

**Laurel House submission
regarding the
Community Protection
Offender Reporting
Amendment Bill 2025**

September 2025



Laurel House
SEXUAL ASSAULT SUPPORT
COUNSELLING • EDUCATION • ADVOCACY • CHANGE



Acknowledgement of Country

Laurel House acknowledges and pay respect to the Palawa, who are the Traditional Custodians of the land and waters of Lutruwita. We pay respects to Elders past and present. We particularly acknowledge the resistance and resilience of those Aboriginal people who have experienced sexual violence.

Acknowledgement to Victim-Survivors

Laurel House also honour and acknowledge the victim-survivors of child sexual abuse and other forms of sexual violence. We recognise the immense strength it takes to confront and heal from these traumatic experiences. We commit to amplifying your voices, advocating for change, and standing side by side on the path to healing and recovery.

Disclaimer:

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This document was written by Dr. Lucy Mercer-Mapstone (Policy, Advocacy, and Lived Experience Lead) and Elise Whitmore (Policy Officer) with input from other Laurel House staff.

About Laurel House



Laurel House is a not-for-profit, community-based sexual assault support service based in North and North-West Tasmania. Laurel House provides a range of trauma-informed, evidence based, therapeutic services to victim-survivors of sexual assault and child sexual abuse, their families and supporters. We also develop and deliver a broad range of programs to adults, young people and children including the provision of therapeutic face-to-face counselling at our centres located at Launceston, Devonport and Burnie and through outreach locations across the North and North-West Tasmania, and 24/7 telephone support and assistance with accessing police and forensic medical processes.

Laurel House partners with the Tasmanian Government in the delivery of the Arch Centres (multidisciplinary centres for victim-survivors of sexual harm). We also deliver the PAST (Prevention, Assessment, Support and Treatment) Program for children and young people (aged 17 years and under) who have displayed harmful sexual behaviours in North and North-West Tasmania.

Our team provides community education and other capacity building programs focused on the prevention of sexual harm and on supporting parents, carers and service providers to better respond to disclosures of sexual violence.

Laurel House plays a key role in policy and advocacy work to improve the lives and safety of victim-survivors and the Tasmanian community. This includes our Lived Experience Engagement Program which provides victim-survivors from diverse backgrounds with opportunities to advocate and drive change.

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Executive Summary

Laurel House welcomes the opportunity to provide feedback on the *Community Protection Offender Reporting Amendment Bill 2025* (the Bill). While we acknowledge the intent of the Bill is to enhance community safety and protect children from harm, we hold serious concerns regarding several aspects of the proposed amendments. Our submission highlights areas where the Bill is misaligned with evidence-based best practice, risks undermining key recommendations from the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (CoI), and could result in unintended harms to children, families, and already-marginalised communities.

Public Disclosure Scheme (Clause 44)

The Bill introduces a mechanism for parents, guardians, and carers to request information about reportable offenders. However, research shows such schemes do not significantly reduce reoffending or improve safety and may instead create a false sense of security. The scheme may also be misused in family violence contexts and places responsibility on individuals to act without adequate support or psychoeducation. Definitions also remain unclear—for example, whether a parent under 18 can apply.

Recommendations:

- *Remove Clause 44 – Application by parent, guardian or carer for disclosure and ancillary sections.*
- *Should the public disclosure scheme remain, specify that a young parent under the age of 18 is entitled to apply despite them being a legally a child themselves to ensure they have the same protective rights as adult parents.*
- *Should the public disclosure scheme remain, a provision should be added to allow legally emancipated young people to access the scheme on their own behalf for the purposes of their own safety.*
- *Should the public disclosure scheme remain, a provision should be added to prevent being used as a part of systems abuse, for example, the text below.*

Nothing in this Act gives rise to an obligation to make an application under this Part, and a failure or omission to do so cannot be used as evidence against a parent, guardian or carer in any legal proceedings in relation to the safety and wellbeing of a child including but not limited to the Children, Young Persons and their Families Act 1997.

Children on the Register

The Bill allows for the registration of children as young as 10, even permitting delayed applications by police or prosecutors after sentencing. This risks criminalising children whose behaviour may stem from trauma or developmental factors and conflicts with the Col's call to reduce youth contact with the criminal justice system. This section of the Act is also directly counter to evidence on best practice approaches to working with children displaying harmful sexual behaviours which require therapeutic and trauma-informed responses. The current legal test does not establish a presumption against registration, placing the onus on children rather than the state.

Recommendations:

- *Make changes to Clause 8 s.6A which:*
 - *Reverse the presumption of subsection (1) and (2). Rather than requiring the Court to justify consider making an order without any legislative guidance for or against, but to omit making an order as a starting point. The onus should be on the Court to justify why such an order should be made in the case of a child and to demonstrate that a child is being registered as a matter of last resort and where no other measures would suffice.*
 - *Narrow the conditions under which the court can make an order in subsection (4).*
 - *Further specify the purposes for which a delayed application can be made in subsection (5).*
 - *Narrow the scope of risk in subsection (7).*

Confidentiality and Information Sharing (Section 45)

Current confidentiality provisions are overly restrictive and may criminalise protective actions taken by parents or carers. The Bill does not allow information to be shared with the child in question, or with therapeutic services such as sexual and family violence support. These limits may also conflict with existing obligations under other child protection laws.

Recommendations:

- *Wording of Section 44(4) be amended as followed: "...may disclose that information to another other parent(s), guardian(s) or carer(s) of the child for the purpose of the protection of the child."*
- *Add specialist sexual and family violence support services to the list of entities in 45(3), for example a new subsection:*

45(3)(k): a counsellor, social worker, psychologist, psychiatrist, or other recognised mental health professional, for the purpose of obtaining therapeutic support or treatment, in the course of a bona fide professional relationship.

- *Define 'recklessly' and 'reckless' under 45(1) and 25(2)(d) respectively.*
- *Clarify that in the event a person discloses information obtained through the public disclosure scheme to a third party, it is a defence against being in breach of this Act if they were complying, or reasonably thought they were complying, with obligations set out in other legislation that relates to child safety.*
- *Penalties for breaching such confidentiality be reduced.*
- **While balancing an offender's right to privacy with child protection, amendments be made such that a person having accessed information through the register should be able to:*
 - *Share that information not only with another parent, guardian or carer but with the child in question themselves if deemed appropriate by the parent, guardian or carer(s).*
 - *Share with other persons or entities if they have reasonable and justifiable grounds to believe that doing so would prevent other children from being harmed by the reportable offender in cases where they know that person has access to children and those children may therefore be at risk of harm.**

Impacts on Sex Workers (Clause 55)

Including section 11(1) of the *Sex Industry Offences Act 2005* in Schedule 1 would allow sex workers, particularly single mothers and marginalised women, to be added to the offender register for non-exploitative conduct (e.g. having a child elsewhere in the house during a booking). This introduces disproportionate consequences and risks further entrenching disadvantage.

Recommendations:

- *Remove section 11(1) of the Sex Industry Offences Act 2005 from Schedule 1 of the Community Protections (Offender Register) Bill.*

Relation to the Commission of Inquiry

While the Bill has been publicly linked to the CoI, none of its 191 recommendations are directly implemented here. In fact, aspects of the Bill, particularly around child registration and public disclosure, risk undermining the intent of the CoI to prevent future harm and reduce justice system exposure for children.

Recommendations:

- *Invest sufficient resources in implementing the Col recommendations, particularly primary prevention, rather than in legislation that negates the Col recommendations by increasing the likelihood of children's interaction with the criminal justice system.*
- *Avoid any public discourse that links the Amendment Bill as relating to the implementation of the Col as the two are unrelated.*

Input, concerns, and recommendations

Clause 44 (44CA. Application by parent, guardian or carer for disclosure)

- There is limited evidence to support the effectiveness of community disclosure schemes in improving community safety despite public popularity of such initiatives, for example:
 - Australian Institute of Criminology (2018) found that public registries may offer a modest general deterrent effect for first-time offenders but do not reduce recidivism. Plus, despite widespread public support, they appear to have little impact on reducing community fear. However, non-public registries may help lower reoffending by assisting law enforcement.¹
 - An aggregated review of 18 studies involving nearly 475,000 individuals found that Sex Offender Registration and Notification (SORN) policies did not produce a statistically significant effect on recidivism.²
 - Introduction of registration and notification correlates with an 11% reduction in first-time sex-crime arrests (1995–2005 vs. 1990–1994); however, no further decline occurred after online public access began, suggesting online notification may not increase deterrence.³

¹ Australian Institute of Criminology. (2018). *Do sex offender registries reduce crime?* (Trends & Issues in Crime and Criminal Justice No. 550). Australian Government. <https://www.aic.gov.au/publications/tandi/tandi550>

² Belzer, A., Kurland, J., & Linkenbach, J. (2021). The effectiveness of sex offender registration and notification: A meta-analysis of 18 evaluation studies. *Journal of Experimental Criminology*, 18(3), 369–392. <https://doi.org/10.1007/s11292-021-09480-z>

³ Prescott, J. J., & Rockoff, J. E. (2011). Do sex offender registration and notification laws affect criminal behavior? *Journal of Law and Economics*, 54(1), 161–206. <https://doi.org/10.1086/657912>

- In a systematic review out of 42 studies analysing registration and community notification effects, few found specific deterrence, and most showed no discernible safety benefits. Community notification may even increase or decrease fear and often leads to unintended consequences for offenders and their families.⁴
- The Western Australian *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004* states: “Two key themes raised in academic research are that evidence suggests public registers or notification schemes are not effective in reducing sexual offending against children and, relatedly, that most offending occurs by persons known to a victim.”⁵
- Community disclosure scheme may create a false sense of security among families and the broader public where a parent, guardian, or carer is told an individual is *not* on the register. Evidence shows the majority of child sex offenders do not end up on such registers, thus leading to potential outcomes which are counter to the intent of the legislation to keep children safe.
- It risks reinforcing harmful stereotypes and misconceptions about who poses a risk to children and the community, rather than promoting a broader, evidence-based understanding of safeguarding, risk factors, and grooming behaviours. While access to information can support protective action, it is not, in isolation, sufficient to prevent harm. This approach overlooks the complex social and structural factors that influence people’s capacity to act—such as inequality, access to resources, and power dynamics—and may result in punitive responses towards parents,

⁴ Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). Megan’s Law: Assessing the practical and monetary efficacy. *National Institute of Justice Research Report*. U.S. Department of Justice. <https://www.ojp.gov/library/publications/evaluating-effectiveness-sex-offender-registration-and-notification-policies-0>

⁵ Western Australia. (2018). *Review of the operation and effectiveness of the public notification scheme established by Part 5A, Community Protection (Offender Reporting) Act 2004*. Perth: Western Australia Government.

including victim survivors, who are already taking protective steps but whose actions are not recognised as adequate by statutory systems.

- It can place the burden on parents, guardians, and carers to actively seek information and there are risks of weaponisation in the context of family violence. For example, through a protective parenting lens, perceived 'failure' to check the register could be weaponised against individuals, particularly women, in child safety proceedings.
- Such schemes may exacerbate risks of reoffending by contributing to social isolation, unemployment, vigilantism, housing instability of individuals on the register. These impacts also affect the families and children of registered individuals who may also be victim survivors as well as the exacerbated risk of harm for children should individuals on the register reoffend.
- It does not integrate any requirements for psychoeducation of applicants to the register around the implications of the information they receive.
- We note that the Bill allows a "*parent, guardian or carer of a child*" to apply for information under the public disclosure scheme. These terms are not defined in the Bill, or the corresponding Act. It is possible for a parent to be under the age of 18 years, and therefore a legal child themselves. It is unclear whether, in these circumstances, the parent is eligible to apply. This is especially the case given other aspects of the Bill prohibit information being provided to children.
- There may be situations where a legally emancipated young person may have justified reason to access the scheme for the purposes of their own safety given they are no longer under the protection of a parent, guardian, or carer. The Bill does not specify whether this is possible.
- There have been cases where a perceived 'failure' of a parent (usually a mother) to undertake steps around 'protective parenting' have been used to perpetrate systems abuse against victim-survivors of family violence, often in, for example, family court and custody hearings (though this is one of many different contexts). There is a risk that this scheme could be used in the same way – to accuse parents of failures to protect their children by not having accessed the scheme.

Recommendations:

- Remove Clause 44 – Application by parent, guardian or carer for disclosure and ancillary sections.
- Should the public disclosure scheme remain, specify that a young parent under the age of 18 is entitled to apply despite them being a legally a child themselves to ensure they have the same protective rights as adult parents.
- Should the public disclosure scheme remain, a provision should be added to allow legally emancipated young people to access the scheme on their own behalf for the purposes of their own safety.
- Should the public disclosure scheme remain, a provision should be added to prevent being used as a part of systems abuse, for example, the text below.⁶

Nothing in this Act gives rise to an obligation to make an application under this Part, and a failure or omission to do so cannot be used as evidence against a parent, guardian or carer in any legal proceedings in relation to the safety and wellbeing of a child including but not limited to the Children, Young Persons and their Families Act 1997.

Lack of alignment with Commission of Inquiry

- Aspects of the Amendment Bill do not align with the Commission of Inquiry into the Tasmanian Government's responses to child sexual abuse in institutional settings ("Col", "Commission of Inquiry"), or any recommendations in the final Report. The most similar recommendation – recommendation 20.9 – relates to a register, however:
 - it is not specific to sex offenders, or to people who have been convicted,

⁶ There is precedent in Queensland's *Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025* Clause 8 section 74AL – Protection from liability under part where the intent is to protect individuals from negative civil or criminal liabilities under the implementation of the Act.

- it does not grant access to members of the public,
- it relates only to public servants; and
- specifies that the register '*should contain records of substantiated and unsubstantiated matters, including those that did not proceed to investigation*' which is a very different intent.
- The Tasmanian Government invested significant resources into the Col as did victim-survivors in sharing their lived experiences and their recommendations for keeping children safe. We are concerned that this Amendment Bill does not align with the relevant recommendations of the Col which the government has agreed to implement in full and may actually negate the aim of the Col recommendations in keeping children safe.
- Although the Bill does not specifically reference the COI, Minister Ellis referred to it in his second reading speech on 8 May 2025, drawing a link between the COI and the proposed amendments. The COI report contains 191 recommendations, none of which form part of this Amendment Bill. As outlined below in relation to adding young persons to the register, further steps should be taken to prevent the addition of children to the register in alignment with multiple Col recommendations to prevent ongoing/further interaction of young people with the criminal justice system.

Recommendations:

- Invest sufficient resources in implementing the Col recommendations, particularly primary prevention, rather than in legislation that negates the Col recommendations by increasing the likelihood of children's interaction with the criminal justice system.
- Avoid any public discourse that links the Amendment Bill as relating to the implementation of the Col as the two are unrelated.

Children as registered persons

- We acknowledge and appreciate the distinctions made between adults and children within the Bill. However, children as young as ten may still be subject to the Principal Act, which raises significant concerns, particularly given data about the prevalence of harmful sexual behaviours (HSB) indicates that peer-peer HSB is one of the fastest increasing areas in terms of rates of sexual violence.

- Children displaying HSB require a therapeutic and trauma-informed rather than carceral response and many recommendations from the Col seek to reduce young peoples' interaction with the criminal justice system. Adding a child to such a register would substantially increase the likelihood of this occurring thus negating the recommendations of the Col.
- While we recognise that Clause 8 Section 6 provides a framework for the application of judicial discretion, we believe that these provisions could be further clarified to support informed assessments of the developmental, psychological, and contextual factors that contribute to engagement in sexual offending.
- The legislative test under the new Clause 8 – s.6(2) requires the court to consider whether a child poses an “unreasonable risk,” but this does not amount to a presumption against registration. In practice, the complexity of the law in its application to children is significant and warrants great sensitivity, particularly given that the drivers of children’s engagement in sexual offending are highly varied, nuanced and often driven by maltreatment or trauma. We have proposed amendments to the legislation as drafted in the recommendations below to address this issue.
- We believe Clause 8 – s.6A(4) which includes an order to be made under the judges own initiative to set too broad of a scope, with such an initiative belonging solely under the remind of the prosecution. We have proposed amendments to the legislation as drafted in the recommendations below to address this issue.
- We find it troubling that 6A(5) of the Amendment Bill allows for prosecution, or the Commissioner of Police, to make an application to a magistrate up to 6-months after sentencing for that child or young person to be placed on the register without. There is also no specification around under what circumstances this application could be made which in our view creates too broad of a scope. We have proposed amendments to the legislation as drafted in the recommendations below to address this issue.
- Clause 8 – s6A(7) sets out that for the purpose of adding a child to the register, it is *not* necessary to establish that they pose a risk to a particular person, persons, or a particular class of persons. If there is no identifiable

person, persons, or class of persons to be protected, we question whether there is ever a need for an order in those circumstances. At the very least, the Court should be able to identify if a risk exists, how high it is, and who it relates to. At a minimum, we believe this must include whether the risk relates a class of persons, for example, “peers,” “family members,” or “primary school aged children.” Without an identifiable class of person as the broadest identifiable category if risk, the risk assessment is punitively broad. We have proposed amendments to the legislation as drafted in the recommendations below to address this issue.

Recommendations:

- Make changes to Clause 8 s.6A which:
 - Reverse the presumption of subsection (1) and (2). Rather than requiring the Court to justify *consider* making an order without any legislative guidance for or against, but to omit making an order as a starting point. The onus should be on the Court to justify why such an order *should* be made in the case of a child and to demonstrate that a child is being registered as a matter of last resort and where no other measures would suffice. This is based on the position put forward by the [CCYP](#) submission.
 - Narrow the conditions under which the court can make an order in subsection (4).
 - Further specify the purposes for which a delayed application can be made in subsection (5).
 - Narrow the scope of risk in subsection (7).

For example, this could be achieved by the following amendment to Clause 8 – s.6A:

6A. (1) If a court sentences a person who was a child at the time of committing the reportable offence to which the sentence relates, the court ~~is to consider~~ must omit to making an order directing that –

(a) the Registrar cause the name of the person to be placed on the Register; and

(b) the person comply with all obligations under this Act for the period determined by the court in accordance with sections 24 and 25;

Unless in the case of subsection (2).

(2) A court may make an order *counter to* subsection (1) if the court is satisfied that the person poses an unreasonable risk of committing a reportable offence against a child, an adult or the community.

(3) The court must not make an order under subsection (2) in relation to a person merely because the person, who has not previously been convicted of a reportable offence, is sentenced as a child for a single offence (including an equivalent offence under the laws of a foreign jurisdiction) that is an offence prescribed to be an offence for the purposes of this subsection.

(4) The court may make an order under subsection (2) on application from the prosecution ~~or on the court's own initiative~~.

(5) Despite subsection (4), if the court does not consider making an order under subsection (2), an application for such an order may be made to the court by the prosecution, or the Commissioner, within 6 months after the day on which the person is sentenced for the offence for *the purposes of obtaining any report, assessment, or information to determine the appropriateness of making an order under subsection (2)*.

(6) The court may make an order under subsection (2) –

(a) at the time at which the person is sentenced for the reportable offence; or

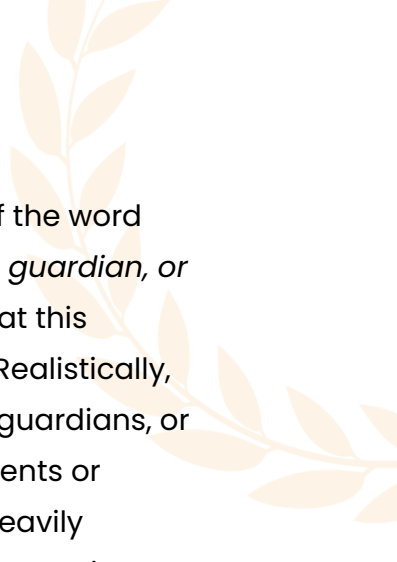
(b) at the time of determining an application made under subsection (5); or

(c) at a later time, if more time is necessary, in the opinion of the court, to enable information relating to the matters to be taken into account under section 10 to be presented to the court.

(7) For the purposes of subsection (2), it is not necessary that the court be able to identify a risk of offending against a particular person or particular persons ~~or a particular class of persons~~.

Section 45. Confidentiality

- We appreciate the steps taken to avoid penalties under the Act for victim-survivors speaking out about their lived experiences.
- We appreciate the most recent amendments which allow disclosed information to be shared with another parent, guardian or carer of the child in question in 44(4). The wording for this subsection is, however, ambiguous stating that the parent, guardian or carer who accessed the information “may disclose that information to **another parent, guardian or carer** of the



child for the purpose of the protection of the child." The use of the word 'another' and the use of the singular versions of words *parent, guardian, or carer* are ambiguous in seeming but not explicitly implying that this constitutes disclosure to **only ONE** parent, guardian, or carer. Realistically, we know that children will often have more than two parents, guardians, or carers for example in cases of divorced and re-partnered parents or intergenerational family structures where grandparents are heavily involved in raising children. This makes it problematic if the Act restricts disclosures to only one other person. *UPDATE: Following a meeting with DPFEM staff we understand this to be an oversight and anticipate this to be amended in the draft amendments to refer too all parents, carers, and guardians responsible for the child in question.*

- We also maintain that it is highly unrealistic that an individual who has accessed or received information on the register through the public disclosure scheme will keep that information to themselves as currently required by the Act when doing so may mean perceptions of 'allowing' or 'condoning' risk to other children through access to a known offender. Victim-survivors and community members consulting in 2023 in the TFSVA submission resoundingly rejected this requirement, indicating they 'would find a way to tell people', thus risking penalties in efforts to keep children safe.
- In addition to adults feeling morally or ethically compelled to tell others about possible risks to children, there is also the potential a conflict may arise between their duty to comply with this Act, and duties that exist in other legislation. For example, Section 13 of the *Children, Young Persons and Their Families Act 1997* states: "(1) An adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect." There is also an obligation under section 34 of the *Child and Youth Safe Organisations Act 2023* which states: "(1) If the head of a relevant entity becomes aware of a reportable allegation or a reportable conviction against a worker of the relevant entity, the head must notify the Regulator, in writing, of the following..." While improbable, it is not impossible that someone could be placed in a situation where they have conflicting disclosure obligations under these sections.

- Information is not allowed to be shared with the young person in care of the parent/guardian who is accessing the register meaning that young person cannot make informed choices in the given situation. We understand the intent behind this decision is not to place children in a position where they may be in breach of confidentiality clauses in this legislation. However, we feel this decision belong with the parents, carers, and guardians of the child based on an array of factors including development rather than in legislation and could be supported by education and guidance for parents accessing the register about how to handle such situations, including through referrals to appropriate specialist support services. As it currently stands, the gag order placed on sharing information between parents, carers, and guardians and their child(ren) seems problematic in the ultimate goal of keeping children safe which is an endeavour that involves children themselves and honours their own agency.
- Amendments to the bill increase penalties for breaches / disclosures of information thus increasing penalties to individuals trying to keep children safe.
- Currently a person having accessed information through the register can only disclose the identity of that reportable offender to the list of entities in 44(2) and 45(3). These lists do not include specialist sexual and family violence support services which limits the capacity of these services to provide holistic and informed support to the person(s) impacted by having received that information. We understand that guidance around implementation of the legislation will include steps that refer people who have accessed the register to such services should they need or want support. To place a barrier within that therapeutic/clinical relationship from the outset by requiring them to withhold information from their clinical supports limits the extent to which support services can do their jobs. Lawyers are included in the list of practitioners under 45(3) and we see no difference between such services in terms of needing access to information to provide holistic informed services and being familiar with requirements around client-patient confidentiality and confidentiality requirements in relation to the criminal justice system more broadly. This is a missed opportunity for Tasmania to lead Australia in legislation that acknowledges trauma-informed support is essential to navigating issues

of child safety. *Update: We understand from consultation with government that such an amendment is to be proposed.*

Recommendations:

While we maintain that the public disclosure scheme sections of this Act should be removed as recommended above given the extensive issues raised, if this recommendation is disregarded, we make the following recommendations for amendments to this section of the Act.

- Wording of Section 44(4) be amended as followed:

"...may disclose that information to ~~another~~ other parent(s), guardian(s) or carer(s) of the child for the purpose of the protection of the child."

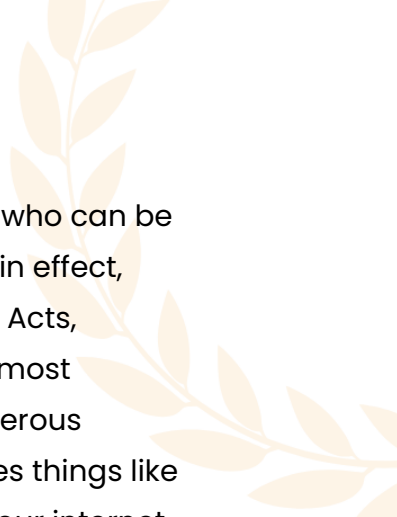
- Add specialist sexual and family violence support services to the list of entities in 45(3), for example a new subsection:

45(3)(k): a counsellor, social worker, psychologist, psychiatrist, or other recognised mental health professional, for the purpose of obtaining therapeutic support or treatment, in the course of a bona fide professional relationship.

- Define 'recklessly' and 'reckless' under 45(1) and 25(2)(d) respectively.
- Clarify that in the event a person discloses information obtained through the public disclosure scheme to a third party, it is a defence if they were complying, or reasonably thought they were complying, with obligations set out in other legislation that relates to child safety.
- Penalties for breaching such confidentiality be reduced.
- While balancing an offender's right to privacy with child protection, amendments be made such that a person having accessed information through the register should be able to:
 - Share that information not only with another parent, guardian or carer but with the child in question themselves if deemed appropriate by the parent, guardian or carer(s).
 - Share with other persons or entities if they have reasonable and justifiable grounds to believe that doing so would prevent other children from being harmed by the reportable offender in cases where they know a that person has access to children and those children may therefore be at risk of harm.

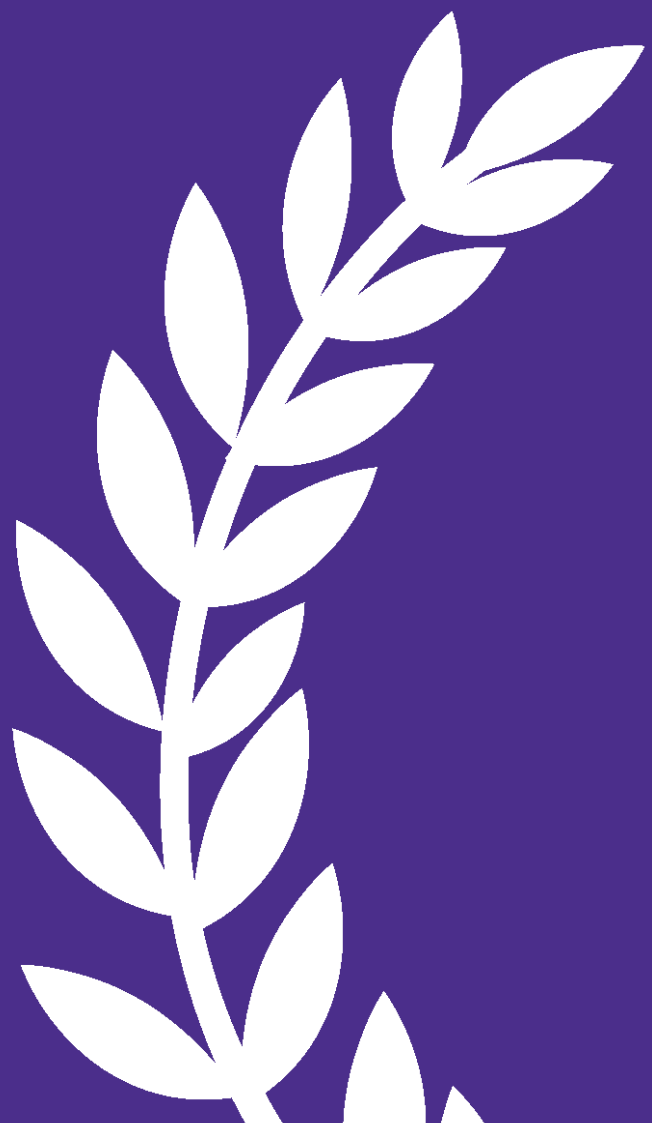
Clause 55 (Schedules 1, 2 and 3) specifically amendments to the *Sex Industry Offences Act 2005*

- The proposed amendment to include section 11(1) of the Sex Industry Offences Act 2005 in Schedule 1 is likely to disproportionately negatively impact sex workers with intersecting marginalised identities, including those experiencing poverty or low income, single mothers and sole caregivers, sex workers with disability, those who use drugs, individuals with limited education, and those without alternative employment opportunities.
- In Tasmania, the normalised culture of last-minute client bookings—often with less than 30 minutes’ notice—combined with limited access to childcare and laws restricting sex work to independent operation (effectively criminalising brothels), create significant barriers for sex workers with children, particularly those from the marginalised backgrounds listed above.
- Including section 11(1) and (2) of the Sex Industry Offences Act under the definition of a “Class 1” offence in this amendment bill, namely, “permitting a child on the premises while sexual services are being provided” by either the sex worker or the client, equates vastly different circumstances. Effectively, a mother providing services in a separate part of the house a child is on the premises but NOT involved in sex services would be seen as the same level of offence as a client trying to bring a child into being involved in sex services.
- The existing offence is found in section 11(1) of the *Sex Industry Offences Act 2005*, and states:
 - A [self-employed sex worker](#) must not, without reasonable excuse, proof of which lies on that [sex worker](#), permit a [child](#) to be on any premises used by the [self-employed sex worker](#) while [sexual services](#) are being provided on those premises.
 - Penalty: Fine not exceeding 20 penalty units.
- We are not proposing a change to s.11(1) of the *Sex Industry Offences Act 2005* to remove the offence entirely. However, we are concerned that including it in Schedule 1 of this Act means a sex worker in the above situation would now at risk of being included on the Community Protection Offender Register, where that has not been the case before (sex workers are not currently able to commit an offence as a sex worker that would result in them being placed on the Register).

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- Our position is that including sex workers as a class of people who can be placed on the Register disproportionately impacts them, and in effect, punishes them twice by including the offence in two separate Acts, disproportionately punishing/impacting some of Tasmania's most marginalised workers. This is especially the case, given the onerous reporting requirements of being on the Register, which includes things like reporting your email address and passwords, and details of your internet connection. It is also likely to impact obtaining a WWVP card in the future, which jeopardises ability to transition to work in other feminised industries, including childcare, disability care, teaching, or nursing.
 - We are not opposed to s.11(2) of the Sex Industry Offences Act remaining in that Bill, which relates to people (clients) acquiring sexual services.
 - Procuring a child for sexual services is already included in Schedule 3 of the CPOR Act, and that remains the same in the Bill.

Recommendation:

- Remove section 11(1) of the Sex Industry Offences Act 2005 from Schedule 1 of the Community Protections (Offender Register) Bill



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SEXUAL ASSAULT SUPPORT
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