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THE GOVERNMENT ADMINISTRATION COMMITTEE B MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON FRIDAY 21 AUGUST 2026.

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

The Committee met at 2.03 p.m.

Tasmania Police

CHAIR (Ms Haddad) - Welcome to today's hearing of the House of Assembly Standing Committee on Government Administration B Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025. Thank you very much for your attendance. I think you've met most of the Committee Members. I'm Ella Haddad, Chair. We're joined by Rob Fairs, online, Member for Bass; the Member for Lyons, Tabatha Badger; the Member for Clark, Kristie Johnston; Member for Franklin, Peter George; and we are assisted by our secretariat and Hansard team in the room as well. Could I just ask each of you to please state your name and the capacity in which you're attending today?

Mr BLACKWOOD - Robert Blackwood, Assistant Commissioner with Tasmania Police, and responsibility - part of my portfolio is family and sexual violence, which this policy and the staff come under.

Ms REARDON - Penny Reardon, I am the Inspector in charge of the Reportable Offender and Child Exploitation Unit in the Family and Sexual Violence Command.

Ms RICHARDS - Lauren Richards, I'm a Senior Sergeant within the Family and Sexual Violence Command and was also involved in the work on this piece of legislation.

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

WITNESSES - Yes.

CHAIR - I'll just remind you of the pertinent parts: this hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place outside of Parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside these parliamentary proceedings. This hearing is public and the public and media may be present. There's nobody from the media or public present right now, but they could be watching online or accessing the transcript later. Should any of the aspects of your evidence be something that you'd like to share with us in private, please just make that request to the committee and we can move into an *in camera* session. Could I ask each of you, please, to make the statutory declaration that's on the card in front of you.

Mr ROBERT BLACKWOOD APM, ASSISTANT COMMISSIONER, **Ms PENNY REARDON**, INSPECTOR, and **Ms LAUREN JEAN RICHARDS**, SENIOR SERGEANT, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you very much. The Committee also wishes to recognise that during these hearings we may discuss highly sensitive matters that have deeply impacted the lives of Tasmanians. This may be a trigger for individuals listening to or participating in these proceedings. The Committee encourages anybody impacted by the content matter during this hearing to contact services and supports, such as Statewide Sexual Assault Support line on 1800 697 877; 1800 RESPECT on 1800 737 732, Lifeline on 13 11 14 or text on 0477 131 114; 13YARN on 13 92 76; QLife on 1800 184 527; and Kids Helpline on 1800 551 800. Those resources are all available as well on the Committee's website on the parliamentary webpage. That's all of the formalities dealt with. Would you like to start with an opening statement?

Mr BLACKWOOD - I think we're good to get into questions, if you like.

CHAIR - Excellent. Okay, well, first of all, thank you for attending today. We wrote to the Commissioner just asking some general questions around the current disclosure regime and how things work. I think it would be instructive for the Committee to hear a little bit about how the current laws operate. Maybe if you'd like to just start with a bit of a snapshot view of how the current system works? Then we open up to the Committee and move on to more detailed questions.

Mr BLACKWOOD - I'll do it at a high level and then Penny can probably jump in with what happens in her workplace. If we start with, I suppose, the structure and how it works currently within the Act¹. Within the Act, the Commissioner has a lot of powers and specific roles. Some of those can be delegated, which they are to Penny's role as the Inspector of that unit. That allows, I suppose, the day-to-day running of the unit. In terms of governance and how that runs, there is myself as the Assistant Commissioner that sits over the top of the Family and Sexual Violence Command. There's a Commander who then runs that command itself, with a particular division focused on this area here of managing the register, the technical parts of managing a register, day-to-day administrative part of it, but then also what comes with compliance and disclosure and also sharing information.

CHAIR - Did you want to share any additional details at this stage? Go to questions?

Ms REARDON - So, whilst we have the capacity to share information at present, it has to meet strict criteria and that has to be authorised by the Commissioner. I'm not delegated to actually make those disclosures without her authorisation.

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

¹ *Community Protection (Offender Reporting) Act 2005*

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.

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?

Ms BADGER - Are you hearing any feedback about when people are applying under the proactive disclosure scheme and information is perhaps not being disclosed to them? Are you getting any feedback about, you know, disclosures not being able to be provided? Is that something that you get regularly?

Ms REARDON - We don't get proactive disclosure requests at this time, other than from other agencies.

Ms BADGER - Right.

Ms REARDON - And if the legislation permits us to share the information, then we do.

Mr BLACKWOOD - So an example where we would proactively provide the information might be where we become aware when there is a person on the register who has previous contact offending with a child and we find their circumstances have changed and they are living with some other children and maybe their parents aren't at that address. So, we then seek permission from the Commissioner and say 'We think the parent of these children need to know that their living circumstances are with this child.' So, I'd seek permission from the Commissioner, and then Penny's team would make that notification. They're the sort of circumstances where we would proactively do it, currently.

CHAIR - One of the things that's come up in some of the submissions discussing the potential expansion of the scheme is how that information is disclosed, what kind of safeguards and protections there are around people receiving that information. What happens currently under the current laws with disclosing that information in a way that might be supportive of families hearing what might be a bit of a shock piece of information for them?

Mr BLACKWOOD - Each one, I suppose I would say, is done on its own merits, but having trauma-informed guidelines around what we do, because every one will be different. Some will want to meet in their own home and have an in-person meeting. It will be done face-to-face, that's an important part to it. But whether we choose, you know, an independent location for it, within that person's home - we just make an assessment on what is the most appropriate at the time. But it's important that it is face-to-face, because also part of that disclosure is explaining to them the limitations on what they can do with that information as well.

Mr GEORGE - First of all, I respect what you do. As a reporter, I covered quite a number of issues involving family sexual violence, and I'm glad I'm not sitting where you are. This is a difficult question to ask, however: do you take into account, and if you do take into account, how, what sort of communities offenders come from? I'm thinking particularly about the Tasmanian Aboriginal community, which is a very close community, where information circulates in a different way that it might do from people of other backgrounds and so on. Can you tell me how you approach what must be pretty tricky decisions to make?

Mr BLACKWOOD - To clarify, do you mean in terms of if we were disclosing, someone in the Aboriginal community, that person B was on the register and they needed to know?

Mr GEORGE - Exactly that, yeah.

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.

Mr GEORGE - As paramount.

Mr BLACKWOOD - Absolutely.

Mr GEORGE - The West Australian Police have been operating a system not greatly dissimilar to this since 2012, I think, and say they have never come across examples of vigilantism or if they have, they've been so rare that they can be discounted. On the other hand what seems strange, unexpected to me is that some of the groups, some of the community groups that we've talked to who actually work in the area of family violence and sexual offences and so on, raise the issue that in fact there may not be overt vigilantism, but the people who may be suffering from it are not really in a position to report it to the police. They feel vulnerable anyway. So a lot of this may be hidden. Do you agree with that?

Mr BLACKWOOD - I couldn't really say to be honest.

Mr GEORGE - It's hard to tell, isn't it?

Mr BLACKWOOD - All I would say is as a police service we try and be as approachable to all members of the community and make reporting as easy as possible. There's lots of different 'ins' to Tasmania Police to report that information. It might start with an anonymous Crime Stoppers report around the concerns around that vigilantism if they don't feel they can come forward themselves. Of course, we would welcome those complaints if those offences were occurring.

Ms BADGER - In terms of looking at the scheme that's being proposed and opening it up, can you talk us through some of the resources and systems that may or indeed may not need to change within Tasmania Police? For example, in terms of changing opening up the scheme, potentially making more disclosures, how that would look if Tasmania Police would need to go under extra training or anything like that, that needs to come into play if this were to come into effect as is proposed?

Mr BLACKWOOD - At the moment we have the specialised unit in Penny's area that would have responsibility for this. There is potentially an impact on the workload for them as well. We'll need to build a specific register for how that actually works from an IT point of view. It's hard to judge in terms of what workload is going to look like, how many we're going to do. But certainly we're open to the issue that it might create workload that is beyond the capacity of this unit. There are five police officers there, extra police that we would put in - they are fixed term at the moment. Moving forward would need to look at, 'okay, what happens now when this legislation is in and it's moving forward? What does our staffing model look like?'

Ms BADGER - I did word my first question very poorly. We're trying to figure out where this has come from because it's been presented to Parliament as part of Commission of Inquiry recommendations. It's not a Commission of Inquiry recommendation.

We are wondering, and I don't know if you can answer this question, but whether Tasmania Police have had requests coming from other agencies or the general public about opening up what you currently can share, or if this has come from somewhere else?

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Mr BLACKWOOD - I can't give a specific answer to that. What I would say is we get a lot of requests from other Government agencies who, with a thirst for information, which is - and post Commission of Inquiry where we see that even more, which I see is a really positive thing. And so, where there is an Act that allows for greater information sharing and ease of access to that information which is what this legislation will do for quick decision-making, that's a good thing.

Mr GEORGE - Just to take that up. Broadly speaking, you would find this a useful tool in your tool bag to use if it's passed?

Ms REARDON - It would simplify the current processes, and it would be less time-consuming, once the systems were operating.

Ms JOHNSTON - There's a distinction between enhancing proactive disclosure, so interagency Government disclosure may be enhancing the criteria the Commissioner considers or the instances where the Commissioner might make a disclosure at the moment - increasing that - to moving to what we're moving in this Bill to a public application-based disclosure system where any member of the public can make an application. At the moment, do you feel that with what's in place at the moment, it's too restrictive in terms of dealing with inter-agency disclosure so a public application process would enhance Government communications, I suppose, across departments? What's the benefit of opening up to the broader public to disclose information to be the one making the application, I suppose?

Ms REARDON - The public system could enhance the safety of children because if a reportable offender is in a relationship and have not advised our team that they are now in that relationship and there are children present in that home, then the parent of that child can make an application to see if their partner is a reportable offender. That's information that they wouldn't know and we don't know about it.

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 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.

Ms JOHNSTON - Thinking about this for the Family Court situation where the order's being considered by the Family Court about residency and things like that, new arrangements and new partner, and it's been put to us that someone might have to make an application for disclosure about a new person in their life and how that might play out, could that not be dealt with better by the court providing the information to Tas Police and seeking disclosure through that, rather than the applicant themselves - the partner themselves applying?

Ms RICHARDS - How would you see that happening, providing that information?

Ms JOHNSTON - So, the Court might, for instance, contact Tas Police and say, 'Okay, we've got an application for consideration of residency of children, these are the parties involved and their associates or their partners or family arrangements, are any of those people on the register that we need to be aware of?' Then that disclosure made that way, rather than

the onus on a party to a Family Court proceeding having to make an application about potential people in their lives.

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.

Ms JOHNSTON - So, it's only for a change in relationship circumstances outside of a family court proceeding that someone would want to - 'I've got a new partner, just checking up to see if this person's okay'?

Ms RICHARDS - Yep.

CHAIR - Can I add to that question and go back to something that you said, Lauren, earlier about potential future investigations or further investigations if requests are being made? That is something that has come up in previous evidence that the Committee's heard. If there's multiple requests for information about a particular person who isn't on the register, that might be a red flag, for want of a better word, that multiple people are asking questions about a particular individual. Would those requests being made in and of themselves be enough for Tas Police to be able to initiate some other form of investigation into that individual, or how might that look in practical terms?

Ms RICHARDS - It would really depend on what information's provided. Like I said, once we had an application, just because a person's not on the register, that wouldn't prevent us from going and having that conversation to explore why the application was made.

CHAIR - Why the requests were made, okay.

Ms RICHARDS - In my mind, it wouldn't even necessarily need multiple applications to raise a red flag. That initial conversation could be enough for someone to say, 'I had these concerns because of X, Y and Z', and that might trigger further inquiry from Police.

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 many 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 between? For example, you talked about Family Court or other inter-agency information sharing with Child Safety or with the Education Department or with the Health Department, for example, if information needed to be shared at that level?

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.

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

Ms RICHARDS - It also allows access by more agencies. For example, Homes Tasmania is not currently a prescribed entity, but that may be useful information for them in terms of whether a reportable offender should be placed in an area where there are a lot of children living, so that expansion of the prescribed entities is really useful.

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.

Ms BADGER - On that, it's obviously a very new proposal, so I'm not sure how much information you could provide us, but around the public register of serial family violence offenders and what's needed to implement that and then how that might coexist, and resource sharing that may or may not occur with this system as well, I'm just thinking by the time the Committee wraps up what we're doing on this, we're going to see this probably land back at a very similar time as we're looking at that legislation as well.

Mr BLACKWOOD - I don't want to handball that one, but that would be a Justice-led database, not us.

Mr GEORGE - Can I just go back to something I think Lauren said, which was it's slightly out of our remit. I was just curious about it. If someone comes to like a domestic partner and asks for disclosure to find out whether their partner is on the offenders' list or not, that's enough to raise interest for, possibly to provoke an investigation. Are you saying that generally speaking, when these requests come to you, the partner or possibly even the employee has already had a certain amount of experience that is telling them that their hackles are raised and that there are warning flags?

Ms RICHARDS - As Penny mentioned, we don't currently have people proactively coming to us asking the question because we don't have this type of disclosure scheme in place. I was just posing the scenario that if people make application, that could be an in-road for us to ask the question about why that application has been made. And our action in relation to how we respond to those applications doesn't necessarily stop by providing the answer, 'no, that person's not on the register'. We would want to know why the application was made in the first place.

Ms REARDON - At present we get third-party referrals, sometimes via Crime Stoppers and all of those matters are investigated.

Mr GEORGE - Can I ask, as I understand this, the proposal in the legislation is that it would be possible to make a disclosure, particularly to an employer, of someone who may have been charged with an incident of this nature, an offence of this nature, but has not been convicted, which would tend to go against the general sort of remit of jurisprudence, I would have thought. Do you have a view to express on that?

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 - Yeah, that was my next question. 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.

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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?

Mr BLACKWOOD - Yes.

CHAIR - I feel like I should remember that pathway better than I do but -

Mr BLACKWOOD - If I've got a card that says that I work at Hobart Childcare Centre, and it's cancelled, they would contact Hobart Childcare Centre and say 'This employee's card has been cancelled.'

CHAIR - Yeah. Okay. Thank you.

Ms JOHNSTON - Can I ask a slightly different tack. So, when a person makes an application for disclosure and there's been a disclosure that yes, the person is on the offenders' register, they must keep that confidential under the Bill. There are some exceptions to that who they can tell in terms of - they can tell another parent and caregiver of the child that they've made the application about. They can tell, you know, a mental health service provider, all those kind of things.

But obviously when we're talking in the space of children, there are potentially other parents, caregivers involved, other children involved that might be in contact with the person on the register and that would be an offence to report. So, let's say that the person's a tutor and you're aware that that tutor does some other work for your next-door neighbour's children. You can't tell your next-door neighbour, 'I found out.' That sort of flies in the face of trying to keep children safe, that you then know information about a potential offender who has contact with someone else's child, but you can't tell that particular parent or child of that.

How do you see that sort of working in terms of when you're going to make that disclosure? It's a very difficult situation for another parent to be in - to be aware that another child is potentially at risk. Is that something that -

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 JOHNSTON - Okay, so you then you would do proactively.

Ms REARDON - Yes.

Ms JOHNSTON - As the person who's received the information, I could say to you, 'But this person's a tutor and tutors at this school' or, you know, 'Has this many parents that I know are involved' and you could then proactively, without them having to make an application.

CHAIR - Is that under the child and youth safe organisations legislation or through different legislative means?

Ms REARDON - No, it's one of the conditions of their reportable obligations. They must notify of contact with the child.

Ms JOHNSTON - Okay. I can't remember if it's been changed in this particular version because there's been a number of versions of this but in terms of telling the child themselves, so obviously there's provisions in here when the child is the applicant, they're living independently, but if the child's of an age that they can process and understand that information, what's the conditions around that?

Ms RICHARDS - As in, if they're the applicant?

Ms JOHNSTON - Sorry if a parent makes an application and finds out that the person their child's been having contact with, can they tell that child that information?

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.

Ms JOHNSTON - So, there'll be some support put around that.

Ms RICHARDS - The support would be offered in all of these disclosures.

Ms BADGER - Have you had or yet sought any advice from the Western Australian Police or Queensland who have already got similar schemes running? If so, what advice did they give you?

Mr BLACKWOOD - Yes, definitely. Particularly Western Australia. We've had staff go over to Western Australia and work with them to really understand their system and their process, and we'll continue to do that. We also sit on national groups that work in this area where there's regular information exchange about who's doing what, how they work in this area. So yes, we'll continue to do so.

Mr GEORGE - Only to take up what Tabatha has asked, really, which is 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 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.

CHAIR - Really? That's quite high.

Mr GEORGE - Sorry, 21 per cent is what?

CHAIR - Non-sex offenders - child sex offenders.

Ms REARDON - Are not child -

Mr GEORGE - Not child sex offenders?

Ms REARDON - No.

CHAIR - One of the questions I asked Western Australian Police, because they appeared before the Committee and gave us some insights into their scheme that's been operating quite some time, and it kind of goes to the question of the tier that's not being proposed here for Tassie: I still just wanted to ask you a general question about anticipated risks of vigilantism, if you have any. One of the questions I asked them was - because obviously it's a bigger state, huge population and a huge geographical area, but they also do have lots of small communities where people are very connected in a similar way to Tasmania. They said that they had seen some, but it didn't feel like a flood - it's not a direct quote, don't quote me on exactly how they expressed it, but they said that it hadn't been as much of a feature of that public disclosure component as they had potentially anticipated. Notwithstanding that I know that tier is not

suggested for Tasmania, generally with the current scheme or with the proposed expansions, what thought has been given to potential vigilantism?

Mr BLACKWOOD - When you look at it now as well, a lot of these offenders are actually named up in the media now when they appear before a court, and we don't see it now. So yes, this is another source of information, but it's the same information, really. In fact, it's probably less than what would have appeared in the media. Whilst we don't expect it to be drastic or huge, we're prepared that there may be instances of it, and we'll respond when there is.

CHAIR - Rob, I feel a bit bad that I haven't come to you on the screen. It's because you're a white blob instead of actually Rob. Did you have any questions?

Mr FAIRS - No, Peter asked, so that's all good. Thank you.

CHAIR - Okay, no worries.

Ms BADGER - Just update us, if you have any information at hand, of how many reportable offenders there are at present in Tasmania? And how many disclosures or information sharing happened in the last 12 months? If you have that off the top of your heads. Or you can take it on notice.

Mr BLACKWOOD - We have the numbers of offenders, wouldn't we?

Ms REARDON - We have 306 currently in the community and it's a total of 344 if we include those that are currently in custody, but as for disclosures, we don't record the number of disclosures to other agencies, so I couldn't tell you, and in the past 12 months, we actually haven't made any proactive disclosures.

Mr GEORGE - Do you find the information flowing backwards and forwards between the relevant agencies - it has evolved well? Has it run smoothly and efficiently backwards and forwards?

Mr BLACKWOOD - Since the Commission of Inquiry there's been a big change from, I suppose, protecting information, to now proactively wanting to share information so everyone is informed. Yes, really good improvements.

Mr GEORGE - Good to hear.

Mr FAIRS - Can I just ask one thing, sorry Kristie I just thought of it, just one quick thing. Do you have any frustrations with - going on from what Peter was asking about in regards to interagency and stuff like that. What are your current frustrations with it.²

Mr GEORGE - I'm not sure about you. I couldn't understand that.

Mr BLACKWOOD - I think it's current frustrations with current information sharing? I think? I'll go with that.

² Mr Fairs experienced some audio interference throughout the public hearing which have affected the quality of audio for transcription. Best endeavours have been undertaken to accurately transcribe his contributions.

CHAIR - I couldn't quite hear what you said, Rob, does that encapsulate your question?

Mr BLACKWOOD - Look, in an ideal world there'd be one database - wouldn't there - that sits across all of Government for multiple different things that - but I suppose what does work well is -

Mr GEORGE - That sounds like *1984*.

Mr BLACKWOOD - Yes, but I suppose we have our safe families coordination unit, which is a good example and that's family violence related, but that's where we have staff from DECYP, Health, Justice and ourselves are all in there sharing that information when it comes to family violence incidents. That, I suppose, is a good example of how information is flowing really well for the benefit of the community.

Ms JOHNSTON - It's a question in terms of making an application. It's designed to set up - if you've got genuine concerns about someone in your young person's life, that you can make that application. Do you have a threshold or a criteria for that? So that I can't come with a list of all the people in my child's life and go 'I want to find out whether these people are on the register whether there's concerns or not'. What's, sort of, the threshold around that and how are you going to sort of define that so that's it's meaningful to people to understand? Because, obviously when they make an application, there'll be a 'Yes, the person's on the register', 'No the person's not on the register,' but maybe you're not eligible to know because you haven't met that threshold. What's the criteria around that?

Ms RICHARDS - That would be defined by 44CA, the section that provides for the disclosure scheme. Obviously, we'd break that down so it's a bit more accessible in terms of information for people making the disclosure. One of the things that we found through the consultation process, and a really excellent recommendation by one of the support services, was in the community education phase, provide information sheets which provide accessible information for people such as parents and guardians and caregivers. So, that would be the intention to have information sheets accessible but also to have simple wording around what's required when they go to the portal once it exists.

Ms JOHNSTON - So, that's going to be communicated at the time when someone goes to make an application.

Ms RICHARDS - We certainly understand that community education is going to be a really big part of this and making sure that people can connect with and understand the legislation before using it.

Ms JOHNSTON - Because obviously having a 'no' response doesn't mean that person is safe. Having an 'ineligible to know' doesn't mean that person is safe -

Ms RICHARDS - Like I said, that won't finish the conversation.

CHAIR - I think right at the beginning, Penny, you mentioned which powers are delegated from the Commissioner and which aren't, and that information that is shared, correct me if I didn't quite hear right, needs to be signed off by the Commissioner before it's shared. Is

that intended to remain at that Commissioner level, the authorisation to share information under the expanded scheme, or will that be a delegatable power?

Ms RICHARDS - As you would have noticed in the Bill, it gives the authority for the Commissioner to delegate some of those powers that currently sit at her level, which will certainly speed up some of these processes. As it currently stands, the intention is that under 44C the Commissioner would delegate the authority for the Registrar, being Penny, to be able to make a decision on providing a proactive disclosure to be able to speed up those processes.

CHAIR - It's one of the issues that Western Australian Police raised with the Committee that they would prefer their delegations to be one level lower than where they currently are. I can't actually remember where their delegation sits, but they said there are some delays in their system because of that.

Ms RICHARDS - I think they currently sit at Commander level.

Ms BADGER - I just had a general comment that was really interesting for you to consider. In relation to supporting people that are making a disclosure or maybe looking at making an application for or might be considering it, feeling like they have a need to, and that is looking at the Western Australia and Queensland websites, where people would be the first point of call to go and have a look. There isn't really any information on the face of it for support services for different people. Whereas if you look at the South Australian family violence disclosure scheme that they've got, the first things that you find are all about where people can go to for more services and that kind of thing. I assume, based on everything that you've already said, that's definitely going to be paramount of something that you would look at if this passes.

Mr BLACKWOOD - Yes, sure. I will take it on board

Mr GEORGE - Maybe I have completely failed to understand this. Maybe I'm talking about my kids or people that I'm concerned about. Do I need to have a reasonable suspicion that somebody who's engaging with my children might be a sexual offender before I come to ask for disclosure? Does someone have to have a reasonable expectation or a good reason for asking?

Ms RICHARDS - It's not necessarily that you need to have a suspicion, but certainly to be provided with the answer, the Commissioner or her delegate needs to, as per the section, believe on reasonable grounds that there's cause that information to be provided.

Mr GEORGE - For instance, I've got a kid at the local school, and I don't really like the attitude or the behaviour, or I might find a teacher somewhat creepy, but that's only a gut instinct. My child hasn't reported that they've been sort of sexually abused or abused in any way. But nevertheless, if I have a sense that I don't really like the look of this person, I'd rather they're not around my kids, would that be sufficient reason to come to you and to say, 'Will you disclose if this person has an offence against their name?'

Ms RICHARDS - Provided it sits within, if you don't mind me quoting the section, 44CA(2)(a), the application needs to include evidence to the satisfaction of the Commissioner that the specified person has or has had regular unsupervised contact with a child in relation to

whom the application is made. So, that section doesn't specify that you must identify exactly what behaviour has been -

Mr GEORGE - You don't have to have a prima facie case.

Ms RICHARDS - Right, it's just about the contact.

Ms JOHNSTON - To that end, if there were a number of people in your child's life that met the contact criteria, no matter what their behaviour was, you could provide a list and go, 'These are all the people who have regular contact with my children, are any of them on that list?' without requiring any sort of suspicion?

Ms RICHARDS - The Commissioner would still need to be satisfied that there's good reason to be able to provide that advice, and then it's necessary in the interests of the child or children.

Ms JOHNSTON - Just in that instance, if I provided a list without any suspicion and said 'Here is my list', but these have enough contact to make the contact criteria, it wouldn't necessarily meet the requirement under this particular section of the Act, but if there was someone on that list that had regular contact and even though I hadn't raised suspicion, you could use your proactive powers at the moment to disclose.

Ms RICHARDS - Yes.

Ms JOHNSTON - You get the disclosure either way, either through the application process or a proactive disclosure. Okay.

Mr BLACKWOOD - It all goes back to sort of what Penny said there as well. If that is occurring, more than likely they're in breach of their requirements. But we didn't know about it. That's the way we'll come at these things is - we'll come and probably arrest you for breaching your order.

Mr GEORGE - Theoretically, of course, this shouldn't be necessary on the grounds that you should have a ticket for working with vulnerable people and so on, but on the other hand, I'm not suggesting it's going to release a floodgate of complaints to you, but it is quite possible that your workload in terms of having to respond to these requests will ramp up, I imagine.

Ms RICHARDS - It's difficult to know what the uptake will be. I know in Western Australia it was quite slow and their numbers are still quite low, but at the same time they have the additional third tier that people may just use in preference to using the application scheme.

CHAIR - To Kristie's example of someone with a list of everybody who has contact with their child or young person. 44CA(2)(a) talks about the Commissioner:

The evidence has to satisfy the Commissioner that the specified person has or has had regular unsupervised contact with the child in respect of whom the application has been made and is a parent or guardian of the child.

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But where does it point to it needing to be to the Commissioner's satisfaction that that's information that should be disclosed or is reasonable to disclose?

Ms RICHARDS - That's under 44CA(5). In that section it identifies that the Commissioner must be satisfied on reasonable grounds that such a disclosure is in the best interest of the applicant and is necessary and appropriate.

CHAIR - Thank you. That makes sense. Is there anything you hoped might be shared through our questioning that we haven't covered or is any extra information that feels relevant to you that you'd like to share with us?

Mr BLACKWOOD - No, I think points Lauren was making around when someone does make that request, all the other things that triggers if they're not on the register is a really important part of this, and it's just another avenue of people coming in reporting suspicious behaviour or concerns about the child and those sort of things. It's actually a really positive thing.

Ms RICHARDS - We certainly see the disclosure scheme is just part of a really broad approach to the way we protect children. As you said, Mr George, it's just another tool in the toolkit.

CHAIR - Thank you very much. I'll just read the formal concluding statement before we finish up, which is to thank you, first of all, for your appearance and for the work that you do, and to remind you that what you've said to us here today is protected by parliamentary privilege. Once you leave the table, please be aware that the privilege does not attach to communications or comments you may make to anyone, including the media - even if it's just repeating what you've said to us today. Does that make sense?

WITNESSES - Yes.

The witnesses withdrew.

The Committee adjourned at 2.55 p.m.