

House of Assembly Government Administration Committee B
Hon Ella Haddad MP
Committee Chair
communityprotection@parliament.tas.gov.au

May 2026

Dear Members of Committee B,

Re: *Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025 (No. 61 of 2025)*

Thank you for your letter dated 24 April 2026 inviting the below submission. We appreciate your engagement with us in relation to this issue.

We were pleased to see some of our previous suggestions and recommendations have been incorporated into the Bill as commended to the House in March 2026. Specifically, we are pleased to see the following amendments/additions made in response to our submission in September 2025 (attached):

- clarification victim-survivors can tell their own stories without risk of being charged with harassment of offender;
- the ability for a child to apply for disclosure under the Act in certain circumstances;
- the fact a person has or has not applied for information cannot be used against them under any other Act, thereby preventing some avenues for systems-abuse (limited to other Tasmanian legislation – doesn't apply to Family Court proceedings);
- inclusion of exception to disclosure to mental health workers (allowing people to disclose information accessed by the register to their mental health professional); and
- provision that a parent/guardian can make disclosures to all other parents/guardians of a child.

These are encouraging steps toward working together to ensure the best for victim-survivors and Tasmanian communities in drafting legislation that achieves its intended outcomes, is in alignment with evidence-based best practice, and uphold previous government commitments.

We remain concerned, however, about key aspects of the Bill that have not been addressed, which we detail below. We make reference to our previous submission on this Bill from September 2025 which should ideally be read in conjunction with this letter as many of the concerns outlined in that submission remain the same (excluding the above).

We note that in October 2025 we received a letter from Minister Ellis in response to that submission providing justification that inaction on some of these recommendations was based on what is happening in other jurisdictions. We believe that conformity is not the same as nation leading practice, and these are missed opportunities for Tasmania to set a gold standard in legislation that



keeps our communities safe and is responsive to the local context. We outline below our remaining concerns.

Disclosure Scheme – Clause 44

To be clear, we have no issues with the Community Protection Offender Reporting Register. **We do, however, remain strongly opposed to the implementation of a public disclosure scheme and recommend that clause 44 of the Bill be removed.** Our position is that overwhelming evidence exists to show that public disclosure schemes do not make children safer. Evidence (outlined in full in the attached Laurel House submission, September 2025) indicates that disclosure schemes:

- don't reduce recidivism;
- shift responsibility for safeguarding to individuals (partners/carers/guardians) without support or context;
- have no or only minor impacts on deterrence for first time offenders;
- don't reduce community fear;
- may create a false sense of security for parents/carers/guardians;
- increase opportunities for systems abuse in family law contexts;
- perpetuate myths that offenders are more likely to be 'unknown' to families; and
- may increase reoffending by contributing to social isolation, unemployment, vigilantism, housing instability of individuals on the register.

In reality, most sexual offenders are not on registers and, rather than being strangers, are most likely to be known to victim-survivors. There has also been extensive community feedback that indicates unintentional negative impacts for people taking protective action for child safeguarding. Consulted community members when asked about the scheme indicated that they would disclose information they received through the register if they thought it would protect other children.¹ While the Bill has aimed to reduce criminal liability for disclosure, this feedback raises questions as to whether the draft legislation meets the realities faced by Tasmanian communities.

Based on this evidence, we believe the disclosure scheme should be removed from the Bill and efforts should focus on promoting a broader, evidence-based understanding of safeguarding, risk factors, and grooming behaviours rather than legislating for and allocating resources to programs which are known to be ineffective.

Reporting Orders for Children – Clause 8 s. 6A

In recognising the need to take a therapeutic approach for young offenders, the Bill will provide a clear delineation between young and adult offenders in determining if an order requiring the registration of an offender should be made. Young offenders are still learning about socially acceptable behaviour, they have a greater potential for rehabilitation, and registration as a reportable offender can have a significant impact on the wellbeing and development of a young

¹ Tasmanian Family and Sexual Violence Alliance (2025) Submission in response to the proposed Community Protection (Offender Reporting) Amendment Bill 2023

person. (Hon Felix Ellis MP, Second Reading Speech, Community Protection (Offender Reporting) Amendment Bill 2025, March 2026)

We strongly agree with Minister Ellis' sentiment here – that children and young people deserve delineated responses in our justice system which are age appropriate, therapeutic, and psychoeducational, not criminalising, in line with international evidence. We appreciate that the bill goes some way to enact this by differentiating when and why children and young people are added to the register compared to adult offenders. We do not, however, believe the current Bill goes far enough to adequately protect the rights of children and the amendments as such do not uphold Minister Ellis' own sentiments in the above quote. Children as young as ten may still be added to the register which raises significant concerns, particularly given data about the prevalence of harmful sexual behaviours (HSB).²

Minister Ellis' October letter to Laurel House indicated that the concerns and recommendations we raised in our September 2025 submission regarding Clause 8 weren't actioned because the draft legislation was following the precedent set by Western Australian legislation, *Community Protection (Offender Reporting) Amendment Act 2024 WA*. While we respect the right of other jurisdictions to make laws in relation to their own criminal justice systems, the Tasmanian jurisdiction sits under the shadow of the Commission or Inquiry (COI). The COI found that, to the greatest extent possible, children should be diverted away from the criminal justice system.

For that reason, we maintain our position that there should be an initial presumption **against** making a reporting order in relation to a child. We urge the committee to reconsider the decision to disregard this recommendation. ***Specifically, we recommend changes be made to Clause 8 s.6A which:***

- ***Clause 8 – s.6A(1,2): Reverse the presumption in subsections (1) and (2) so that the legislation establishes that a reporting order should not be made in relation to a child unless the court is satisfied it is necessary. The onus should rest with the court to justify why such an order is required, and to demonstrate that registration is being imposed only as a last resort where no less restrictive alternative is available.***
- ***Clause 8 – s.6A(4): Allowing a judge to make a reporting order on their own initiative creates an overly broad scope. This initiative should sit with the prosecution. We have recommend narrowing the conditions under which the court can make an order in this subsection.***
- ***Clause 8 – s.6A(5): Allowing the prosecution or Commissioner of Police to apply up to 6 months after sentencing for a child or young person to be placed on the register creates an overly broad scope, particularly as no circumstances are specified for when such applications may be made. We recommend further specifying the purposes for which a delayed application can be made in subsection (5).***

² HSB refers to sexual behaviours displayed by children that are developmentally inappropriate, non-consensual, coercive, exploitative, or potentially harmful to themselves or others. HSB differs from age-appropriate sexual exploration in that it involves elements such as power imbalance, use of force or manipulation, secrecy, distress, fear, or harm.

- *Clause 8 – s.6A(7): Allowing a child to be placed on the register without establishing risk to a particular person or class of persons is concerning. At minimum, the court should identify whether a risk exists, how significant it is, and who it relates to, including at least a defined class of persons such as peers, family members, or primary school aged children. Without this, the risk assessment becomes overly broad and punitive. We have proposed amendments below to address this issue.*

While we acknowledge the addition of sections 10(1A) and 10(2A) in the draft Bill, which provide that where an offender was a child at the time of committing a reportable offence, a court, in deciding whether to make an order, must take into account the principles in the *Youth Justice Act 1997*, we do not believe this goes far enough to protecting children from the developmentally inappropriate harms of being placed on the register or upholding the intent of the COI.

We note that other community service organisations have raised the same concerns. We support TasCOSS' statement regarding the Bill, made in their submission in September 2025, including the fact that diversionary approaches in relation to children in Tasmania are sorely underutilised and therefore not sufficient in meeting the requirements of the COI to reduce children's interactions with the criminal justice system, and that:

“current provisions intended to limit the applicability of the scheme relate only to children (under 18 years)”. Other international jurisdictions are recognising the developmental needs of young people between 18-25 years and expanding therapeutic responses to prevent criminalisation and promote rehabilitation.”

We thus recommend that any child-related aspects of the Act use an expanded definition of children and young people to include young people up to the age of 25, not 18, as is developmentally appropriate.

We also endorse The Family and Sexual Violence Alliance's recommendations in their submission on this Bill³ that:

- *“If s.6A is to be retained, we suggest that prior to any decision to include young people reportable offenders, a Child Rights Impact Assessment is undertaken to ensure that registering a child or young person does not infringe on their rights, and that this assessment is used to ascertain the best strategy for responding to young people use of sexual violence.”*
- *“...registration periods need to include child-specific registration periods to ensure that they are not further disadvantaged as they transition from childhood to adulthood, such as employment, education, housing, and recreation limitations. We suggest that child-specific registration and reporting measures reflect the provisions outlined in the Annulled Convictions Act 2003, including the annulment of convictions after five years of good behaviour.”*

Judicial Discretion and Guidance for Courts

If Parliament permits a reporting order to be made in relation to a child, then the legislation must tightly structure how judicial discretion is exercised. Reporting orders may affect a child's education,

³ The Family and Sexual Violence Alliance (2026) Submission to the Inquiry into the Community Protection (Offender Reporting) Amendment Bill 2025 (No. 61), p. 7

housing, employment, relationships, mental health, access to community, cultural connection, and long-term rehabilitation or risk of recidivism. Decisions of this nature should not depend solely on broad discretionary assessments of “risk” without clear statutory direction grounded in contemporary evidence regarding child development, trauma, and HSB.

Judicial officers do not operate outside broader social structures and systems of inequality. Research regarding judicial diversity and unconscious bias demonstrates that courts, like all institutions, are susceptible to the influence of implicit assumptions and socially embedded biases. The “*Australian Law Reform Commission (ALRC) Cognitive and Social Bias in Judicial Decision-Making*” report found:

“... heuristics, attitudes, and stereotypes may influence (and bias) human decision-making... judges are likely to be vulnerable to many of the ordinary cognitive and social biases that pervade human cognition.”⁴

Without clear legislative direction and specialised training, there is a significant risk that children, particularly Aboriginal children, children in out-of-home care, children with disability or neurodivergence, LGBTQIA+ children, and children with significant trauma histories, may be assessed through punitive, moralistic, or deficit-based frameworks rather than developmentally- and trauma-informed approaches.

We acknowledge that reference to the *Youth Justice Act 1997* (Tas) goes some way in providing guidance to judicial officers in these circumstances, specifically the objectives and principles set out in section 4 and 5. These are, however, are high-level, and do not direct courts to actively consider the kinds of trauma, disadvantage, vulnerability, and systemic factors that are highly relevant to HSB. They also don’t protect against punitive decision making informed by bias and assumptions about risk or recidivism when it comes to HSB.

We recommend that judicial officers must consider experiences of the child and young person when making a reporting order, including the following:

- ***child sexual abuse, sexual exploitation, or harmful sexual exposure;***
- ***family or domestic violence and coercive control;***
- ***intergenerational violence;***
- ***abuse, neglect, institutional abuse, or other childhood maltreatment;***
- ***homelessness, housing instability, poverty, food insecurity, or significant social disadvantage;***
- ***disrupted attachment, parental incarceration, substance misuse within the home, or family instability;***
- ***disability, neurodivergence, cognitive impairment, acquired brain injury, communication barriers, or mental ill-health;***
- ***racism, discrimination, homophobia, transphobia, ableism, classism, and other forms of marginalisation;***
- ***cultural background, community connection, and the impacts of colonisation, particularly for Aboriginal children and young people;***
- ***developmental stage, emotional maturity, cognitive capacity, and capacity for rehabilitation;***

⁴ Australian Law Reform Commission. (2020). *Cognitive biases in judicial decision-making* (Judicial Impartiality Background Paper J16). <https://www.alrc.gov.au/wp-content/uploads/2021/04/J16-Cognitive-Biases-in-Judicial-Decision-Making.pdf>

- *access to therapeutic, educational, behavioural, disability, cultural, and family supports;*
- *the availability and appropriateness of non-criminalising, therapeutic, restorative, or community-based interventions;*
- *evidence regarding child and adolescent recidivism rates and the developmental distinction between children who engage in HSB and adult sexual offenders;*
- *the likely impact of registration on the child or young person's rehabilitation, education, employment, housing, therapeutic engagement, social development, cultural connection, and long-term reintegration;*
- *whether registration may compound existing trauma, stigma, criminalisation, or institutionalisation; and*
- *the risk of conflating HSB with entrenched adult predatory offending.*

We also recommend that any judicial officer determining whether to impose a reporting order on a child should receive specialised and ongoing training regarding child development, trauma (including child maltreatment and adverse childhood events), HSB, family and sexual violence, child sexual abuse, disability, neurodivergence, cultural safety, and the impacts of criminalisation and surveillance on children and young people.

Disclosure of information to affected children – Section 45

Our submission in September 2025 recommended amendments that, if the public disclosure scheme remains, would allow information from the register to be shared with the affected children and young people by parent(s), carer(s), or guardian(s) who had accessed the register. Specifically, *we recommended that 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(s), guardian(s), or carer(s) but with the child(ren) in question themselves if deemed appropriate by the parent(s), guardian(s), 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.*

This recommendation was based on the following assumptions:

- Children have a right to information that impacts them and facilitates their agency in protecting their own safety and participating in decisions affecting their lives, as outlined in the [UN Convention on the Rights of the Child](#).
- Parent(s), carer(s), or guardian(s) as those who know a child(ren) are best placed to decide if, how, and when such information is shared with children.
- Parent(s), carer(s), or guardian(s) as those who are most familiar to and likely perceived as the safest people by children are ideally positioned to share that information in a way that is developmentally appropriate for the individual child or children.

The provisions that have been made at 44CA(5) to address this which allow police to also disclose information about a reportable offender to children and young people is at least an acknowledgement toward children's rights in this context. The notion that "*Such a disclosure should be determined and delivered by police to ensure a trauma-informed approach*"⁵ is, however, problematic. We have great respect for the work of the Tasmanian police and value the ongoing collaboration with them through joint initiatives such as the Arch Multidisciplinary Centres.

However, the suggestion that police are the most appropriate or equipped party to determine and deliver sensitive information directly to children misunderstands both trauma-informed practice and child-centred communication. Police are not generally trained or positioned to assess a child's individual developmental stage, emotional readiness, or the relational context in which such information from the register should be shared. This approach risks causing unnecessary distress or confusion for children and undermines the role of parents, carers, and guardians as the primary and most trusted support people in a child's life. It is inconsistent with the principles of child safety and wellbeing embedded in the *Child and Youth Safe Organisations Framework (Tasmania)*, which emphasises the importance of empowering children through relationships of safety and trust. A genuinely trauma-informed and child-centred approach would enable parents, carers, or guardians – supported where necessary by professionals with relevant expertise – to determine how best to communicate this information in a manner that upholds the child's dignity, agency, and sense of security.

Again, we urge the government to listen to recommendations made by specialists with relevant expertise in trauma informed and child centred care and enact legislation that upholds children's rights, reflects evidence-based best practice, and ensures that decisions about the sharing of sensitive information prioritise the safety, wellbeing, and relational context of each child, rather than defaulting to procedural or enforcement-driven approaches.

Production of child exploitation material offences and the treatment of children

In his Second Reading Speech, the Minister stated that amendments to the Class 1, 2 and 3 offence schedules would recognise the difference between circumstances in which children are involved in the production of child exploitation material through self-generated or consensual peer image-sharing, and circumstances in which adults make, possess, or produce child exploitation material. We acknowledge the importance of this distinction and strongly support legislative approaches that avoid criminalising developmentally normative behaviour between children.

However, it is not clear that this distinction is reflected in the primary legislation of the Bill.

The offence of production of child exploitation material remains included across the Class 1, 2 and 3 schedules. The Bill introduces a separate decision-making framework for children through section 6A, under which a court must consider whether a reporting order is appropriate rather than being required to impose one automatically. However, the intended differentiation between exploitative offending and consensual peer image-sharing appears to rely on the court's discretionary assessment of risk and on the future prescription of certain offences through regulations rather than being clearly articulated in the Act itself.

⁵ Cited in "*Attachment 1 - Response to Laurel House recommendations on CPOR Amendment Bill*" received in conjunction a letter from Minister Ellis in October 2025 in response to our September 2025 submission.

For clarity, an Act is primary legislation passed by Parliament following debate and scrutiny by both Houses. Acts establish the core rights, obligations, and safeguards that Parliament intends to apply. By contrast, regulations are subordinate legislation made later by the Executive under powers granted by an Act. Regulations are typically used to specify operational detail or technical matters and can be amended more easily than Acts, usually without the same level of parliamentary scrutiny. In this Bill, section 6A(3) provides that a court must not make a reporting order merely because a child has been sentenced for a single offence that is “prescribed” for the purposes of that subsection. The Bill also inserts a regulation-making mechanism to identify offences in relation to child offenders. This means that the offences intended to be excluded from automatic consideration for registration are not currently specified in the Act itself and will instead be determined later through regulations.

Given the significant consequences associated with placement on the Register, we consider that safeguards of this nature should be clearly set out in primary legislation of the Act rather than relying on subordinate legislation (regulations) that has not yet been made available for scrutiny. Placement on the Register involves substantial reporting obligations, restrictions on employment and movement, and ongoing police oversight. For children and young people in particular, these consequences can have disproportionate developmental, educational, and psychosocial impacts. Where Parliament intends to distinguish between exploitative offending and developmentally normative adolescent behaviour, that distinction should be explicit and transparent within the Act itself.

Other Australian jurisdictions have addressed this issue by embedding clearer protections for children directly within primary legislation. In some jurisdictions (Victoria), the legislation explicitly excludes certain child offences from triggering registration where they involve single instances of peer-based conduct. By contrast, the approach adopted in this Bill appears to rely primarily on the future prescription of offences through regulations to achieve the distinction described in the Second Reading Speech. As the relevant regulations have not yet been published (to our knowledge), it is not possible to assess whether they will fully reflect the intended protections.

We are concerned that relying on regulations to define the scope of these safeguards creates uncertainty about when reporting orders are intended to apply to children and places an inappropriate reliance on judicial discretion to resolve what is fundamentally a policy question. It also limits the ability of Parliament and stakeholders to assess whether the Bill, as drafted, gives effect to the Minister’s stated intent.

Consistent with the Minister’s stated intent and with the principles of the Youth Justice Act 1997, ***we recommend that the Bill be amended to explicitly provide that children who are convicted of offences involving self-generated or consensual peer image-sharing are not to be subject to reporting orders unless additional risk-based criteria are satisfied. At a minimum, offences intended to be excluded from consideration for reporting orders in relation to children should be clearly identified in the primary legislation rather than prescribed by regulation.***

Amendment to Schedule 1 – section 11(1) of the *Sex Industry Offences Act 2005*

We remain adamant that sex workers do not, if found guilty of an offence under section 11(1) of the *Sex Industry Offences Act 2005*, pose a risk to children that warrants the making of a reporting order. We thus ***recommend that section 11(1) of the Sex Industry Offences Act 2005 should be***

removed from Schedule 1. The rationale for this inclusion simply repeats the offence in section. 11(1) – having a child on premises – without considering the risks or detriment to that child if the sex worker (most likely their mother) has a reporting order made against her. As you are likely aware, reporting obligations are onerous, can affect employment and education options, and require what can only be described as a significant invasion of privacy. Including sex workers in Schedule 1 of the Bill in this way will only serve to further stigmatise an already extremely marginalised but legal profession and reduce their safety in engaging in work.

We also recommend that Section 11(2) should similarly be removed from Schedule 1 for the same reasons as above – if a child is on the premises of a person receiving sexual services this is not synonymous with a child being involved in those sexual services. We note that the *Sex Industry Offences Act 2005* doesn't easily facilitate sex workers engaging in work in a conventional workplace setting, due to the restriction of only being able to work with one other person. This provision causes significant barriers in sex workers being able to set up, maintain, and pay for premises outside their home – where they are likely to reside with their children, or providing services in the homes of their clients where, similarly, children may reside. Anecdotally we know that sex workers who work from home while their children are on premises do so carefully, discreetly, and in a manner that prioritises their child's safety and wellbeing. The same goes for providing services at a client's home where a child may reside. We maintain that having a child on premises while engaging in sex work is vastly different from other offences that justify the making of a reporting order and should be removed from the Bill. The removal of s. 11(1) wouldn't prevent a sex worker from having a reporting order made against them in circumstances where they commit any other offence listed in Schedules 1-3 of the *Community Protection (Offender Reporting) Act 2005*.

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,



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