

September 8, 2026

Ella Haddad MP
Committee Chair

Via email only communityprotection@parliament.tas.gov.au

**Inquiry into the Community Protection (Offender Reporting) Amendment
Bill 2025 (No. 61 of 2025) – further information**

Dear Ms Haddad,

Thank you for your letter inviting Tasmania Legal Aid (TLA) to provide further comment following the evidence given by Tasmania Police to the Committee on 21 August 2026.

TLA notes the evidence given by Tasmania Police that information-sharing arrangements between Police and relevant government agencies have changed significantly since the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, and that Tasmania Police considers the current proactive disclosure system to be operating effectively.

However, the experience of TLA's family law practitioners indicates that practical gaps remain, particularly where information relevant to the safety of a child concerns a new partner or other household member who is not a party to proceedings in the Federal Circuit and Family Court of Australia (FCFCOA).

As outlined in TLA's written submission, the issue is not simply whether information can be shared once a request is made. There is also a need to ensure that relevant information can be identified and provided to the Court at an early stage, without relying on a party, legal representative or the Court first becoming aware that the information exists.

Information about non-party partners

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.

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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 process. This approach depends on the partner attending Court and agreeing to the disclosure.

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.

Consent also does not resolve all the difficulties in accessing relevant information. A practitioner advised that, even after a non-party partner has consented, it has been very difficult to obtain information not held by Tasmania Police. This has included comments on passing sentence, pre-sentence reports, psychological evaluations undertaken in prison, the document placing the person on the Reportable Offenders Register, and the person's parole conditions.

The practitioners' experiences therefore identify two related difficulties: ensuring the Court becomes aware that a non-party partner is a reportable offender and obtaining the information necessary for the Court to assess the risk.

A more direct information-sharing process

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.

TLA thanks the Committee for the opportunity to provide this further information and would be pleased to assist with any further questions arising from the Committee's consideration of the Bill.

Yours sincerely

Kristen Wylie
Director
Tasmania Legal Aid