



Tasmanian Aboriginal Legal Service (“TALS”) Response:

Questions on Notice - Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025

26 August 2026

The Tasmanian Aboriginal Legal Service (‘TALS’) once again thanks the House of Assembly Government Administration Committee B (‘the Committee’) for their invitation to appear before the Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025 (‘the Bill’) on 6 August 2026.

Following the appearance on 6 August 2026, the Committee have sought additional information from TALS in relation to their original submission. Specifically, the information sought by the Committee is as follows:

- 1) *The TALS submission points to potential negative and unintended consequences which may arise if the Bill is passed. Could you please detail these unintended consequences, including what they are and their potential consequences upon the Tasmanian community.*

This response will seek to address the question put forward by the Committee. It is to be noted that any reference to Aboriginal peoples in this response is to be understood as encompassing Torres Strait Islander peoples.

TALS RESPONSE

In the original submission dated 5 June 2026, TALS stated that they 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.” This response will detail the potential ‘unintended consequences’ for the Committee.

Insertion of Section 2A

The Bill inserts section 2A that provides powers for police to collect information from adults charged with reportable offences regarding:

- any child related employment they are engaged in; and
- any children with whom they have reportable contact.

It also provides for the disclosure of this information to employers and prospective employers, parents, guardians and carers, and to a child in specific circumstances, for the purpose of protecting children.

Regardless of the alleged offence, an *accused* person has the right to the presumption of innocence, and fair legal process.¹ The unintended consequences of collecting and sharing personal information regarding an *accused* adult can be widespread, including:

- undermining their right to fairness in legal proceedings;
- the potential for irreversible impacts to their personal, family and professional life; and
- a heightened risk of ostracism, adverse community attention or vigilantism.²

It is also of utmost importance to consider the potential impacts on victim-survivors, who can be harmed by the information being collected and shared as it may lead to them being identified. This potentially exposes victim-survivors to the same risks outlined above³, exacerbates trauma and evokes feelings of shame.

The decision to register any person as a reportable offender must be subject robust assessment and rigorous disclosure protections. This ensures proportionality, avoids excessive restrictions on lower-risk persons⁴ and mitigates the risks outlined above. 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 practices⁵ in accessing, verifying and disclosing the personal information collected from Aboriginal peoples. This will also ensure that the diverse relationships found

¹ Attorney-General’s Department, *Presumption of innocence; Public sector guidance sheet*, Australian Government (accessed 18 May 2026).

² Law Council of Australia, *Cautious approach for sex offender register required, says Law Council* (9 January 2019).

³ Queensland Council for Civil Liberties, *QCCL opposes Public Sex Offender Register* (17 March 2025).

⁴ Bartels, L, Gelb, K, Spiranovic, C, Warner, K, Roberts, L, and Davis, J, *What does the public think about sex offender registers? Findings from a national Australian study*, *Psychiatry, Psychology and Law* (11 September 2020).

⁵ Department of Education, Children and Young People, *Outcomes Framework: Child Safety, Care and Youth Justice*, Tasmanian Government (April 2026).

in Aboriginal communities that exist outside of legislated definitions⁶ are reflected in the framework and different community attitudes towards privacy are considered.

Expanded Police Powers and Increases to Surveillance

Broadening police powers does carry some risk if its purpose is not underpinned by well-developed guidelines with strong safeguards. Committing to strong safeguards ensures that increased police powers are not used unfairly⁷ and drives accountability. This will help mitigate concerns of police overreach and inconsistent or overzealous use of power.⁸

At times police have acted in ways that cause and perpetuate harm, particularly against Aboriginal peoples.⁹ As stated by TALS at their appearance before the Committee on 6 August 2026, the *National Justice Project* informs that policing continues to disproportionately impact Aboriginal peoples due to systemic racism and bias in applying and enforcing legislation.¹⁰ This drives concerns that without proper training and instilling strong standards, increases to police power will continue to have disproportionate impacts on Aboriginal peoples, further souring their relationship with authoritative systems¹¹ and exacerbating their existing overrepresentation in the justice system.¹²

TALS understands that the intention of strictly policing reportable offenders is to strengthen community safety and deter further offending.¹³ However, criminal justice research increasingly demonstrates that increased policing alone has limited deterrent effect.¹⁴

Strong evidence tells us that developing and investing in intervention programs better supports offenders to address long-term socio-economic issues, has a greater impact on behavioural change and subsequently, results in reduced criminogenic behaviour.¹⁵ More relevant to the scope of the Bill, research supports the notion that convicted sex offenders have improved post-prison outcomes if engaged in reintegration and rehabilitation programs.¹⁶ There are also findings that, in addition to monitoring sex offenders, victim-survivors have advocated for therapeutic supports¹⁷ as way to assist safe community reintegration and lower the risk of reoffence.¹⁸

With regards to Aboriginal peoples, data informs us that they are over 5 times more likely to be convicted of a sexual offence than non-indigenous members of the community.¹⁹ This disproportionate representation is

⁶ Office of the Victorian Information Commissioner, *Understanding Culturally Diverse Privacy – Aboriginal and Torres Strait Islander Peoples' Perspectives* (accessed 19 May 2026).

⁷ Human Rights Law Centre, *Increased police powers must have strong safeguards against abuse* (accessed 20 May 2026).

⁸ Boseley, M, 'Overreach and overzealous': concerns over Victoria's proposed new police powers, *The Guardian* (21 September 2020).

⁹ Creative Spirits, *Law & Justice – Aboriginal-police relations* (15 September 2023).

¹⁰ The National Justice Project, *NJP position statement: Discriminatory Policing* (2022).

¹¹ Creative Spirits, *Law & Justice – Aboriginal-police relations* (15 September 2023).

¹² Australian Bureau of Statistics, *Prisoners in Australia* (11 December 2025).

¹³ Australian Institute of Criminology, *Understanding deterrence*, Australian Government (10 August 2020).

¹⁴ Knight, B, *Deterrence is sentencing's dirty secret, says NSW law expert*, UNSW Sydney (16 July 2020).

¹⁵ *Ibid.*

¹⁶ McKillop, N, Hine, L, Rayment-McHugh, S, Prenzler, T, Christensen, L and Belton, E, *Effectiveness of sexual offender treatment and reintegration programs: Does program composition and sequencing matter?*, Australian National University (June 2022).

¹⁷ Richards, K, Death, J and McCartan, K, *Community-based approaches to sexual offender reintegration*, ANROWS (March 2020).

¹⁸ Richards, K, *Victim-survivors' views on sex offender reintegration: first-of-its-kind Australian study*, QUT (21 October 2025).

¹⁹ Sullivan, T, McAlister, M and Bricknell, S, *Sexual offending in Australia 2022–23*, Australian Institute of Criminology (accessed 20 May 2025).

attributed to the ongoing trauma associated with colonisation, dispossession and the stolen generation, as well as entrenched substance abuse, social and economic disadvantage, the normalisation of violence, and social breakdown.²⁰ Addressing these issues, and subsequently reducing serious offending, for Aboriginal peoples requires the building of strong, culturally appropriate support programs and facilitating positive connections with family, culture and community.²¹ To successfully build and facilitate these programs, it is imperative that they are co-designed and led by ACCOs and Aboriginal community members.

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.

Final Thoughts

As was a common theme during the evidence given by TALS on 6 August 2026, most concerns with the Bill can be alleviated with proper consultation and robust safeguards that strike a balance between community protection and maintaining fair, just processes for all Tasmanian people.

There are further challenges with respect to the relationship between Aboriginal peoples and authoritative bodies. These issues can only be address with proper, meaningful consultation and co-design with ACCOs and Aboriginal community members regarding the development and implementation of any Bill or reform that impacts them. This ensures understanding, embeds cultural knowledge, provides cultural safety and drives self-determination.

For further information regarding the governance of Aboriginal data, and engaging Aboriginal peoples the development and implementation of policies and programs that affect them, TALS refer the Committee to the following documents:

- Guide to Aboriginal Engagement in Tasmania (Tasmanian Government).
- Framework for Governance of Indigenous Data (Commonwealth of Australia).
- Maiam nayri Wingara ('MnW') Principles.

²⁰ Allard, T, *Understanding and preventing Indigenous offending*, Indigenous Justice Clearinghouse (December 2010)

²¹ ANROWS, *Community-based approaches to sexual offender reintegration: Key findings and future directions* (July 2020).

²² Featherstone, D, Parkinson, S, Hawkins, L, Barton, A, Louie, Y, Ormond-Parker, L, Loban, H, Johnson, Y, Thomas, J and Hegarty, K, *Counting on connectivity: measuring digital inclusion for First Nations Australians in 2025*, ARC Centre for Excellence in Automated Decision-Making and Society (12 November 2025).

²³ Australian Institute of Health and Welfare, *Literacy and numeracy*, Australian Government (19 February 2026).

²⁴ SBS News, *Some Aboriginal people are facing sentences for charges they don't understand. Here's why* (11 August 2023).

- The National Agreement on Closing the Gap – Priority Reform 4.

If there are any questions regarding the contents of this document, please reach out to me directly.

Warmest regards,



Lucas Tolputt (He/Him)

Policy and Project Lead

P: 1800 595 162 | M: [REDACTED] | E: [REDACTED]

Level 1, Office 1A, 67-69 Brisbane Street, Launceston