp. 44-45.

¹³³ Submission No. 7, Western Australia Police Force, pp. 1-2.

- 3.132 The Committee also considered the development of the application-based disclosure scheme and invited Tasmania Police to discuss the potential impacts on its workforce and related IT requirements:

CHAIR - *Do you anticipate that there will need to be a new IT product built for this information sharing or will it be shared in some other way through letters or phone calls, emails.*

Mr BLACKWOOD - *An IT system is what the end solution should be which we intend to build in house.*

CHAIR - *OK, and other agencies would be able to access that?*

Mr BLACKWOOD - *Yes, probably not all of it. The current register would have passwords and things like that on for those offenders' devices. It wouldn't have that, but it would certainly clearly have name and address, date of birth, is what I would think, and then they'll come back to us if there's more discussion needed.*

CHAIR - *So they wouldn't necessarily need to make a formal application to your unit if there's information that they can access themselves through that new IT product once it's up and running?*

Mr BLACKWOOD - *Yes.*

CHAIR - *You probably can't comment on this, but is there resourcing allocated already in the agency to build that product?*

Mr BLACKWOOD - *There's people on Penny's team working on that now.*¹³⁴

- 3.133 Western Australian Police emphasised the importance of a strong IT system for the Register which, in their case, includes a public facing website. They suggested that the Tasmanian website and IT system should be used as an opportunity for appropriate data gathering and, that staff within the relevant police unit should be trained to maintain it themselves, to avoid potential delays in IT support processing.¹³⁵

Findings

24. Clause 43 goes beyond the scope of key recommendations of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* for greater information sharing between agencies and instead provides for proactive disclosure to a parent, guardian, carer or child.

¹³⁴ Transcript of Evidence, 21 August 2026, Tasmania Police, p.7.

¹³⁵ Transcript of Evidence, 3 August 2026, Western Australia Police Force, p. 49.

25. Clause 43 does not expressly prevent the disclosure of information relating to reportable offenders who were children or young persons at the time of their offending.
26. Disclosures under Clause 43 to children and young people lack a statutory framework for the disclosure of sensitive information in a trauma-informed manner.
27. Clause 44 goes beyond the scope of keys recommendations of the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* for greater information sharing between agencies by providing an application-based public disclosure scheme.
28. There is considerable scepticism amongst victim-survivor support services about the effectiveness and impact of Clause 44, suggesting a withdrawal of the Clause for review and further consultation.
29. A public disclosure scheme will not reduce recidivism but may instead lead to a greater risk of recidivism, by contributing to social isolation, unemployment, vigilantism, and housing instability for people on the Register.
30. Public disclosure schemes shift responsibility for safeguarding on to parents and guardians rather than resting with public authorities.
31. There is concern that an application-based public disclosure scheme will not necessarily enhance child safety, may result in a false feeling of safety that an individual who is not registered does not pose a risk, and perpetuates a myth that offenders are more likely to be unknown to victims and their families.
32. While proposed Section 44CA (8) seeks to prevent the weaponisation of the application-based disclosure scheme in Tasmanian Courts, there is a perceived risk that it could be weaponised in Federal Circuit and Family Court of Australia proceedings.
33. A disclosure under Clause 43 or 44 will increase the need for greater services to support people receiving a disclosure, especially children and young people and Aboriginal people. This will have a significant resourcing impact on community sector organisations.
34. The Committee notes that Tasmania Police intends to develop a dedicated IT system to support the operation of the disclosure scheme and that effective implementation will require appropriate technological and workforce resources.

Recommendations

25. Clause 43 be amended to adopt a trauma-informed statutory framework for how disclosures are made, that is developed in consultation with specialist sexual violence support services, victim-survivors, Aboriginal Tasmanians and multi-cultural communities.
26. Establish and fund a dedicated trauma-informed support framework to assist children, young people, victim-survivors, parents and carers before, during and after any disclosure is made under the *Community Protection (Offender Reporting) Act 2005*.
27. The Government provide additional funding to specialist sexual violence, victim-survivor advocacy and counselling services to support the disclosure scheme under Clause 43 and ensure people receiving disclosures can access timely professional support.
28. The disclosure scheme under Clause 43 should not commence until appropriate specialist support, advocacy and therapeutic service capacity is in place to ensure recipients of disclosures can access timely, trauma-informed assistance and safeguarding support.
29. A dedicated Tasmania Police IT system for disclosure must be complete and operational before the Bill is proclaimed.
30. Clause 44 be removed from the Bill.

Clause 45

- 3.134 Clause 45 amends Sections 44D and 45 of the Act. The amendments provide for confidentiality of disclosed material, outlining that information obtained through an application must not be disclosed other than via the exemptions provided. Exemptions allow for disclosure for legal reasons, for therapeutic reasons or from a parent, guardian or carer of a child who is in contact with a reportable offender, to another parent, guardian or carer of the same child.

- 3.135 The Interim Commissioner for Children and Young People raised concern with an inconsistency in drafting of proposed Section 45(4):

it is curious that the 2025 Bill would allow disclosures to a child under ss.15E, 44C and 44CA but the proposed s.45(4) would only allow a parent, guardian or carer who received a disclosure to share that information with another parent, guardian or carer. In line with previous advice of this Office, where a disclosure is made to a parent, carer or guardian they should be permitted, subject to certain conditions, to inform the child who is at risk, noting the proposed obligations under s.45(5) which would require a person sharing disclosed information to advise the recipient of their confidentiality obligations under s.45.

Further, the opposite case should also be considered. Since the 2025 Bill proposes that disclosures may be made to a child, such a child should be permitted to share that information with their parent. For instance, an older child, who may or may not currently reside in the family home, may have concerns about inappropriate behaviour of their mother's new romantic partner. This child may not wish to disclose these concerns to their mother, or they may have tried and had their concerns dismissed. Where the new partner is planning to move into the family home, and the child obtains a disclosure under s.44AC, which reveals the person in question is a reportable offender, the child should be allowed to share this information with their mother without the risk of committing an offence, particularly where the child has younger siblings who live in the family home.¹³⁶

- 3.136 Tasmania Police explained that, if a parent, guardian or carer receives a disclosure, either through application or as a proactive disclosure, they must not share this information with the related child. Rather:

Ms RICHARDS - Under the legislation, it would still require Police to make that proactive disclosure to the child, but that would form part of the conversation when the disclosure is done with the parents. So, at that point in time, there'd be a discussion around is it appropriate to tell your child or children as well, are they going to understand the implications of being given that knowledge? And if so, then that can form part of a, I guess, secondary disclosure to the child as well. Because the concern with just allowing parents to arbitrarily do that is that they're not then given the additional information around the legal obligations of understanding that information, which is why we didn't specifically write into the legislation that parents, yes, they can tell each other, but they can also tell the child because we have to consider whether it's appropriate for that child to be told and make sure that it's delivered in a way that they understand their obligations.¹³⁷

- 3.137 Laurel House expressed concern with this structure of silence between parents and children, with representatives providing comment at a public hearing:

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 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.

¹³⁶ Submission No. 3, Interim Commissioner for Children and Young People, p. 15.

¹³⁷ Transcript of Evidence, 21 August 2026, Tasmania Police, p. 10.

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.¹³⁸

- 3.138 A practical example was presented to Tasmania Police around the moral dilemma the recipient of a disclosure would face if they were aware that a reportable offender had contact with other children but, due to confidentiality provisions, could not make a secondary disclosure:

Ms REARDON - If we became aware of that and that wasn't already notified as reportable contact with a child, then that would be a breach of their reporting obligations, and it would be an offence, and we would follow up on it, because they're obligated.

...

Ms REARDON - ...it's one of the conditions of their reportable obligations. They must notify of contact with the child.¹³⁹

Findings

35. Clause 45 places unreasonable expectations on people in receipt of disclosure information to maintain confidentiality from others they believe may be impacted, including families whose children they believe may also be in contact with offenders.
36. Clause 45 imposes an extra burden on families to disclose to Tasmania Police any potential contact between an offender and other people in their community.
37. Clause 45 imposes an additional burden on Tasmania Police to proactively investigate whether recipients of disclosure information are aware of other reportable contact.

¹³⁸ Transcript of Evidence, 3 August 2026, Laurel House, pp. 78-79.

¹³⁹ Transcript of Evidence, 21 August 2026, Tasmania Police, p. 10.

38. Clause 45 places children and young people who receive a disclosure at further risk by preventing them from making a secondary disclosure to their parents, guardians or carers.
39. The experience of victim-survivors and the desire of the community to safeguard children may result in unlawful secondary disclosures being made, regardless of potential criminal liability.

Recommendation

- 31. Clause 45 be redrafted to address the impracticalities identified in Findings 35 – 39. In particular, the Bill be amended to allow a child who receives a disclosure to share that information with their parent, guardian or carer where appropriate.**

Clause 46

- 3.139 Clause 46 proposes the inclusion of new Section 45AA, being ‘Power to conduct search of person.’ This provides additional search powers for Tasmania Police. The Committee provides no comment.

Clause 47

- 3.140 Clause 47 replaces existing Sections 45B and 45C of the Act with new proposed Sections. Proposed new Section 45B gives police the power to arrest an individual on reasonable grounds without a warrant. This is a significant change to the current Section 45B which provides the power to enter and search a premiss without a warrant. A number of these powers are now proposed in new Section 45C which combines, but also expands, existing powers provided in current Sections 45B and 45C.
- 3.141 TLA contends that the proposed drafting of new Sections 45B and 45C provide unwarranted expansions in scope and an unnecessary replication of the powers under the Act. Proposed Section 45B expands the original power to enter and search a premiss, to a ‘general power of arrest where a person has committed any offence under the Act.’¹⁴⁰ The TLA contends that the expansion of Section 45B to include arrest replicates already available arrest powers in current Section 45D. Proposed amendments to Section 45C again expand search powers to include the searching of devices and appears to remove the necessity of the police holding ‘reasonable suspicion of offending,’ before entering a premiss without a warrant.¹⁴¹

¹⁴⁰ Submission No. 5, Tasmania Legal Aid, pp. 10-11.

¹⁴¹ Submission No. 5, Tasmania Legal Aid, p. 10.

Finding

40. Clause 47 is a significant expansion of existing police search and arrest powers, allowing these powers to be exercised without a warrant.

Recommendation

- 32. Further information and evidence is required to justify warrantless search and arrest powers for reporting-related offences under this Act, including demonstrated evidence as to how existing powers are inadequate.**

Clause 48

- 3.142 Clause 48 inserts a new penalty for failure to comply with the Act. The Committee did not receive evidence in relation to this Clause and provides no comment.

Clause 49

- 3.143 Clause 49 proposes to substitute Section 47 and 47A of the Act with new Sections 47, 47A and 47B. Proposed new Section 47 shifts the exceptions of evidentiary practices under the Act, for matters to generally be heard in public, as opposed to the current legislation in which the Section is titled ‘Matters not to be heard in public.’
- 3.144 Proposed Section 47A simplifies when personal details of reportable offenders may be released. The Bill makes it the Commissioner’s decision to release information if a reportable offender’s whereabouts are not known. The proposed Section also exempts publication of personal information of reportable offenders who are children.
- 3.145 Proposed new Section 47B provides instances in which information regarding reportable offenders may be published to assist the operation of the Act.
- 3.146 The Interim Commissioner for Children and Young People raised issues for consideration in relation to the release of information regarding ‘missing’ reportable offenders, comparing current provisions and proposed amendments:

While I note that the current exemption in s.47A for a young reportable offender, or corresponding reportable offender who is a child, is proposed to be continued under the amended provision, I am concerned that this provision would still apply to a reportable offender who is currently an adult but who committed the most recent offence for which they are a reportable offender as a child, particularly given that the threshold for disclosure under s.47A is proposed to be weakened.

Currently, for the Police Commissioner to publish personal details of a reportable offender under s.47A, they must not only be missing but the Police Commissioner must also be satisfied that either they have failed to comply with one or more of

their reporting obligations or have provided material that is false or misleading in a ‘material particular’. This additional requirement is proposed to be removed pursuant to clause 49. In my view, greater care should be taken before releasing to the public personal details of a reportable offender who is missing, where that person committed the most recent offence for which they are a reportable offender as a child.¹⁴²

- 3.147 Provisions for the management of registered offenders who are deemed to be missing are included in the Western Australia legislation:

The position adopted is that if the person fails to report as required in the legislation, and they are not at the address as reported as required under the legislation – we can move to publish them. The further inquiries to locate the missing offender operate in the background¹⁴³

Finding

41. Proposed Section 47A may not adequately protect adults whose most recent registerable offence was committed when they were a child or young person, raising questions about the balance between community safety, privacy and rehabilitation.

Recommendations

- 33. If Section 6A in Clause 8 is retained, Clause 49 must be amended to insert safeguards for people whose most recent reportable offence was committed when they were a child or young person.**
- 34. If Section 6A in Clause 8 is removed, Clause 49 must be consequently amended.**
- 35. Tasmania Police publish clear operational guidelines governing the exercise of publishing powers under proposed Sections 47A and 47B, including the circumstances in which disclosure is appropriate and the protections that apply to vulnerable cohorts.**

Clauses 50 – 53

- 3.148 Clause 50 inserts new Section 49A, ‘Evidence of electronic monitoring device.’
- 3.149 Clause 51 amends Section 50A of the Act, in regard to Appeals.
- 3.150 Clause 52 proposes new Sections 50B and 50C. The first relates to appeals of decisions of the Magistrates Court and the second provides that the Governor may amend the Schedules of the Act by Order.

¹⁴² Submission No. 3, Interim Commissioner for Children and Young People, p. 17.

¹⁴³ Submission No. 7, Western Australia Police Force, p. 1.

3.151 Clause 53 amends Section 51 which manages the amendment of regulations arising from the Act.

3.152 The Committee did not receive evidence relating to Clauses 50 - 53 and makes no comment on them.

Clause 54

3.153 Clause 54 inserts new Section 52A, titled ‘Commissioner to review and report on certain disclosures made under Act.’ This proposed provision places a requirement on the Commissioner to undertake a review of proposed new Section 44CA. Proposed new Section 44CA is the new provision allowing applications for disclosure under the reportable offender scheme.

3.154 SASS expressed support for the increased transparency and oversight provided by requesting the Commissioner to review and report on certain disclosures but also recommended further amendments. The organisation proposed that amended Section 52A(2) be further expanded to include an assessment and review of the actual disclosure scheme by the Commissioner, including consideration of the following information:¹⁴⁴

*This could include reporting on the number of proactive disclosures (s.44C), referrals to support services and complaints relating to the operation of sections 44C and 44CA. Such information would assist in monitoring how the framework operates in practice and identifying emerging issues, unintended consequences or opportunities for improvement over time.*¹⁴⁵

Clause 55

3.155 Clause 55 inserts new Section 54, providing transitional provisions, to be included in the Act. This describes the instances in which different elements of the Bill will become enforceable. The Committee makes no comment on the Clause.

Clauses 56

3.156 Clause 56 repeals Schedules 1, 2 and 3, which are classes of offences under the Act and creates three new schedules in their place.

3.157 The Interim Commissioner for Children and Young People provided comment on the proposed amendments to the Schedules of the Act stating that, to reflect the apparent intent of the changes to better differentiate offending by children or young people compared to adults, further amendments are required:

¹⁴⁴ Submission No. 6, Sexual Assault Support Service, p. 8.

¹⁴⁵ Submission No. 6, Sexual Assault Support Service, p. 8.

The apparent aim here is to distinguish between offences committed as a child and offences committed as an adult, as suggested in the Second Reading Speech.¹⁴⁷ However, in my view, the proposed amendments to Schedules 1, 2 and 3 do not make the classification of offences as they apply to a child sufficiently clear.

The terminology used in the schedules is confusing, as one would typically assume that 'All Offenders' would include both adults and children. However, to give just one example, under the proposed amendments s.130A (Producing child exploitation material') would be a Class 1, Part 1 offence for a 'Child Offender' and a Class 3, Part 2 offence for 'All Offenders'. A change in terminology or change in the structure of the proposed amendments in clause 56 may help clarify the classification of the listed offences as they apply to children.¹⁴⁶

Substituted Schedule 1 – Class 1 Offences

3.158 Substituted Schedule 1 proposes a new schedule of Class 1 Offences under the Act, separated into specific offences for Child Offenders (Part 1) and then for All Offenders (Part 2).

3.159 Included in Part 2 for All Offenders is Section 11 of the *Sex Industry Offences Act 2005* (Tas), which prohibits children from being on the premises where work is being undertaken by a sex worker.

3.160 The Alliance, Laurel House and Scarlet Alliance all submitted evidence that Section 11(1) of the *Sex Industry Offences Act 2005*, should not be included as an offence in the Bill. This Section makes it an offence for a sex worker to have a child on a premises at which their work is undertaken.¹⁴⁷ Laurel House provided the following:

Sex workers do not, if found guilty of an offence under section 11(1) of the Sex Industry Offences Act 2005, pose a risk to children that warrants the making of a reporting order.¹⁴⁸

3.161 In recommending the removal of Section 11(1), as an offence under the Bill, Scarlet Alliance provided the following:

The Bill takes a low-level, non-custodial offence that already unfairly criminalises sex-working parents, reclassifies it as a 'serious harm sex offence' without evidence, and imposes extreme registration consequences that equate a parent working from home with violent or exploitative offenders. This is a punitive escalation that will destabilise families, entrench poverty, and expose sex workers to discrimination, surveillance, and child-removal interventions.¹⁴⁹

¹⁴⁶ Submission No. 3, Interim Commissioner for Children and Young People, p. 6.

¹⁴⁷ See Submission No. 2, Laurel House; Submission No. 9, Scarlet Alliance and Submission No. 10, Tasmanian Family and Sexual Violence Alliance.

¹⁴⁸ Submission No. 2, Laurel House, p. 9.

¹⁴⁹ Submission No. 9, Scarlet Alliance, pp. 7-8.

- 3.162 Section 11(2) of the *Sex Industry Offences Act 2005* is also proposed for classification under Schedule 1. Section 11(2) criminalises a person receiving sexual services at a location where a child is present.¹⁵⁰ Inclusion of this provision as an offence under the Bill is also opposed by Laurel House and Scarlet Alliance. Scarlet Alliance wrote:

Sex work in Tasmania may lawfully take place either at a sex worker's premises or at a client's premises. In both cases, the premises may be a family home. Clients of sex workers are diverse. Many are parents, caregivers, or members of multigenerational households. They may also be married couples and people with disabilities living in supported family homes where children also reside.

Some sex workers develop trusted, respectful relationships with clients and their families. In some cases, a family member or carer assists a client with a disability to arrange bookings. Sex workers may also accompany clients on public outings or to events that include friends and family members. These relationships are not inherently harmful; they reflect the same spectrum of human connection found in many occupations. Choosing to treat these relationships as suspicious or criminal is a policy choice rooted in stigma, not evidence. Section 11(2) does not require that a child witness sexual activity, be exposed to sexual content, or be placed at risk. It criminalises proximity alone. This is inconsistent with the principles of evidence-based child protection.¹⁵¹

- 3.163 Laurel House submitted that:

having a child on premises while engaging in sex work is vastly different from other offences that justify the making of a reporting order and should be removed from the Bill.¹⁵²

- 3.164 In recommending the removal of the classification of sex work activities in Schedule 1 of the Bill, Laurel House submitted that the removal would not prevent a reporting order under the Act being made against sex workers or clients, where any other offence is made under Schedules 1 - 3.¹⁵³

Substituted Schedule 2 – Class 2 Offences

- 3.165 Amendments proposed to Schedule 2 broaden the offences to be defined as Class 2 offences. Part 1 of Schedule 2 provides for Adult Offenders, while Part 2 provide for All Offenders.

¹⁵⁰ Section 11, *Sexual Industry Offences Act 2005* (Tas), <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2005-042>.

¹⁵¹ Submission No. 9, Scarlet Alliance, pp. 8-9.

¹⁵² Submission No. 2, Laurel House, p. 9.

¹⁵³ Submission No. 2, Laurel House, p. 9.

- 3.166 Included in these proposed Class 2 offences are Section 7(1) (a) and Section 7(2) (a) of the *Sex Industry Offences Act 2005*. These Sections make it an offence to intimidate, assault or threaten a sex worker, or induce an individual to procure sexual services.¹⁵⁴ Scarlet Alliance submitted that, while important, these Sections are rarely used and often do not provide appropriate support for the people they are intended to protect.¹⁵⁵
- 3.167 Scarlet Alliance submitted that the inclusion of Sections from the *Sex Industry Offences Act 2005* as Class 2 offences has not been clearly defined and that they should be removed:

The Bill does not purport to capture all serious criminal offending, nor would it be appropriate for it to do so. The conduct that ss 7(1)(a) and 7(2)(a) prohibits is unlawful towards all people (it is illegal to assault, threaten or sexually coerce anyone); however, most of these offences are not in the Bill's schedules.

Further, the Bill's disclosure mechanisms require a child protection nexus that will rarely, if ever, be engaged by a conviction under ss 7(1)(a) or 7(2)(a). The Bill contains no mechanisms for convictions to be disclosed to sex worker peer organisations, nor to sex workers themselves. The result is that sex workers bear the burden of 'causing' an offender's registration, while receiving none of the scheme's purported protective benefits. The Bill cynically deploys the machinery of a child protection scheme to impose post-sentence consequences on offending arising in a sex work context as especially denounceable, while continuing to exclude sex workers from justice systems or improving our safety.¹⁵⁶

Substituted Schedule 3 – Class 3 Offences

- 3.168 Amendments to Schedule 3 of the Act propose additions to Class 3 Offences. Part 1 of Schedule 3 applies to Adult Offenders only and Part 2 to All Offenders.
- 3.169 Scarlet Alliance raised concerns with the inclusion of the *Sex Industry Offences Act 2005* in Schedule 3. Section 7 (1) (d) and 7 (2) (d) of the *Sex Industry Offences Act 2005* are included, which 'criminalise administering, or causing a sex worker to take, any drug or substance with the intent to stupefy or overpower them.'¹⁵⁷ Scarlet Alliance argued these Sections should not be included as Class 3 Offences as:

These duplicate offences serve to exceptionalise sex work and sex workers, and create risks of doubly criminalising sex workers who use drugs, clients of sex workers who engage in consensual drug consumption, and sex workers who accept

¹⁵⁴ *Sexual Industry Offences Act 2005* (Tas), <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2005-042>.

¹⁵⁵ Submission No. 9, Scarlet Alliance, p. 10.

¹⁵⁶ Submission No. 9, Scarlet Alliance, pp. 10 -11.

¹⁵⁷ Submission No. 9, Scarlet Alliance, p. 11.

*payment in the form of drugs. Their inclusion within class 3, the Bill's most serious category of offences, heightens this risk.*¹⁵⁸

- 3.170 Section 8(2) of the *Sex Industry Offences Act 2005* is also proposed for inclusion in Schedule 3, which prohibits accosting a child for the purposes of offering or procuring sexual services.¹⁵⁹ Scarlet Alliance suggests this inclusion is 'stigma-driven' and should be removed from the Bill:

*Procuring, grooming, sexual abuse and exploitation offences are comprehensively addressed by general criminal laws, and included as class 3 offences in the Bill. Any conduct that could possibly be captured by s 8(2) would already be the subject of class 3 reportable offending. As such, the stigma generated by including the offence outweighs any benefit of its inclusion.*¹⁶⁰

Findings

42. The proposed inclusion of Section 11(1) and 11(2) offences under the *Sex Industry Offences Act 2005* in the Schedules, unnecessarily discriminates against sex workers with children in their care, where those children cannot reasonably be considered at risk.
43. The proposed inclusion of Section 7(1)(d) and 7(2)(d) of the *Sex Industry Offences Act 2005* in the Schedules, would make someone convicted of these offences a reportable offender. Scarlet Alliance argue that these offenders pose no more risk to the community than offenders convicted of the same substantive offence under general criminal law.
44. The proposed inclusion of Section 8(2) of the *Sex Industry Offences Act 2005* in the Schedules duplicates offences already captured by the inclusion of other offences in the Schedules and risks stigmatising sex workers.
45. Sections 9(1) and 9(2) of the *Sex Industry Offences Act 2005* relate directly to child safety matters and the involvement of children in sex work and should remain listed in the Schedules.

Recommendation

36. The Schedules be amended to remove the following Sections of the *Sex Industry Offences Act 2005* from the Schedules to the Bill:

- **Section 7(1)(d) and 7 (2)(d);**
- **Section 8(2); and**
- **Section 11 (1) and 11 (2).**

¹⁵⁸ Submission No. 9, Scarlet Alliance, p. 12.

¹⁵⁹ Submission No. 9, Scarlet Alliance, p. 12.

¹⁶⁰ Submission No. 9, Scarlet Alliance, p. 13.

37. Sections 9(1) and 9(2) of the *Sex Industry Offences Act 2005* remain in the Schedules to the Bill.

4 EXAMINATION OF THE BILL – PART 3

- 4.1 This Chapter considers evidence received on Part 3 of the Bill, and the committee's consideration of the evidence received.

Part 3 – Community Protection (Offender Reporting) Regulations 2016 Amended (Clauses 57-61)

Clauses 57 - 61

- 4.2 This Chapter considers Part 3 of the Bill. Part 3, inclusive of Clauses 57-61 applies proposed changes to the *Community Protection (Offender Reporting) Regulations 2016*. Clause 57 notes this application.
- 4.3 Clause 58 amends Regulation 4, to update the applicable persons and language used to define such persons within the Regulation as 'authorised persons.'
- 4.4 Clause 59 updates Regulation 8 to reflect the correct title of the Chief Psychiatrist in Column 2 of Item 1.
- 4.5 Clause 60, inserts new Regulation 8A, being 'Prescribed offences in respect of child offenders.' This new Regulation is a consequential change to reflect amendments made to the *Community Protection (Offender Reporting) Act 2005* (Tas). The inclusion of this Regulation ensures consistent application of the Regulations in relation to proscribed offences in connected state and Commonwealth legislation.
- 4.6 Clause 61 of the Bill proposes amendment to Regulation 10, which was inserted in updates to the Regulations in 2017. The proposed amendments update the names of Government departments to reflect their current naming conventions and include some additional prescribed entities.
- 4.7 The Committee makes no comment on Clauses 57 - 61.

5 EXAMINATION OF THE BILL – PARTS 4 AND 5

5.1 This Chapter considers Parts 4 and 5 of the Bill.

Part 4 – Sentencing Act 1997 Amended (Clauses 62 and 63)

Clauses 62 and 63

5.2 Clauses 62 and 63 address proposed changes to the *Sentencing Act 1997*. Clause 63 expands the definition of ‘aggravating circumstance’ in Section 11A(1) of the *Sentencing Act 1997*. This expansion inserts a reference to the offender, at the time of committing an offence being defined under the *Community Protection (Offender Reporting) Act 2005* as a reportable offender. The Committee provides no comment on Clauses 62 and 63.

Part 5 – Concluding Provision (Clause 64)

Clause 64

5.3 Clause 64 of the Bill provides that the Act is repealed on the first anniversary of the day on which the last non-commenced provision of this Act commenced. The Committee provides no comment on the Clause.

Dissenting statement – Ms Jane Howlett MP

Government Administration Committee B Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025 Dissenting Report: Jane Howlett MP

Introduction

Whilst I am a new member of this Committee, I have prepared this dissenting report to outline the principal issue I have with the Committee's recommendations, and to ensure that this and other matters are noted alongside the Committee's Report and considered in conjunction with its recommendations.

On 28 May 2023, the Tasmanian Government announced proposed amendments to the *Community Protection (Offender Reporting) Act 2005*, to be enacted through the Community Protection (Offender Reporting) Amendment Bill 2025.

The Bill was subsequently referred to the House of Assembly Government Administration Committee B for inquiry. I acknowledge the work undertaken by the Committee and the submissions and evidence received throughout the inquiry.

However, I do not believe withdrawing the Bill is the best and most effective way to protect Tasmanians, particularly children and other vulnerable members of our community. I believe it is important that the following matters be placed on the public record.

Recommendations 1, 2 and 3

Extensive consultation has already been undertaken in relation to the Bill, including multiple targeted consultations with relevant stakeholders throughout 2024 and 2025.

The feedback received through these consultation processes has informed the development of the Bill and the Government's proposed approach. I believe the Government should remain open to appropriate amendments that may improve the operation and effectiveness of the legislation.

However, withdrawing the Bill in its entirety and effectively returning to the drawing board would risk unnecessarily delaying measures intended to strengthen the protection of children and the broader community. In my view, the appropriate approach is to consider and, where appropriate, amend the Bill rather than abandon the legislative process that has already involved significant community consultation and development.

Recommendation 4

The Tasmanian Government is implementing all 191 recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

The 2024–25 Budget committed \$424 million in funding across the Budget and forward estimates to support the ongoing implementation of these reforms, including \$92 million in 2025–26. Significant progress has been made in implementing the Commission of Inquiry's recommendations, and the Government is also publishing regular progress updates through the Keeping Children Safe website, providing transparency regarding the implementation of the Commission of Inquiry's recommendations.

Recommendation 14 and related recommendations

I understand that since 2023 Tasmania Police has partnered with the University of Tasmania (UTAS) and field experts to co-design and integrate a tailored trauma-informed policing curriculum for all new recruits.

The Government has already made significant financial and operational commitments to the establishment and implementation of the Reportable Offender Disclosure Scheme. The 2023–24 Budget provided \$3.2 million to establish the scheme and included funding to recruit five additional police investigators within the Family and Sexual Violence Command to support compliance with Tasmania's offender reporting legislation, including \$2.9 million over four years. The 2024–25 Budget subsequently provided a further \$756,000.

These investments demonstrate that the Government has already committed substantial resources to establishing, administering and enforcing the Reportable Offender Disclosure Scheme.

Conclusion

In summary, I note that extensive consultation has already been undertaken on the Bill over a number of years, and that further delays have the potential to impact on the safety of children in Tasmania. I would like to thank all parties that have been involved in the Inquiry and advocacy for this law, particularly Bruce and Denise Morecombe, Bravehearts and Steve Fisher who have all been generous in sharing their knowledge and experiences.



Jane Howlett MP

APPENDIX A - LIST OF SUBMISSIONS

1. The Daniel Morcombe Foundation
2. Laurel House
3. Interim Commissioner for Children and Young People
4. Tasmanian Aboriginal Legal Service
5. Tasmania Legal Aid
6. Sexual Assault Support Service (SASS)
7. Western Australia Police Force
8. Bravehearts
9. Scarlet Alliance
10. Tasmanian Family and Sexual Violence Alliance

APPENDIX B - LIST OF WITNESSES

Monday 3 August 2026, Parliament House, Hobart	
Witness	Organisation (if applicable)
Bruce Morcombe, Co-founder Denise Morcombe, Co-founder	The Morcombe Foundation
Alison Geale, CEO	Bravehearts
Nicole Asquith, Policy and Research Office <i>Via Microsoft Teams</i>	Tasmanian Family and Sexual Violence Alliance
Detective Inspector Chris Lockwood Martyn Clancy-Lowe, Strategic Adviser <i>Via Microsoft Teams</i>	Western Australia Police Force
Shirleyann Varney, CEO	Sexual Assault Support Service (SASS)
Kathryn Fordyce, CEO Dr Luce Mercer-Mapstone, Policy, Advocacy and Lived Experience Lead	Laurel House

Thursday 6 August 2026, Parliament House, Hobart	
Witness	Organisation (if applicable)
Lucas Tolputt, Policy and Project Lead Lee-Anne Carter, Policy and Programs Manager	Tasmanian Aboriginal Legal Service (TALS)
Julie Fawcner, Associate Director – Family Law Margaret Chandler – Manager – Safe at Home Stuart Davey, Acting Director – Criminal Law	Tasmania Legal Aid (TLA)

Friday 21 August 2026, Parliament House, Hobart	
Witness	Organisation (if applicable)
Robert Blackwood, Assistant Commissioner Penny Reardon, Inspector Lauren Richards, Senior Sergeant	Tasmania Police

APPENDIX C - MINUTES OF THE COMMITTEE

Friday 24 April 2026

The Committee met at Parliament House, Hobart, in Committee Room 1, at 11.03 a.m.

Members present:

Ms Haddad (Chair)
Ms Badger (via Teams)
Ms Brown (via Teams)
Mr George
Mr Jaensch (via Teams)
Ms Johnston

Apologies

Mr Fairs was an apology.

Referral

The Committee discussed the referral from the House of Assembly of the Community Protection (Offender Reporting) Amendment Bill 2025 (No.61 of 2025), dated 26 March 2026.

Proxy arrangements

The Chair advised that the Committee had received written notice from Ms Rosol that Ms Badger will be her proxy for the duration of the Inquiry.

Draft Inquiry Charter

The Committee discussed the Draft Inquiry Charter, noting in-principal agreement, with Members to provide further comment until the next meeting (Ms Haddad).

Conduct of the Inquiry

Broadcast of Proceedings

Resolved, that the broadcast of any public proceedings be published on the parliamentary website (Ms Johnston).

Transcripts of Evidence

Resolved, that the transcripts of any public hearings be published after having been provided to witnesses for two days for mistranscription corrections (Mr George).

Public Hearing Media Releases

Resolved, that prior to each public hearing of the Committee, a standard Media Release be circulated and published (Mr Jaensch).

Process of the Inquiry

Resolved, that the Inquiry be a full inquiry. (Ms Haddad)

The Committee discussed the appropriate management of submissions, noting potential sensitive content and that individuals who may have lived experience with the topics raised by the Inquiry may participate in, or otherwise engage with, the work of the Committee. The Committee noted its awareness of such matters and that a sensitive approach will be taken to any such engagements, whilst noting that the Inquiry is not a complaints mechanism.

Timeline of the Inquiry

The Committee discussed the draft program and resolved to agree to the following inquiry timeline (Ms Haddad):

- Submissions open – Friday 24 April 2026;
- Submissions close – Friday 5 June 2026;
- Meeting to accept submissions – Friday 12 June 2026;
- Public hearings – Tuesday 23 & Thursday 25 June 2026;
- Report deliberative meetings – Friday 18, Thursday 24, Friday 25 & Wednesday 30 September 2026; and
- Reporting date - Tuesday 27 October 2026

Submissions and witnesses to the Inquiry

Resolved, that a letter be sent to each of the following individuals and organisations seeking a submission to the Inquiry (Ms Haddad):

- Hon. Felix Ellis MP;
- Tasmania Police/ Commissioner Donna Adams;

- Commissioner for Children and Young People;
- The Daniel Morcombe Foundation;
- Tasmania Legal Aid;
- Angela Srdinis Legal;
- Australia's Right to Know;
- Body Safety Australia;
- Engender Equality;
- Family and Sexual Violence Alliance;
- TasCOSS;
- Tasmanian Law Reform Institute;
- Tasmania Police Association;
- SASS;
- Laurel House;
- Scarlet Alliance;
- Tasmanian Aboriginal Legal Service;
- Community Legal Centres Tasmania;
- Judge Marcus Turnbull SC;
- Law Society of Tasmania;
- Australian Lawyers Alliance;
- Prisoners Legal Service Tasmania;
- Bravehearts;
- WA Minister for Police;
- WACOSS;
- QLD Minister for Police;
- QCOS; and
- Other relevant victim survivor groups.

Media Release opening Inquiry *Resolved*, that the Media Release, as amended, be released and published (Ms *Haddad*).

Advertisement for submissions

Resolved, that the advertisement for submissions, as amended, be published in the three major Tasmanian newspapers (Ms *Haddad*).

Other matters

Ms *Johnston*, raised that the Committee may wish to consider the inclusion of sensitive content warnings on the Inquiry webpage and to be stated at the commencement of public hearings. Draft content to be included on next agenda.

Next meeting

Friday, 12 June 2026.

At 11.57 a.m., the Committee adjourned until Friday, 12 June 2026.

Confirmed,

Friday 12 June 2026

The Committee met at Parliament House, Hobart, in Committee Room 3, at 12.04 p.m.

Members present:

Ms *Haddad* (Chair)

Ms *Badger*

Ms *Butler*

Mr *George* (via Teams)

Mr *Jaensch* (via Teams)

Mr *Fairs* (via Teams from 12.10 p.m.)

Apologies

Ms *Johnston* was an apology.

Minutes

Resolved, that the Minutes of the previous meeting on 24 April 2026 be confirmed. (Ms *Badger*)

Proxy arrangements

The Chair advised that the Secretary had received written notice from Ms *Brown* that Ms *Butler* will be her proxy for the duration of the Inquiry.

Correspondence

Resolved, that the following correspondence be received and noted:

- Letter from the Tasmanian Law Reform Institute, dated 12 May 2026;
- Letter from Commissioner Adams of Tasmania Police, dated 21 May 2026;
- Letter from the Acting CEO of TasCOSS, dated 27 May 2026; and
- Letter from the Hon. Felix Ellis MP, Minister for Police, Fire and Emergency Services, dated 9 June 2026. (Ms *Haddad*)

Submission extension

Resolved, to note the out of session decision to grant the Scarlet Alliance an extension of time in which to provide its submission.

(Ms *Haddad*)

Receipt of Submissions

Resolved, the following submissions be received and published in full, with personal contact details redacted as standard:

- Submission No. 1 – The Daniel Morcombe Foundation;
- Submission No. 2 – Laurel House;
- Submission No. 3 – Interim Commissioner for Children and Young People;
- Submission No. 4 – Tasmanian Aboriginal Legal Service;
- Submission No. 5 – Tasmania Legal Aid;
- Submission No. 6 – Sexual Assault Support Service;
- Submission No. 7 – WA Police Force; and
- Submission No. 8 – Bravehearts.

(Mr George)

Public hearing dates

Resolved, to postpone the public hearing dates of Tuesday 23 June 2026 and Thursday 25 June 2026 and find alternative dates for public hearings to be held via email, with a preference for all Members to be available to attend. (Ms Haddad)

Public hearing witnesses

Resolved, to invite the following individuals or organisations to appear before a public hearing of the Committee:

- The Daniel Morcombe Foundation;
- Laurel House;
- Interim Commissioner for Children and Young People;
- Tasmanian Aboriginal Legal Service;
- Tasmania Legal Aid;
- Sexual Assault Support Service;
- WA Police Force; and
- Bravehearts. (Ms Butler)

Resolved, that the Committee consider after the aforementioned witnesses have appeared before the Committee if Minister Ellis and/or the QLD Police Force should be invited to appear before a later hearing, or be provided

with a written request for additional information in response to the evidence received. (Ms Badger)

Additional request to participate

Resolved, to invite the following to provide a submission, or participate in a future public hearing of the Committee, noting that an invitation to provide a submission had previously been circulated:

- Judge Marcus Turnbull; and
- The Tasmania Family and Sexual Violence Alliance. (Ms Butler)

Content Warnings

Resolved, to the use of the draft content warnings for the Inquiry website, the submissions webpage and the commencement of public hearings, with the additional inclusion of Lifeline and QLife. (Ms Badger)

Other matters

Nil.

Next meeting

To be determined

At 12.32 p.m., the Committee adjourned until a date to be determined.

Confirmed,

Monday 3 August 2026

The Committee met at Parliament House, Hobart, in Committee Room 2, at 9.00 a.m.

Members present:

Ms Haddad (Chair)
Ms Badger (via Teams from 9 a.m. and then in person from 10.59 a.m.)
Ms Butler
Mr George
Ms Johnston

Apologies

Mr Fairs and Mr Jaensch were apologies.

Public Hearings

At 9.00 a.m., Mr Bruce Morcombe and Ms Denise Morcombe, Founders of The

Morcombe Foundation, were called, made the statutory declaration and were examined by the Committee in public.

At 9.54 a.m. Ms *Badger* withdrew from the Table (via Microsoft Teams).

At 9.55 a.m. the witnesses withdrew.

Suspension of sitting from 9.55 a.m. – 10.01 a.m.

Public Hearings

At 10.03 a.m., Ms Alison Geale, CEO of Bravehearts, was called, made the statutory declaration and was examined by the Committee in public.

At 10.56 a.m. the witness withdrew.

Suspension of sitting from 10.56 a.m. – 10.59 a.m.

All Members present in person.

Public Hearings

At 11.09 a.m., Ms Nicole Asquith, Policy and Research Officer at the Tasmanian Family and Sexual Violence Alliance, was called via Microsoft Teams, made the statutory declaration and was examined by the Committee in public.

At 12.01 p.m. the witness withdrew.

Suspension of sitting from 12.01 p.m. – 12.05 p.m.

Public Hearings

At 12.05 p.m., Detective Acting Superintendent Peter Lockwood and Mr Martyn Clancy-Lowe, Strategic Advisor, representing the WA Police Force, were called via Microsoft Teams and examined by the Committee in public.

At 12.28 p.m. Mr George withdrew from the Table and returned at 12.32 p.m.

At 12.49 p.m. the witnesses withdrew.

Suspension of sitting from 12.50 p.m. – 1.46 p.m.

All Members present in person.

Public Hearings

At 1.48 p.m., Ms Shirleyann Varney, CEO of the Sexual Assault Support Service, was called, made the statutory declaration and was examined by the Committee in public.

At 2.31 p.m. the witness withdrew.

Suspension of sitting from 2.31 p.m. – 2.39 p.m.

Public Hearings

At 2.39 p.m., Ms Kathryn Fordyce, CEO and Dr Luce Mercer-Mapstone, Policy, Advocacy and Lived-Experience Lead, representing Laurel House, were called, made the statutory declaration and were examined by the Committee in public.

At 3.23 p.m. the witnesses withdrew.

Deliberative matters

The Committee deferred the deliberative matters to the next meeting of the Committee on Thursday, 6 August 2026.

(Ms *Haddad*)

Next meeting

Thursday, 6 August 2026

At 3.23 p.m., the Committee adjourned until 3 p.m. on Thursday, 6 August 2026.

Confirmed,

Thursday 6 August 2026

The Committee met at Parliament House, Hobart, in Committee Room 1, at 3.00 p.m.

Members present:

Ms *Haddad* (Chair)

Ms *Badger*

Ms *Butler*

Mr *George*

Ms *Johnston*

Public Hearings

At 3.02 p.m., Ms Lee-Anne Carter, Policy & Programs Manager and Mr Lucas Tolputt, Policy & Project Lead, representing the Tasmanian Aboriginal Legal Service were called, made the statutory declaration and were examined by the Committee in public.

At 3.53 p.m. the witnesses withdrew.

Suspension of sitting from 3.53 p.m. – 3.56 p.m.

Public Hearings

At 3.57 p.m., Ms Julie Fawkner, Associate Director – Family Law, Ms Margaret Chandler, Manager – Safe at Home and Mr Stuart Davey, Acting Director – Criminal Law, representing Tasmania Legal Aid, were called, made the statutory declaration and were examined by the Committee in public.

At 4.08 p.m. Mr George withdrew from the Table and returned at 4.12 p.m.

At 4.33 p.m. the witnesses withdrew.

Apologies

Mr Fairs and Mr Jaensch were apologies.

Minutes

Resolved, that the Minutes of the previous meeting on 12 June 2026 be confirmed.
(Ms Johnston)

Incoming Correspondence

Resolved, that the correspondence from the Interim Commissioner for Children and Young People, Ros Cornish, dated 17 July 2026, be received and noted.
(Ms Haddad)

Outgoing Correspondence

Noted, the following items of outgoing correspondence:

- 2 invitations to Judge Marcus Turnbull and the Tasmanian Family and Sexual Violence Alliance, dated 16 July 2026; and
- 9 invitations to appear before public hearings of the Inquiry, dated 3 – 7 July 2026.

(Ms Haddad)

Receipt of Submissions

Resolved, the following submissions be received and published in full, with personal contact details redacted as standard:

- Submission No. 9 – The Scarlet Alliance; and
- Submission No. 10 – Tasmanian Family and Sexual Violence Alliance;

(Ms Butler)

Future Public Hearing

The Committee discussed next steps for the Inquiry, including the currently scheduled public hearing on 21 August 2026. Potential witnesses or requests for further information in writing were considered.

Resolved, that equivalents of SASS in WA and QLD be invited to provide comment on the existing disclosure scheme legislation in their respective jurisdictions, as well as provide any general comment on the Bill if they so wish.
(Ms Badger)

Resolved, to invite the Commissioner of Police and other relevant representatives of Tasmania Police to appear before the Committee for a period of 1 hour on 21 August 2026. Letter of invitation to include reference to the implementation of the current proactive disclosure process, the proposed differences in implementation between the current process and the proposed schemes and provide reference to the evidence which has thus far been received by the Committee.
(Ms Johnston)

Other matters

Nil.

Next meeting

Friday, 21 August 2026

At 5 p.m., the Committee adjourned until 2 p.m. on Friday, 21 August 2026.

Confirmed,

Friday 21 August 2026

The Committee met at Parliament House, Hobart, in Committee Room 1, at 1.59 p.m.

Members present:

Ms Haddad (Chair)
Ms Badger
Mr Fairs (via Microsoft Teams)
Mr George
Ms Johnston

Public Hearings

At 2.03 p.m., Assistant Commissioner Robert Blackwood APM, Inspector Penny Reardon and Acting Inspector Lauren Richards, representing Tasmania Police were called, made the statutory declaration and were examined by the Committee in public.

At 2.58 p.m. the witnesses withdrew.

Apologies

Ms Butler and Ms Howlett were apologies.

Minutes

Resolved, that the Minutes of the previous meetings on 3 and 6 August 2026 be confirmed. (Ms Johnston)

Outgoing Correspondence

Noted, the following items of outgoing correspondence:

- Letter from the Chair to the Commissioner for Police, dated 10 August 2026;
- Letter from the Chair to the Centre for Women's Safety and Wellbeing (WA), dated 10 August 2026; and
- Letter from the Chair to Queensland Sexual Assault Network (QSAN), dated 10 August 2026.

(Ms Haddad)

Consideration of approach to Draft Report

The Committee discussed the next stages for the Inquiry, including the Draft Report.

Resolved, that the Committee write to Judge Turnbull and ask him specifically as to his evidence before the Commission of Inquiry and whether he feels that his concern has been acted upon (Ms Johnston).

At 3.17 p.m. Mr Fairs withdrew from the meeting.

Resolved, to write to the TLA, referring to the evidence from Tasmania Police and enquire as to if it believes the concerns of Judge Turnbull have been managed, as well as invite them to rediscuss the current proactive disclosure scheme, in light of the new evidence.

Resolved, that the Secretary email all Members inviting them to provide any specific clauses of the Bill they wish to be discussed in detail in the Draft Report, including any other areas of concern (Ms Haddad).

Other matters

Nil.

Next meeting

Friday, 18 September 2026

At 3.24 p.m., the Committee adjourned until 9 a.m. on Friday, 18 September 2026.

Confirmed,

Friday 18 September 2026

The Committee met at Parliament House, Hobart, in Committee Room 3, at 1.07 p.m.

Members present:

Ms Haddad (Chair)
Ms Badger
Ms Butler
Mr George (via Microsoft Teams) Ms Howlett
Ms Johnston

Apologies

Mr Fairs was an apology.

Minutes

Resolved, that the Minutes of the previous meeting on 21 August 2026 be confirmed. (Ms Badger)

Incoming correspondence

Resolved, that the following items of correspondence be noted, received and published:

- Question on Notice response from TALS, dated 26 August 2026;
- Question on Notice response from SASS, dated 2 September 2026; and
- Letter from TLA in response to Tasmania Police evidence, dated 8 September 2026.

(Ms Butler)

Outgoing Correspondence

Noted, the following items of outgoing correspondence:

- Letter from the Chair to the TLA, dated 26 August 2026; and
- Letter from the Chair to Judge Turnbull, dated 26 August 2026.

(Ms Haddad)

Consideration Draft Report

The Committee commenced considerations of the Draft Report.

Chapter 1

Paragraphs 1.1 – 1.8 agreed to.

Paragraphs 1.9 – 1.10 agreed to.

Chapter 2

Paragraphs 2.1 – 2.4 agreed to.

Paragraphs 2.5 – 2.9 agreed to as amended.

New Paragraphs 2.10 – 2.14 agreed to as amended.

New Paragraph 2.15 agreed to.

New Paragraphs 2.16 and 2.17 agreed to as amended.

Former Paragraph 2.18 removed.

New Paragraphs 2.18 and 2.19 agreed to as amended.

Chapter 3

Paragraph 3.1 agreed to.

Paragraph 3.2 agreed to as amended.

Paragraphs 3.3 and 3.4 agreed to.

Paragraphs 3.5 – 3.8 agreed to.

Former Paragraph 3.9 removed.

Draft Finding and Recommendation inserted and discussed.

New Paragraph 3.9 agreed to.

New Paragraphs 3.10 – 3.12 agreed to as amended.

New Paragraphs 3.13-3.14 agreed to.

New Paragraph 3.15 agreed to as amended.

New Paragraphs 3.16 – 3.23 agreed to as amended.

Draft Findings and Recommendation inserted and discussed.

At 2.31 p.m. Ms Howlett withdrew from the Table and returned at 2.33 p.m.

New Paragraphs 3.24 and 3.25 agreed to as amended.

Draft Finding and Recommendation inserted and discussed.

New Paragraphs 3.26 – 3.32 agreed to.

New Paragraph 3.33 agreed to as amended.

Draft Finding and Recommendations inserted and discussed.

Suspension of sitting from 3 p.m. – 3.19 p.m.

New Paragraphs 3.34 – 3.35 agreed to.

Draft Recommendation inserted and discussed.

New Paragraphs 3.36 – 3.39 agreed to.

Draft Finding and Recommendation inserted and discussed.

New Paragraph 3.40 agreed to.

New Paragraphs 3.41 – 3.48 agreed to.

Draft Findings and Recommendation inserted and discussed.

The Committee concluded considerations at Paragraph 3.49, discussing Clause 20 of the Bill.

Other matters

Nil.

Next meeting

Thursday, 24 September 2026

At 4.16 p.m., the Committee adjourned until 9 a.m. on Thursday, 24 September 2026.

Confirmed,

Thursday 24 September 2026

The Committee met at Parliament House, Hobart, in Committee Room 3, at 9.03 a.m.

Members present:

Ms Haddad (Chair)

Ms Badger (from 9.29 a.m.)

Ms Butler

Mr George

Ms Howlett

Ms Johnston

Apologies

Mr Fairs was an apology.

Minutes

Resolved, that the Minutes of the previous meeting on 18 September 2026 be confirmed.
(Mr George)

Incoming and Outgoing correspondence

Nil.

Consideration Draft Report

The Committee continued considerations of the Draft Report, recommencing from Clause 21 in Chapter 3.

Chapter 3

Paragraphs 3.50 – 3.56 agreed to.

Draft Findings and Recommendations inserted and discussed.

Paragraph 3.57 agreed to.

Paragraphs 3.58 and 3.59 agreed to.

At 9.29 a.m. Ms Badger took a seat at the Table.

Paragraph 3.60 agreed to.

Paragraphs 3.61 and 3.62 agreed to.

Draft Finding and Recommendation inserted and discussed.

Paragraphs 3.62 – 3.69 agreed to.

Draft Findings and Recommendations inserted and discussed.

Paragraphs 3.70 – 3.76 agreed to as amended.

At 10.04 a.m. Ms Johnston withdrew from the Table and returned at 10.06 a.m.

Paragraphs 3.77 – 3.81 agreed to.

Draft Finding and Recommendation inserted and discussed.

Paragraphs 3.82 – 3.84 agreed to.

Paragraphs 3.85 – 3.89 agreed to.

Paragraphs 3.90 – 3.93 agreed to as amended.

Paragraphs 3.94 – 3.103 agreed to.

Suspension of sitting from 10.49 a.m. – 11.50 a.m.

Draft Findings inserted and discussed.

At 12.09 p.m. Ms Badger withdrew from the Table and returned at 12.22 p.m.

Draft Finding inserted and discussed.

At 12.27 p.m. Ms Badger withdrew from the Table.

At 1.04 p.m. Ms Howlett withdrew from the Table.

Paragraphs 3.104 – 3.131 agreed to as amended.

Suspension of sitting from 1.05 p.m. – 2 p.m.

All Members other than Ms Howlett present.

Paragraphs 3.132 and 3.133 agreed to.

Paragraphs 3.134 – 3.138 agreed to as amended.

Draft Findings and Recommendations inserted and discussed.

Paragraph 3.139 agreed to.
Paragraphs 3.140 – 3.141 agreed to.

Draft Finding and Recommendation inserted and discussed.

Paragraph 3.142 agreed to.

Paragraphs 3.143 – 3.147 agreed to.

Draft Finding and Recommendation inserted and discussed.

Paragraphs 3.148 – 3.152 agreed to.

Paragraphs 3.153 and 3.154 agreed to.

Paragraph 3.155 agreed to.

Paragraphs 3.156 – 3.170 agreed to.

Draft Findings and Recommendations inserted and discussed.

Chapter 4

Paragraphs 4.1 – 4.7 agreed to.

Chapter 5

Paragraphs 5.1 - 5.3 agreed to.

Appendix A and B agreed to.

Other matters

Nil.

Next meeting

Friday, 25 September 2026

At 4.15 p.m., the Committee adjourned until 12.15 p.m. on Friday, 25 September 2026.

Confirmed,

Friday 25 September 2026

The Committee met at Parliament House, Hobart, in Committee Room 3, at 12.32 p.m.

Members present:

Ms Haddad (Chair)
Ms Badger (from 12.43 p.m.)
Ms Butler
Mr George
Ms Johnston

Apologies

Mr Fairs and *Ms Howlett* were apologies.

Incoming and Outgoing correspondence

Nil.

Consideration Draft Report

The Committee continued considerations of the Draft Report.

Drafted Finding and Recommendations considered and amended.

At 12.43 p.m. *Ms Badger* took a seat at the Table.

Overarching Findings 1 – 4 inserted and amended.

Overarching Recommendations 1 – 4 inserted and amended.

At 1.53 p.m. *Mr George* withdrew.

Consideration of the Overarching Findings and Recommendations continued.

Suspension of sitting from 2.04 p.m. – 2.14 p.m.

The Committee considered the Chair's draft foreword.

Other matters

Nil.

Next meeting

Wednesday, 30 September 2026

At 3.10 p.m., the Committee adjourned until 9 a.m. on Wednesday, 30 September 2026.

Confirmed,

Wednesday 30 September 2026

The Committee met at Parliament House, Hobart, in Committee Room 3, at 9.02 a.m.

Members present:

Ms Haddad (Chair)
Ms Badger
Ms Butler
Mr George
Ms Howlett
Ms Johnston

Ayes 5
Ms Badger
Ms Butler
Mr George
Ms Haddad
Ms Johnston

Noes 1
Ms Howlett

Apologies

Mr Fairs was an apology.

Minutes

Resolved, that the minutes of 24 and 25 September 2026 be adopted as an accurate record.

(Mr George)

Incoming and Outgoing correspondence

Nil.

Final approval of Draft Report

The Committee commenced its final endorsement of the Draft Report.

Findings

Findings 1 – 45 agreed to.

Recommendations

Recommendations 1 – 4 considered.

And the Question being put that Recommendations 1 – 4 stand part of the Report -

The Committee divided.

Ayes 5
Ms Badger
Ms Butler
Mr George
Ms Haddad
Ms Johnston

Noes 1
Ms Howlett

And so it was resolved in the Affirmative.

Recommendations 5 – 13 agreed to.

Recommendation 14 considered.

And the Question being put that Recommendation 14 stand part of the Report -

The Committee divided.

And so it was resolved in the Affirmative.

Recommendations 15 – 37 agreed to.

Chapters 1, 2 and 3 agreed to.

Appendix C and D agreed to.

Resolved, that the Minutes of today's meeting be included in the Report for tabling as unconfirmed.

(Ms Johnston)

Resolved, that the Report be the Report of the Committee.

(Ms Haddad)

Resolved, that Dissenting Reports are due to the Secretary by 5 p.m. on Friday, 2 October 2026.

(Ms Haddad)

Noted that Ms Howlett has approved the circulation of her Dissenting Report to other Members of the Committee by the Secretary once it has been finalised.

Tabling of Report

Resolved that, as per Sessional Order 326A, the Report be tabled with the Clerk of the House out of session on Monday, 5 October 2026 (Ms Haddad).

Resolved, that participants to the Inquiry be contacted after the Report has been tabled (Ms Johnston).

Resolved, that the draft Media Release be circulated after the Report has been tabled (Mr George).

Other matters

Nil.

At 9.20 a.m., the Committee adjourned *sine die*.

Unconfirmed,

APPENDIX D – TRANSCRIPTS OF EVIDENCE