

28 October 2025

Department of Justice
Office of the Secretary
GPO Box 825
HOBART TAS 7001
Via email only: haveyoursay@justice.tas.gov.au

Dear the Honourable Guy Barnett,

Re: Submission – Registration to Work with Vulnerable People Amendment Bill 2025

Thank you for the opportunity to review and provide feedback on the proposed *Registration to Work with Vulnerable People Amendment Bill 2025* (the Bill). As a specialist sexual assault support service working with children, young people, and adults across northern Lutruwita/Tasmania, we witness firsthand the long-term impacts of sexual abuse and violence. We support measures that strengthen protections for vulnerable groups in our community, including children.¹

Timeframe for Consultation

We are supportive of action to prevent sexual violence in all its forms, including robust and appropriate screening of people who work with children and vulnerable people. However, given the short timeframe provided for consultation, we are only able to provide limited feedback at this stage. Unfortunately, we have not had the opportunity to seek input from our Policy & Advocacy Committee, which includes the lived experience of victim-survivors of sexual violence, including child sexual abuse (CSA).

If the Government is committed to genuine consultation with the sexual violence sector, and values the voices of victim-survivors, we strongly urge that future consultation processes allow for longer timeframes. This is essential to ensure we can engage with victim-survivors in a trauma-informed and safe manner. We note the Standing Council of Attorneys-General (SCAG) met on 15 August 2025, and communication with specialist services could have commenced prior to the drafting of the Bill.

¹ **Note on Language**

While this submission uses the term “vulnerable” to align with the language of the legislation, we acknowledge that no person is inherently vulnerable to sexual violence or abuse. Rather, vulnerability often arises from systemic marginalisation, such as ableism, racism, sexism, homophobia, transphobia, or the impacts of colonisation. People with disabilities, LGBTIQ+ individuals, and First Nations peoples are often targeted not because of who they are, but because of social stigma, discrimination, or power imbalances that are exploited by perpetrators.



Support for the Bill

Laurel House is generally supportive of the Bill and welcomes the strengthening of protections that prevent individuals with adverse findings in other jurisdictions from working with children or vulnerable people in Tasmania. To further reinforce these protections, we offer comments and recommendations below.

“Significant and exceptional change in circumstances” (change in circumstances)

The Bill allows the Registrar to approve registration despite a prior cancellation or refusal in another jurisdiction, if there has been a “...significant and exceptional change in the person’s circumstances...” While we acknowledge the need for procedural fairness, and that there will be circumstances where discretion on this basis should be exercised (see below), this wording is subjective, and open to arbitrary or lenient interpretation. In our experience – and borne out by the evidence – the ongoing risks associated with sexual violence, and what constitutes sexual violence, are commonly misunderstood. This includes misconceptions about sexual harassment, consent, and grooming. For example, fewer than half of adults can recognise common grooming behaviours like giving gifts to a child.² If sexual violence is not adequately understood, there is a serious risk it will be misidentified, minimised, or missed completely and RWVP registration may, as a result, be granted in situations where there are high risks to children and vulnerable people. We can think of very few circumstances where change would be significant and exceptional enough to grant someone with a history of sexual violence offending a registration in this context, especially given the rates of recidivism for such offences are generally high. Registrars should be supported to make informed decisions in relation to sexual violence, and to err on the side of caution given the heightened risk to children and vulnerable people should a registration be inappropriately approved.

Recommendations

1. Include information in the Bill about what does and does not constitute a “significant and exceptional change in circumstances,” with examples and guidance to indicate what constitutes ongoing risk of perpetration in relation to sexual offending.
2. Include a non-exhaustive definition of sexual assault, sexual abuse, sexual harassment, grooming, and sexual exploitation – so these behaviours can be clearly identified by the Registrar and taken into account when determining if there is a “significant and exceptional change in circumstances,” or in the alternative, whether there is ongoing risk.
3. Explore comparisons between other provisions in similar legislation, such as sections 11 and 20 of the *Family Violence Act 2004*, which deals with “a substantial change in the relevant circumstances,” and what might, in rare cases, constitute a “significant and exceptional change” that would deem an individual safe to work with children and vulnerable people following a sexual violence offence.

Trauma-informed Practice and Process

Assessing whether there has been a change of circumstances (outlined above) involves a complex risk assessment. These assessments will have direct impacts on the safety and wellbeing of vulnerable

² National Centre for Action on Child Sexual Abuse. (2024, October). *The Australian child sexual abuse attitudes, knowledge and response study: Report 1: Top line findings*. National Centre for Action on Child Sexual Abuse. https://nationalcentre.org.au/wp-content/uploads/2024/10/Community-Attitudes-Study_Report-1_Oct-2024.pdf

people, including those who have experienced trauma because of sexual violence. This extends to victim-survivors of other gender-based violence, including family violence. In making any assessment it is vital the Registrar recognises:

- The prevalence and impact of trauma, especially in marginalised populations (those who the Principal Act intends to protect).
- The importance of preventing re-traumatisation of victim-survivors through systems designed to provide accountability and safety.
- Trauma informed principles including providing safety, transparency, support, and collaboration when working with victim-survivors of sexual violence.

Recommendations

4. Amend the Bill to include an obligation on the Registrar to consult (or facilitate consultation) with any known victim-survivor(s) in relation to assessing whether there has been a change of circumstances.
5. Include in the Bill an obligation on the Registrar to comply with the following in any consultation with victim-survivors:
 - a. Their physical and emotional safety will be considered and taken seriously.
 - b. Communications will be proactive, clear, and transparent leading up to, during, and after the decision is made.
 - c. Information is accessible to allow for informed input and consent during the consultation process.
 - d. They will be offered ongoing support from specialist sexual assault services.
 - e. They will be consulted in decisions that affect them, with their input valued and implemented where possible, and reasons provided when not possible.
 - f. Their cultural needs will be respected and met.

Training, Education & Resources

The *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (COI) found that a range of bodies, including the Registrar of the Registration to Work with Vulnerable People scheme historically failed to share information received about potential child abusers within institutions. The primary barrier to cross-government coordination and information sharing – specifically in relation to child sexual abuse (CSA) – was a deeply held cultural belief that perpetrator privacy was more important than child safety and child rights. The COI noted:³

*“We can understand how, sometimes, it can feel easier to stay silent. But **the abuse of children thrives when people don’t speak up.**”*

We are supportive of seeing information-sharing across National jurisdictions being prioritised. While we support legislative reform, it is vital that this does not occur in a vacuum. Changes in behaviour, attitudes, and priorities within government organisations is also crucial, and we encourage Government to consider providing training and resources for RWVP registry staff, with a particular

³ Commission of Inquiry. (2023). *Commission of Inquiry into the Tasmanian Government's responses to child sexual abuse in institutional settings: Full report*. Tasmanian Government. Retrieved from https://www.commissionofinquiry.tas.gov.au/_data/assets/file/0011724439/COI_Full-Report.pdf

focus on challenging cultures of silence and conformity when it comes to CSA and other forms of sexual violence. Training needs to be interactive, trauma-informed (acknowledging the potential for learners to be victim-survivors themselves), delivered live (where possible), and be capable of challenging myths and misunderstandings in relation to risks and prevalence of sexual violence and CSA. Training should embed and reinforce a culture of child safety and encourage Registry staff to prioritise the safety of children above matters of privacy, discretion, and silence.

Recommendations

6. Mandate training and education for Registrars and staff in relation to the following:
 - a. Child sexual abuse
 - b. Sexual assault
 - c. Sexual harassment
 - d. Grooming
 - e. Sexual exploitation
 - f. Online or electronic facilitation of any of the above
 - g. Attempting any of the above
7. Ensure that training and education:
 - a. Is drafted in genuine consultation with specialist sexual assault services and victim-survivors
 - b. Is trauma informed both in design and delivery
 - c. Includes information about intersectionality, stigma, and marginalisation and the use and abuse of power in sexual violence offending.

Registration to Work with Vulnerable People (RWVP) is a minimum standard

A RWVP registration is a minimum requirement and should not be relied upon to wholly determine someone's suitability to work with children or vulnerable adults. Registration alone cannot determine if someone is "safe." Organisations need to understand their obligations to keep children and vulnerable people safe and not exclusively rely on a RWVP card. For example, there will be many cases where sexual offences have either not been reported or disclosed given the barriers to justice for such crimes, or not been successfully prosecuted in Court. We know that the majority of sexual offenders are on the streets and in our workplaces, not within the justice system.

Recommendations

8. In conjunction with any amendment to the *Registration to Work with Vulnerable People Act 2013* (the Principal Act), guidance should be drafted to:
 - a. provided information about what permits someone to obtain RWVP registration
 - b. provide additional information about how to undertake further risk assessments to determine if someone should be working with children or vulnerable adults
 - c. include information about how to conduct police checks, reference checks, and inquiries with previous employers to assess and identify risk factors
 - d. Refer organisations to the Office of the Independent Regulator, and the National Principles for Child Safe Organisations (specifically Principle 5)

Unintended Consequences – Systems Abuse

Misidentification as the predominant aggressor occurs when a victim-survivor is wrongly labelled as the main perpetrator in a domestic or family violence incident. This can happen when:

- The victim's defensive actions are misinterpreted as aggression;
- The true perpetrator manipulates the situation to appear as the victim; or
- Authorities assess incidents without considering broader patterns of gendered violence and/or coercion and control.

Experience from Tasmania's family violence sector, and Tasmanian legal practitioners, shows that RWVP complaints are sometimes weaponised against victim-survivors – often women – who are misidentified as the predominant perpetrator.

In some cases, perpetrators exploit systems — known as systems abuse — by making false reports against a victim who holds a RWVP card, aiming to harm their professional standing and employment. These complaints can appear credible, resulting in investigations or sanctions that further entrench abuse. Engender Equality, in their report, *"Systems Abuse and Family Violence in Tasmania: Evidence and Recommendations for Action"* highlight the risk of harm system-abuse can cause when it is not recognised within organisations, stating:⁴

"The failure of institutions to recognise entrenched gender inequality or systemic misogyny within their operations can result in institutional complicity which perpetuates abusive practices...Where the system structure, policies and practices do not demonstrate understanding of family violence, victim-survivors can be systematically disadvantaged and abused through their engagement with that system."

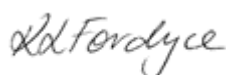
This highlights the need for specialist and trauma-informed, fair, and context-aware processes. We urge the Government to recognise this risk in any legislation that may cancel a victim-survivor's RWVP card, and to include provision in the Bill to allow for these circumstances.

Recommendation

9. Amend the Bill to allow someone to apply for registration, where their registration under a corresponding law has been cancelled, if the person can establish the cancellation was due to malicious intent of a third party.

We would welcome the chance to discuss anything in this letter and invite you to contact our office should you wish to set up a meeting.

Kind regards,



Kathryn Fordyce
Chief Executive Officer
Laurel House

⁴ Engender Equality. (2025, August). *Systems abuse and family violence in Tasmania: Evidence and recommendations for action*. Engender Equality. <https://engenderequality.org.au/wp-content/uploads/2025/09/Engender-Equality-Systems-Abuse-Research-Paper.pdf>