

**FACT SHEET*****Community Protection (Offender Reporting) Amendment Bill 2025***

The Community Protection (Offender Reporting) Amendment Bill 2025 (the Bill) amends the *Community Protection (Offender Reporting) Act 2005* (the Act).

The Act, when initially introduced, was an offender-centric piece of legislation requiring offenders convicted of sexual and other serious offences to be registered as reportable offenders and keep police informed of their personal details and whereabouts for certain periods of time. The Act has strict confidentiality provisions that restrict the sharing of information with child protection agencies, as well as the access police have to information on the Register.

The current limitations on information sharing prompted Judge Turnbull of the Federal Circuit and Family Court of Australia to make a referral in January 2023 to the Commission of Inquiry into the Tasmanian Government's response to Child Sexual Abuse in Institutional Settings. Judge Turnbull submitted that the legislation should be reviewed to ensure it is properly protecting children by allowing for information on reportable offenders to be readily accessible by Child Safety Services to determine whether children coming to notice were at risk of sexual abuse.

In 2023 the Tasmanian Government committed to reforming the Act to ensure that information is collected and recorded on the Register for use to safeguard children and uphold their right to be protected from the harms of sexual offending by known reportable offenders.

**Key Elements of the Bill**

The Bill broadens the purpose of the Act to explicitly include the object of the protection of children, adults and the community from future offending by certain offenders who commit sexual or other serious offences.

The Bill strengthens the wording of section 6 relevant to the court's decision to register a reportable offender who is an adult. It introduces section 6A relevant to the court's decision to register a child offender, acknowledging the difference in culpability and rehabilitation prospects between adults and youths and providing wider discretion in relation to decision making by the court. The Bill expands the material that can be taken into account in deciding whether to register an offender to include prior convictions and previous orders. The duration of reporting orders has been amended to introduce lower limits, and increase the pre-existing upper limits, providing more consistency in reporting periods, corresponding to the severity of the offending.

Where the Commissioner is satisfied that a reportable offender poses a risk to the safety or wellbeing of any child or children and applies to the court to have the reportable offender placed on a community protection order under section 10A, the Bill establishes that the court can order electronic monitoring as a condition of the order and restrict internet access and require the surrender of any passport.

The Bill inserts Part 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 disclosure of the information collected under this part to employers and prospective employers, parents, guardians and carers, and to a child in specific circumstances, for the purpose of protecting children. Police will be required to report information to the Registrar under the *Registration to Work with Vulnerable People Act 2013*. This part also expressly excludes reportable offenders from engaging in work in child-related services.

The Bill introduces further requirements about personal information collected from reportable offenders with amendments to sections 17,18 and 19 that include:

- Relationship status,
- The name and address of any person the reportable offender has a personal relationship with or is staying with for more than one night, and the names and ages of any children of that person,
- Amendments to address transient residential arrangements and keep abreast of technological advancements,
- Inclusion of banking and passport information, citizenship status, and information about a person's gender,
- Any working with vulnerable people card,
- Exact details of travel including contact details, reason for travel, method of travel including booking details, the names and ages of travel companions and details of locations and contact with children consequential to travel, and
- Whether the reportable offender is subject to any electronic monitoring under any other Act. The Bill makes any such data available to the Commissioner for the purposes of the Act.

The Bill mandates the flow and sharing of information for the purposes of protecting children and the community, and for monitoring offenders and preventing sexual abuse. Under the amendments in the Bill:

- All police officers will have access to information on the Register in real time so they are alerted and informed when they interact with a reportable offender,
- There are clear requirements for the Registrar to provide information to the courts on application for matters that impact the safety and protection of children,
- The *Community Protection (Offender Reporting) Regulations 2016* are expanded in scope to include prescribed entities operating under reportable offender legislation, and child protection, ensuring a nationally consistent approach to information sharing, and
- The Commissioner can publicly report de-identified data related to offender monitoring and compliance, registration of reportable offenders, charges for offences under the Act, and disclosures of information.

The Bill requires the Commissioner to establish a set of guidelines about access to, and the verification and disclosure of, personal details on the Register that ensure that access to the personal information on the Register is restricted to the greatest extent possible without interfering with the purpose of the protection of children, adults and the community.

The Bill establishes a Disclosure Scheme that allows the public display of a reportable offender's details when their whereabouts are unknown. It also enables parents, carers or guardians, and persons under 18 years of age in specific situations, to inquire about an individual with regular unsupervised access to their child or themselves, to check if they are listed on the Register. To prevent the misuse of information, sections 34A and 34B are inserted, ensuring that any information disclosed from the Register cannot be misused, thereby reducing the risk of vigilantism. A review provision has been included so the disclosure scheme and any charges that arise from misuse of information obtained through disclosures can be assessed at 12 months and five years post commencement of the amendments.

The Bill amends, clarifies and combines the powers of police through section 21. This section grants police the power to take photographs and conduct non-intimate forensic procedures, and will be amended to authorise the use of reasonable force to carry out such procedures and to prevent the loss, destruction, or contamination of evidence. Additionally, the Bill will introduce an offence for a person to refuse to comply with a request under this section. Powers of search and entry have been combined and clarified around monitoring and compliance of the orders that reportable offenders subject to. A new provision has been added to allow police to frisk search a reportable offender in some instances and police are empowered by the Bill to seize any items they reasonably believe may constitute evidence that the offender is committing an offence. The Bill also allows police to seize and retain devices for forensic examination in some instances.

The Bill mandates that reportable offenders must refrain from committing any additional reportable offences as part of their reporting obligations. It also strengthens penalties for non-compliance with the Act. Furthermore, the Bill amends Section 11A of the *Sentencing Act 1997* to make the commission of a sexual offence by a reportable offender while subject to an order an aggravating factor at sentencing.

Confidentiality requirements have been consolidated in section 45 and new exceptions under this section allow for parents, guardians and carers who are disclosed information under the Act to provide that information to other parents, guardians and carers of the same child for the purpose of protection of the child. Mental health providers acting in a professional capacity are also exempt from confidentiality requirements, allowing victim-survivors to speak openly when seeking support.

The Bill repeals and replaces the current Schedules of Offences, making several key changes. It reclassifies some offences for consistency with community expectation, separates child exploitation material offences committed by children from those by adults, and moves some serious adult-related offences to a higher severity Schedule. The Bill also updates the Schedules to reflect additional sexual offences and corrects drafting errors.

The legislative reforms enhance alignment with legislation in other Australian jurisdictions to ensure a path to a nationally consistent approach to the monitoring of offenders within and across state and territory borders.

The Bill will commence on a day or days to be proclaimed.