

Integrity Commission Amendment (Mandatory Notifications) Bill 2025

Laurel House Submission

October 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 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 services to 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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Introduction

We welcome the opportunity to provide feedback on the Integrity Commission Amendment (Mandatory Notification) Bill 2025. We commend the Government on taking steps to implement recommendation 18.11 of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (COI). Our primary focus in this submission, based on our expertise as a frontline specialist sexual assault service who supports a widely diverse range of victim-survivors of sexual harm, is to ensure the implementation of the COI recommendations are effective, accessible, trauma-informed, and account for intersectional identities and marginalised groups. We highlight the importance of acting carefully, diligently, and not compromising on quality for the sake of swift reform.

We support the implementation of all recommendations of the COI, particularly those that hold institutions accountable and encourage greater transparency. The COI noted many examples of institutional failures to protect children, which includes where there were cultures of silence and coverups, stating:¹

*"It can also be hard to report a concern about a colleague, particularly if you are second-guessing yourself and are worried about the fallout if your concern is unfounded. We can understand how, sometimes, it can feel easier to stay silent. But **the abuse of children thrives when people don't speak up.**"*

This culture of silence can be especially pervasive in *closed institutions* – where a someone's day-to-day life is completely controlled by others. This can lead to what the COI described as an *"alternative moral universe."* The COI emphasised the importance of shifting entire cultures within organisations, which includes within leadership, management, governance structures, norms, and expectations. The implementation of mandatory notifications – in accordance with the Bill – goes some way to driving that cultural shift, and a move towards a moral universe that prioritises safety as central to decision making. However, it is vital that legislative reform does not occur in a vacuum. It needs to be implemented in a way that is trauma-informed, considers marginalised cohorts and intersectional identities, and is coupled with a rollout in training and resources designed to shift cultures.

¹ 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/0011/724439/COI_Full-Report.pdf

Victim–Survivor Centred Approach

Disclosing sexual harm is often incredibly difficult for victim–survivors due to a range of emotional, psychological, cultural, and social barriers. Feelings of shame, fear of not being believed, or being blamed can silence them along with a valid mistrust of systems why may have caused historical or ongoing harm. Many also worry about the potential consequences of disclosure such as damaging relationships, experiencing retaliation, or facing legal processes that may follow. This is especially the case for people from marginalised groups, and those whose lived experience is likely to attract stigma – including but not limited to drug and alcohol use, homelessness, sex work, socioeconomic status, migration, and class – who may be less likely to report misconduct, less likely to be believed when they do, or may not recognise sexual misconduct due to cultural, social, linguistic, or structural barriers.

Laurel House counsellors report an increased likelihood of re-traumatisation for victim–survivors where they have ongoing or multiple interactions with the legal system. While this includes the criminal justice system, it extends to cover legal processes such as civil proceedings, victims of crime compensation schemes, family violence or restraint order applications, or interactions with the family law system. Victim–survivors relay that having to tell their story multiple times to different people is difficult along with the lengthy timelines and high emotional and administrative burden, and they often elect to not proceed with legal matters based on this requirement. This can be the case even when a victim–survivor is only interacting with a single legal system or organisation. It is not uncommon for a victim–survivor to have to speak with multiple people within the same organisation, to not know who to contact to ask questions or convey information, or to be “passed around” to other staff they do not know or trust.

Currently, the *Integrity Commission Act 2009* (the Act) Principles – set out in section 9 (the Principles) – make no reference to investigations having to be trauma-informed, culturally safe, or protective of victim–survivors’ rights. Clause 32D of the Bill, which refers to the Integrity Commission’s role in relation to mandatory notifications, also fails to require these principles to be embedded in investigations. To prevent re-traumatisation of victim–survivors, trauma-informed and victim–survivor centred practices should be explicitly referenced in the Principles, as well as any guidelines that may be issued by the Integrity Commission under Clause 32F of the Bill. This should include risk assessments, safety planning, and appropriate resourcing of supports (e.g. security upgrades) where there are ongoing threats to the victim–survivor’s safety. Safety planning should cover all forms of the victim–survivor’s safety, including psychological and emotional wellbeing, to help prevent further harm or retraumatisation. Guidelines should also indicate appropriate therapeutic and community services supports be made available to victim–survivors.

It is critical that mandatory notification obligations do not inadvertently disempower victim–survivors. Any framework for mandatory notifications should ensure that individuals retain autonomy and safety, particularly in sensitive contexts where they have experienced sexual harm. A trauma-informed, victim–

survivor centred, and intersectional approach must be embedded across all stages of the mandatory notification process. The notification process should prioritise victim-survivor rights, safety, privacy and wellbeing at every stage. To the greatest extent possible, victim-survivors should be able to expect:

- Their physical and emotional safety will be considered and taken seriously.
- Communications will be proactive, clear, and transparent leading up to, during, and after the notification is made.
- They will be offered ongoing support from specialist sexual assault services.
- They will be consulted in decisions that affect them, with their input valued and implemented where possible, and reasons provided when not possible.
- Their cultural needs will be respected and met.

Effective implementation of the Act must include clear guidance – as envisaged in Clause 32F of the Bill – on how to respond to and support victim-survivors of sexual harm. This requires establishing partnerships with specialist sexual assault services. These services play a critical role in supporting victim-survivors of sexual harm through complex reporting and investigation processes. It is essential that these services are engaged early and adequately resourced to meet increased demand resulting from mandatory notification obligations. Without such partnerships and resourcing, there is a significant risk that victim-survivors may experience further harm or disengage from the process altogether.

Recommendations

1. Amend the Principles of the Act to set out that in the performance of its functions and the exercise of its powers, the Integrity Commission is to prioritise the rights, interests, privacy, safety, and wishes of any victim-survivor of sexual harm to the greatest extent possible.
2. Amend clause 32F(1) of the Bill to include that any guidelines issued by the Integrity Commissioner relating to mandatory notifications include information about:
 - a. trauma-informed principles and best practice; and
 - b. how to conduct risk assessments and effectively implement safety planning.
3. Amend clause 32D of the Bill to include an obligation on the Integrity Commission, where they are conducting an assessment or investigation under the Act in relation to a mandatory notification, to do the following:
 - Appoint an internal person within the Integrity Commission, or designate to a particular role, responsibility for communicating with victim-survivor(s) of misconduct that are associated with the complaint (the Contact Person).
 - a. Ensure that the victim-survivor(s) receive transparent, proactive, clear and regular updates from the Contact Person, which will occur no less than once per month (the Updates).
 - b. Where permissible by law, the Contact Person will provide information in the Update about related legal proceedings (including but not limited to criminal proceedings) that is known or knowable by the Integrity Commission without the need for the

victim-survivor(s) to make an application under the *Right to Information Act 2009*.

- The Contact Person will provide to the victim-survivor(s) contact details, including at a minimum a phone number and email address for the victim-survivor(s) to be able to communicate with the Contact Person directly.
- In the event the Contact Person leaves, or is otherwise unavailable, a new Contact Person will be appointed as soon as practicable, and the victim-survivor(s) will be updated within three (3) business days.

Overlapping Reporting Requirements

There are currently multiple and overlapping reporting obligations in Tasmania in relation to child safety. These obligations span individual community members, employees and volunteers in workplaces, and heads of organisations. It is possible for multiple reporting/notification obligations to arise under different laws and regulations simultaneously. These can include:

- *The Children, Young Persons and Their Families Act (1997)* – report to the Strong Families, Safe Kids Advice and Referral Line (ARL)
 - Responsibility to prevent abuse or neglect or certain behaviours (section 13)
 - Informing of concern about abuse or neglect or certain behaviour (section 14)
- *The Child and Youth Safe Organisation Act (2023)* – report to the Office of the Independent Regulator (OIR)
 - Head of relevant entity to notify Regulator of reportable allegation or reportable conviction (section 34)
- *The Criminal Code (1924)* – report to Tasmania Police
 - Failing to report the abuse of a child (section 105A)
- Reports to Regulatory Boards, e.g. Ahpra, Legal Profession Board, National Disability Insurance Scheme Quality and Safeguards Commission etc.

Given the number of reporting pathways, this may lead to investigations being carried out across different organisations or jurisdictions, increasing the burden and risk of re-traumatisation for victim-survivors. Consideration should be given to integrating the proposed mandatory reporting obligations and any subsequent investigations under the Bill with existing mandatory reporting frameworks.

Feedback from Laurel House staff reveals that there is already wide misunderstanding within the community about what legal obligations arise as a consequence of a disclosure of sexual harm, who to make a report to, timeframes for doing so, and expectations around what happens when disclosures are made. This is especially the case when individuals learn information that may give rise to numerous notification obligations simultaneously. Currently, there is a significant risk of duplication, confusion, and procedural conflict between the different reporting pathways. This could inadvertently create additional burdens for victim-

survivors, particularly where multiple agencies initiate separate or overlapping investigations.

Recommendations

4. Where not already in place, implement information-sharing protocols between agencies/departments to reduce a victim-survivor's need to participate in multiple investigations.
5. Ensure training and resources are provided to individuals with mandatory notification obligations, and that they are fully aware of their duties and responsibilities across different laws and regulations.

Definitions of “misconduct” and “serious misconduct”

Sexual violence has profound and long-lasting impacts on victim-survivors. This type of offending is fundamentally an abuse of power and is frequently perpetrated by individuals in positions of authority or trust. The findings of the COI, particularly in relation to the systemic and prolonged abuses of children at Ashley Youth Detention Centre, have laid bare the consequences of failing to identify and respond to such misconduct.

Currently, the Act does not clearly define “sexual misconduct.” While existing definitions of “misconduct” and “serious misconduct” may capture aspects of it, the absence of a specific definition minimises the seriousness of this type of offending, the abuse of power it involves, and the intent behind the COI's findings and recommendations. Given the intent of the Bill, it seems a missed opportunity not to include a definition of sexual misconduct. While we acknowledge broad terminology is often used so as not to unintentionally rule out certain misconduct, this approach risks misunderstanding or minimising the complex, intersecting, and nuanced harms caused by sexual violence, especially in situations where there is a significant power imbalance such as institutional environments. Ambiguity in what does or does not constitute sexual misconduct also creates space for a potential lack of appropriate response.

Including a specific category for sexual misconduct will go some way in ameliorating wide and problematic views in relation to sexual offending. 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 misconduct is subsumed into other broader

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

behaviour, there is a serious risk it will be misidentified, minimised, or missed completely.

In developing a definition of sexual misconduct, an intersectional approach is crucial, as it recognises that individuals face heightened and unique risks due to either individual or overlapping forms of marginalisation. Intersectionality refers to the way in which different aspects of a person's identity – including but not limited to sex and gender, sexual orientation, race, disability, age, and cultural background as well as aspects of their lived experiences which are likely to attract stigma or discrimination – interact to shape their experiences of power, privilege, and marginalisation. This is particularly critical in environments where there are inherent power imbalances, such as in hierarchical institutions.

It is critical that the Bill explicitly incorporates sexual misconduct within the definitions of “*misconduct*” and “*serious misconduct*.” Without this clarity, the system risks repeating past failures and undermining community trust in the very mechanisms designed to ensure accountability and protection.

Recommendations

6. Include in clause 32A of the Bill an amendment to section 4 of the Act, to include a definition of “*sexual misconduct*” that includes, but is not limited to:
 - a. Child sexual abuse
 - b. Sexual assault
 - c. Sexual harassment
 - d. Grooming
 - e. Sexual exploitation
 - f. Online or electronic communication to facilitate any of the above
 - g. Attempting any of the above
7. Ensure that any guidelines include information about sexual misconduct, intersectionality, stigma, and marginalisation, and is drafted in consultation with specialist sexual assault services and victim-survivors.

Conduct Outside Public Authority

Sexual misconduct – regardless of where or how it occurs – is fundamentally an abuse of power and a violation of another person's autonomy and dignity. When committed by a public officer (PO) or designated public officer (DPO), such behaviour raises serious concerns about their judgement, integrity, trustworthiness, and potential risk to others in professional settings. It is essential that conduct that occurs outside a person's official duties, particularly when that misconduct is sexual in nature, is captured in the notification obligations.

POs and DPOs hold positions of power and authority and must be held to the highest standards of conduct, not only because they are representatives of the public interest, but because their role often involves inherent power imbalances. Excluding sexual misconduct that occurs outside formal duties risks ignoring warning signs of harmful behaviour, undermines public trust, and creates gaps in accountability for those most vulnerable to abuse. We also know that

perpetrators engaging in sexual misconduct are unlikely to do so only once and therefore institutions ignore the high risk of such behaviours happening within professional roles by excluding behaviours conducted outside of them.

Clause 32C(1) of the Bill currently only relates to misconduct or serious misconduct in a PO's or DPO's public authority. This means that sexual misconduct that they engage in outside their official role is not explicitly covered by the Bill. This is inconsistent with similar legislation that relates to reporting obligations. For example, the Reportable Conduct Scheme under the *Child and Youth Safe Organisations Act 2023*, includes conduct "...regardless of whether or not the alleged conduct occurred within the course of a worker's duties in respect of an entity."³

Recommendations

8. Amend clause 32C(1) of the Bill to include an obligation on mandatory notifiers to report sexual misconduct by POs or DPOs in their private capacity.

Reporting Timeframes

Clause 32C(1) of the Bill sets out that a mandatory notifier must notify the Integrity Commission "as soon as practicable" if they form a suspicion of misconduct or serious misconduct on reasonable grounds. However, there is no maximum period of time set by the Bill in which this notification needs to occur. In the *Child and Youth Safe Organisations Act 2023*, which sets out requirements for mandatory notification of "reportable conduct," there is a maximum period of 3 business days after becoming aware of a reportable allegation/conviction, which leaves no ambiguity about obligations relating to timeframes. We can see no reason to have different standards for POs or DPOs than those set for leaders of organisations in similar positions of power institutionally. Without clear parameters, "as soon as practicable" could be interpreted by different individuals to mean different things, including that it is not "practicable" to report while they're busy with other work. This perpetuates environments explicitly warned against in the COI where failures to report are excluded under such ambiguity meaning abuse continues unreported.

Recommendations

9. Amend clause 32C(1) of the Bill to state, "...as soon as is practicable **or within 3 business days, whichever is earlier...**"

³ Tasmania. (2023). *Child and Youth Safe Organisations Act 2023* (No. 6). Retrieved from <https://www.legislation.tas.gov.au/view/html/asmade/act-2023-006>

Defences & Exceptions

Mandatory notification and reporting obligations are founded on the principle that there is no room for discretion or subjective interpretation in deciding whether to report. To uphold the intent of these obligations, exceptions should be narrowly defined and applied cautiously, and prioritise reporting over non-reporting wherever there is uncertainty.

Clause 32C(2)(a) allows an exception to reporting where the mandatory notifier *“...believes on reasonable grounds that some other person has notified the Integrity Commission about the misconduct or serious misconduct.”* The term, *“believes on reasonable grounds”* is highly subjective, and open to a wide range of interpretations. It is also possible for someone to hold a false belief, albeit it *“reasonably”*. Again, this introduces a level of ambiguity that supports a culture of silence as outlined above.

In these circumstances, we suggest it is better to have too many reports to the Integrity Commission than not enough, as is the case with comparable obligations set out in the *Children Young Persons and Their Families Act 1997*. It should be the responsibility of the Integrity Commission to determine whether a complaint relates to similar or related conduct, not the mandatory notifier. Applying an exception in these circumstances risks concealing the very type of problematic conduct this Bill is intended to expose.

Recommendations

10. Remove clause 32C(2)(a) from the Bill.

Training and Resources

As mentioned above, law reform is ineffective without sufficient education, training, and resourcing to implement changes. These materials must be genuinely co-designed with people who have lived experience of institutional harm and abuse of power, including sexual assault and harassment within government organisations and other hierarchical institutions. Co-design processes must be trauma-informed, culturally safe, and inclusive of a diversity of experiences, ensuring input from those with intersectional identities—including but not limited to people with disability, First Nations peoples, culturally and linguistically diverse communities, LGBTIQ+ individuals, and people from rural and regional areas.

Training should be mandatory, ongoing, and embedded into existing induction, registration, and professional development processes for public sector employees. It must go beyond compliance and challenge myths, stereotypes, and structural barriers that prevent reporting and accountability. Training should be delivered live where possible, with opportunities for discussion and critical reflection – particularly in sectors or organisations with strong hierarchical cultures, where power dynamics are more likely to be entrenched or go unchallenged. Core content should include understanding power and coercion, common misconceptions about sexual harm, the gendered nature of sexual

harm, dynamics of grooming, barriers to disclosure, and the additional risks faced by people in marginalised or stigmatised communities.

To ensure consistent and practical uptake, new resources and processes should be integrated into existing training and reporting systems wherever possible, particularly those developed in response to child safety reforms such as the Office of the Independent Regulator in Tasmania. Ultimately, for the Bill to have its intended impact, training and education must be part of a broader cultural shift – one that actively encourages transparency, values lived experience, and builds a public sector culture where misconduct is not only less likely to occur, but more likely to be recognised, reported, and appropriately addressed.

Recommendations

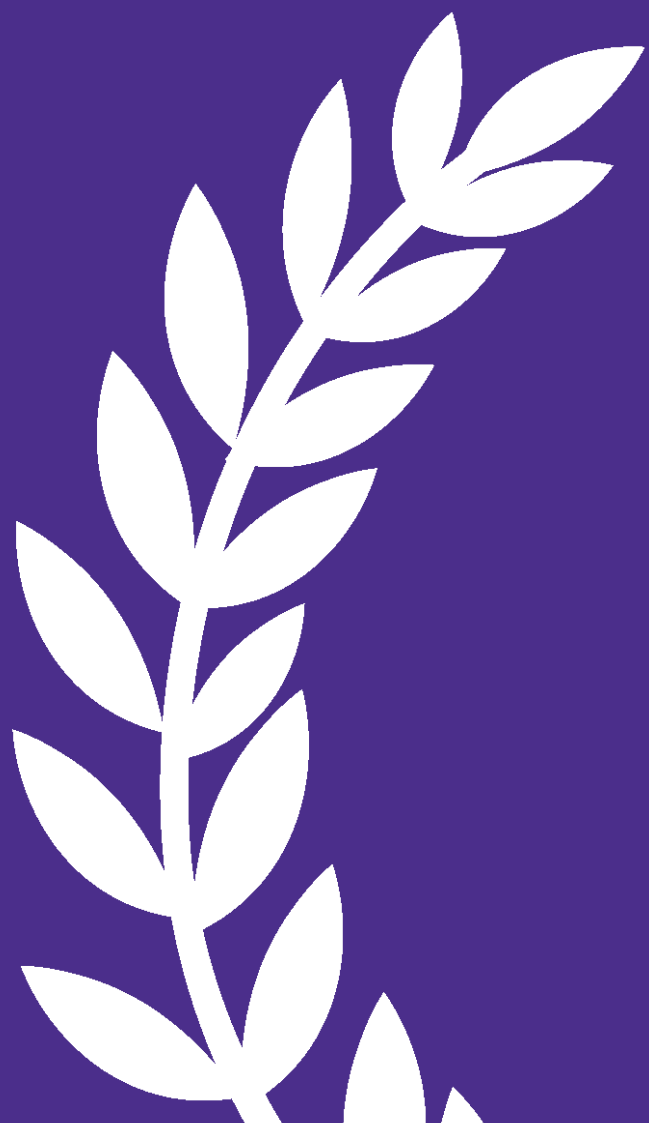
11. That on implementation of the Bill, the Integrity Commission release guidelines and provide training specifically related to sexual misconduct and abuses of power.
12. That training and resources provided by the Integrity Commission are accessible, in plain language, and developed in consultation with a diverse group of victim-survivors with lived experience of sexual harm within organisations or institutional settings and relevant specialist community services.
13. That training and resource materials, including guidelines, are available to the public.
14. That all organisations with mandatory notifiers publish on their website, and otherwise make available upon request:
 - a. details of who holds mandatory notification obligations within their organisation,
 - b. contact details, including at a minimum a phone number and email address, for the mandatory notifier,
 - c. Information on the Integrity Commission process in an accessible and plain language format
 - d. Information on support services, including but not limited to specialist sexual assault services

Conclusion

The Bill is a significant step towards improving institutional accountability and child safety in Tasmania. It plays an important role in responding to failures identified by the COI, particularly in addressing cultures of silence and abuse of power. However, to be effective, its implementation must be trauma-informed, culturally safe, and grounded in the experiences and needs to victim-survivors. This includes clear definitions of sexual misconduct, narrow and cautious application of exceptions, integration with existing reporting frameworks, and appropriate training and resourcing for those with notification obligations. Victim-survivor safety, autonomy, and wellbeing must remain central throughout every stage of the notification and investigation process. We urge the Government to ensure that the Bill's rollout includes strong partnerships with specialist sexual violence services, and that reform is approached with care, rigour, and the

consultation required to genuinely deliver on the intent of the COI's recommendations.





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