

DRAFT SECOND READING SPEECH

HON FELIX ELLIS MP

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

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Honourable Speaker, I move that the Bill now be read a second time.

The Community Protection (Offender Reporting) Amendment Bill 2025, known as Daniel's Law, will strengthen community safety by tightening reporting and monitoring requirements for known sex offenders, and significantly improving the collection and sharing of information under the *Community Protection (Offender Reporting) Act 2005* to better prevent sexual harm.

Sexual offending is a devastating crime that shatters the lives of victim-survivors, with far-reaching impacts that ripple through families, communities, and society. For children, the trauma is especially profound, as they are uniquely vulnerable due to their dependence, limited understanding of consent, and emotional immaturity. The damage extends beyond the survivor, eroding trust, safety, and justice in our communities. These harms can span generations, impacting loved ones, caregivers, and professionals.

Nobody understands this more than Bruce and Denise Morcombe who lost their cherished son, Daniel Morcombe, on 7 December 2003. Daniel was waiting for a bus, on his way to buy Christmas presents when he was abducted and murdered by a repeat child sex offender. Bruce and Denise became nationally recognised for their advocacy for child protection and started the Daniel Morcombe Foundation. Today, we recognise their loss and their resilience, and we join with them in their tireless fight to protect all children in our community.

Last year, Queensland passed its own legislation to establish a sex offender register disclosure scheme, also known as Daniel's Law, in honour of Daniel Morcombe. In Tasmania we stand with Bruce, Denise and Queensland, and other states in the future, who act in Daniel's name to keep children safe.

By way of background, the *Community Protection (Offender Reporting) Act 2005* was introduced to implement reportable offender registration in Tasmania as part of a framework of statutory registration schemes of sex offenders across Australia. The Act requires the Commissioner of Police to establish and maintain a Community Protection Offender Reporting Register and to appoint a Registrar for this purpose. The Register

is a confidential record of personal information reported by people who have been convicted of a reportable offence under the Act who, at the time of sentencing, have been ordered by the court to be registered. The Act requires a reportable offender to keep the Registrar informed of their whereabouts, and other personal details, for the duration of the registration order made by the Court. Police also have powers to monitor reportable offenders in the community to ensure the information they have provided is accurate and verified. Additionally, the Act provides for the making of Community Protection Orders, which can restrict the activity and movements of certain high-risk offenders.

In Tasmania there are just over 400 reportable offenders recorded on the register. As part of the national approach, no matter where in Australia a person is recorded on a Register, persons with court-imposed reporting obligations cannot avoid or circumvent those obligations by moving interstate. Instead, they become a corresponding reportable offender and are monitored in their new state of residence under corresponding legislation.

The Act, at conception in the early 2000s, was offender centric and designed to be highly restrictive around access to information recorded on the Register. These restrictions prompted Judge Turnbull of the Federal Circuit and Family Court of Australia to make a submission in January 2023 to *The Commission of Inquiry into the Tasmanian Government's response to Child Sexual Abuse in Institutional Settings* about the restrictive operation of the confidentiality and release of information provisions in the Act. Judge Turnbull submitted that the legislation should be reviewed to ensure it is properly protecting children by allowing for information on reportable offenders to be readily accessible by Child Safety Services to determine whether children coming to notice were at risk of sexual abuse.

Although the Act has been amended on two previous occasions, once to include the provision to make Community Protection Orders under section 10A and on another occasion to recognise corresponding orders, no significant review of the Act has been undertaken since it commenced. Issues and limitations with the practical operation of the Act to effectively monitor offenders and prevent further offending given technological and other advances have become evident and additionally, our understanding of how sexual offences are committed has changed significantly. We now have a better understanding of the complexities of these matters and we need to have legislation that can be used effectively to prevent known sex offenders from committing these heinous crimes. We need legislation that can be used to actively protect children and the community from the devastating consequences of sexual harm.

(Long title)

As such, this Bill seeks to achieve a shift away from offender-centric legislation to an Act that upholds and strengthens protections for our children and our community. The

Long Title of the Act is being amended to reflect this reframing and will add an express objective of protecting children, adults and the community and allowing information from the Register to be disclosed for the safety and protection of children and the community. This will ensure that the Court will consider the protection and safety of our community as a priority and will ensure the Act is consistent with contemporary national and international principles of child protection.

(New disclosure scheme)

The Bill will introduce a new disclosure scheme that will allow concerned parents, guardians and carers to apply for information on the Register about people who have regular, unsupervised contact with their children. This will give parents, guardians or other persons who care for children access to information that may allow them to make informed decisions to protect their children. As a result of our most recent round of consultation on the legislation, we have extended the scope of the disclosure scheme to include an ability for a person under 18 years of age to also apply for disclosure in certain circumstances to keep themselves safe. This recognises that we have young people living independently, or sadly in situations where parents, guardians or carers are not taking protective actions for the child.

The disclosure scheme will also allow the Commissioner to release the personal details of a reportable offender to the community when the whereabouts or location of that offender is not known. This is to ensure that the safety of our children and our community is paramount. The disclosure scheme also prevents the release of information about a reportable offender if they are a child.

The Bill will balance the release of information under the disclosure scheme with offences that prevent the deliberate misuse or the publication, distribution or displaying of information from the Register, except in limited circumstances. We have listened to the concerns of stakeholders regarding these provisions and worked hard to ensure the Bill clearly reflects its intended purpose, which is to restrict the unnecessary release of information specifically disclosed under the Act and **not** to stop victim-survivors from telling their stories from their own lived experience. We have also included clarifying provisions across multiple sections that information must not be disclosed under the Act if it identifies a victim or a complainant. The feedback we received in relation to these victim-centred provisions demonstrates the value of public consultation in the legislative drafting process.

We recognise that a disclosure scheme is just one element of a broader approach to keeping children safe. We understand that being told someone with access to your child is not on the Register does not necessarily mean your child is safe from harm. The approach that Tasmania Police will take to information disclosures will be informed by this fact. Trauma-informed explanatory materials are being developed to assist our communities to understand the scheme, its purpose and its limitations. This includes

information sheets for victim-survivors; parents, guardians and carers; youths; employers; support services; and the reportable offenders themselves.

We know the implementation of the disclosure scheme requires a careful and considered approach in balancing community safety and achieving the policy intent. We have worked hard to ensure our disclosure scheme is suitable and workable in the Tasmanian context. Our highly trained Reportable Offender and Child Exploitation Unit within Tasmania Police stands ready to implement the disclosure scheme and utilise the new provisions within the Bill to protect Tasmanian children from harm.

(Exchange of information)

As it is currently drafted, the Act restricts the exchange of information on the Register for law enforcement and child protection purposes, including between other government agencies. The Bill therefore includes changes that will make it easier for Tasmania Police to share information on the Register for law enforcement and child safety purposes. Section 44 of the Act will be amended to define relevant agencies for the purposes of information disclosure and will include the Commissioners of the Australian Federal Police and the police forces of another state or territory. Relevant Agencies will include other government authorities of the Commonwealth or of a State or Territory, including government agencies within Tasmania, which are responsible for the protection of children or reportable offender management. These changes are necessary and important for strengthening our capability to support national and local objectives to enhance child safety.

(Orders for the registration of an adult reportable offender)

An order for the registration of an adult reportable offender is currently not mandatory at the time of sentencing. The Bill will make changes to section 6 of the Act by removing the Court's discretionary power to make an order for registration and replacing it with a new requirement to cause a person who has been sentenced for a reportable offence to be registered and comply with the obligations under the Act. This requirement will be balanced with certain exceptions that give the Court discretionary powers when deciding to make a person a reportable offender. Included in these exceptions is a requirement that the court give paramount consideration to the safety and protection of children and the community.

Currently, the courts can consider a number of factors in making an order for the registration of an offender under section 10. These considerations will be expanded to allow the courts to consider an offender's prior convictions and previous reporting orders, and any pattern in the commission of offences indicated by that history. This is an important amendment that addresses contemporary understandings of how offenders perpetrate sexual and other serious offences, particularly in recognising patterns in behaviour that provide vital clues to the potential for future offending. Additionally, when considering if an order should be made for a person who was under

18 years of age at the time of committing a reportable offence, the court must take into account the principles at section 5 of the *Youth Justice Act 1997*.

(Orders for the registration of a young reportable offender)

Currently the Act does not recognise the difference between adult offenders and offenders who are or were under 18 years of age at the time the offences were committed. 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 person. Nonetheless, we know that some young offenders do pose a significant risk to other children and adults and will require monitoring to keep our community safe.

In the case of young offenders, the new provisions at section 6A take a different approach, recognising that young offenders are fundamentally different to adults in this context. For young offenders, the court must consider whether such an order is appropriate and only impose one if it is satisfied the child poses an unreasonable risk, removing the mandatory approach taken for adults. This provides for an individualised judicial assessment, allowing the court to consider the specific facts, risks, and individual needs of the youth. As a result, section 6A offers far more discretion for the Court to refuse to make a reporting order for a child, thereby enhancing proportionality.

Section 23B of the Act, which deals with the variation of reporting obligations of young reportable offenders, will also be amended to include considerations of whether the young offender poses an unreasonable risk to the community. Further, the Class 1, 2 and 3 offences will be amended to recognise the difference in children being involved in the production of child exploitation material in circumstances where they are taking selfies or consensual pictures, as opposed to adults who make, possess or produce child exploitation material.

In acknowledgement of the fact that a reportable offender's circumstances can change throughout their reporting period, the Bill will insert a new section 27A to provide that the Commissioner can suspend or revoke reporting obligations of a young or an adult offender under certain circumstances. These circumstances include where the offender was a child for the last offence that made them a reportable offender, or where they have a cognitive or physical impairment, or where they have a mental illness. These conditions will require the Commissioner to be satisfied that the offender does not pose an unreasonable risk of offending again.

(Employment)

Currently, a reportable offender under the Act is not prevented from applying for, or engaging in, child-related work. In light of the Commission of Inquiry and recent matters within childcare settings around Australia, this lack of restriction on reportable offenders poses an unacceptable risk to Tasmanian children and is out of step with community expectations. Other jurisdictions, including South Australia, the ACT,

Northern Territory and Victoria have provisions that prohibit reportable offenders engaging in child-related work. To bring the Act in line with those jurisdictions and with our own community expectations, the Bill will introduce a new Part 2A which deals with child-related services and the disclosure of information in relation to people charged with reportable offences. The new section 15B will automatically exclude reportable offenders from working in child-related services. This provision will only apply to a reportable offender who is not a child, or who was not a child at the time of the relevant offending. This is an offence-creating provision. It will be a defence if the defendant can prove they did not know that it was a child-related service.

The new Part 2A will also provide for the Commissioner to require a charged person to provide information to police about whether they are engaged or apply to engage in any child-related services and whether they have any reportable contact with a child. In turn, the Commissioner can require the charged person to inform their employer or a prospective employer in a child-related service of the fact they have been charged with a reportable offence, and the details of those charges, within 3 days.

The Commissioner will also have the ability to provide that advice to an employer or prospective employer of a charged person or to any parent, guardian or carer of a child who the charged person has reportable contact with, or indeed to the child themselves if certain conditions are met. Again, these provisions will only apply to a charged person who is not a child, or who was not a child at the time of the relevant offending. These sections provide protections to the community during the critical period between charging and court resolutions, where previously little action could be taken to protect the community.

(Community protection orders)

Section 10A of the Act enables the Commissioner to make an application to a Magistrate for a Community Protection Order, in circumstances where the Commissioner is satisfied that a reportable offender poses a specific risk to the safety or wellbeing of any child. A Community Protection Order prohibits or restricts the movement or conduct of reportable offenders. The Bill includes new provisions that expand the conditions that the Court may impose on a reportable offender under a community protection order that has been applied for by the Commissioner of Police. Currently, the conditions that can be imposed include limiting the reportable offender from specified conduct or movement, such as consuming alcohol, or making contact with specified people or classes of people. New conditions include restricting the reportable offender from accessing the internet. We know that heinous crimes are committed online, such as the grooming of children and young people. That is why restricting a reportable offender's access to the internet is paramount to protecting the safety of our children and young people online. The new provisions will also allow the Court to impose conditions requiring an offender on a Community Protection Order to submit to electronic monitoring and to surrender their passport to Tasmania Police.

The ability for the Court to impose these conditions is important to limiting and monitoring the movements of high-risk offenders within and outside Tasmania.

(Reporting obligations)

The Bill will provide for new reporting obligations for reportable offenders. Section 17 of the Act, which deals with the personal details that a reportable offender must provide to the Registrar, will be expanded to provide that a reportable offender must share their relationship status and details of their partner and any children of that partner, as well as details of any electronic monitoring that they are subject to. Additionally, there will be expanded reporting requirements concerning residential arrangements, as well as new inclusions regarding gender, citizenship, passport information and banking details. The amendments will also require that a reportable offender is to present to the Registrar any Working with Vulnerable People card issued to them, and in such circumstances the card can be seized for verification and inquiry.

I want to make clear at this point that we are taking as many precautions as possible to ensure the protection of children. Whilst we have processes in place to restrict reportable offenders from gaining a Working With Vulnerable People card, we are adding these extra protections to ensure that, in the event that a Card has been issued, it must be disclosed by the offender.

Additionally, reportable offenders will be required to report on any intended absences from Tasmania, which would include details of their travel, reasons for travel, and details of locations and travel companions, among other things. We are taking a tougher approach to tracking reportable offender whereabouts to ensure they are fully scrutinised in their movements and to limit their opportunities to re-offend.

The Bill will also amend the length of reporting periods as prescribed under section 24 of the Act to provide greater consistency in the length of orders made. Minimum reporting periods will now apply, whereas the Act currently only mandates maximum reporting periods. The amendments will also require that the Courts may consider previous convictions in determining the length of the reporting period.

(Increased penalties)

The Bill will amend a number of offence provisions to provide for tougher penalties. If a reportable offender fails to comply with their obligations under the Act, they will be liable to a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 3 years, or both. The same increase in penalty will apply to the offences of failing to comply with a community protection order or interim community protection order, and the offence of providing false or misleading information. The offence for breaches of confidentiality under the Act, for those that deliberately misuse information on the Register, will attract a penalty not exceeding 100 penalty units and / or up to 2 years imprisonment.

(New police powers)

The Bill will also introduce new powers for Tasmania Police to monitor and ensure compliance with reporting requirements under the Act. The amendments will provide a police officer the power to search a reportable offender in certain circumstances.

A new section 45B will be inserted to provide for a general power of arrest without warrant where a police officer suspects on reasonable grounds that a person has committed an offence under the Act. Additionally, a new section 45C will be inserted to clarify and consolidate the current powers to enter and search places, premises, conveyances and containers and to verify personal details. This section will also add a new power for police to search the devices of reportable offenders. The clarification and strengthening of police powers under the Act is an important step in increasing the ability of Tasmania Police to monitor reportable offenders, including their use of technology.

(Schedules)

A reportable offence is generally one of three classes of offences under the Act and is prescribed in the Schedules of the Act. The class of the offence determines the maximum amount of time that a reporting period can be imposed on a person by the Court. The Schedules of offences, as they are currently constructed, do not align with community expectations. The Bill therefore repeals these Schedules and replaces them with three new Schedules. The new Schedules move offences across classes for consistency with offences contained in other Tasmanian statutes, as well as recognising the seriousness of those offences. The Schedules will also include new relevant offences including Commonwealth Criminal Code offences, such as the crime of persistent sexual abuse.

(Regulations)

The Community Protection (Offender Reporting) Regulations is subordinate legislation to the Act. The Regulations are therefore subject to the expiry provisions under section 11(2) of the *Subordinate Legislation Act 1992*. The Regulations were due to expire on 1 March 2026 and were therefore required to be remade before this date.

Due to an overlap in the progress of the Community Protection (Offender Reporting) Bill 2025 and the date by which the Regulations were required to be remade, new regulations took effect on 3 February 2026.

The remake of the Regulations included several amendments which are currently included as consequential amendments within the Bill. As a result, we will seek the following amendments on the floor of the House:

- On Page 7 of the Bill where it is states: 'A Bill for An Act to amend the Community Protection (Offender Reporting) Act 2005, the Community Protection (Offender Reporting) Regulations 2016 and the Sentencing Act

1997' be amended to refer to the Community Protection (Offender Reporting) Regulations 2026;

- Clause 59, relating to regulation 8, and clause 61, relating to regulation 10 are withdrawn from the Bill as those amendments have been made in the remake of the Regulations;
- An amendment to the title of Part 3 to replace the words 'Community Protection (Offender Reporting) Regulations 2016 Amended', to 'Community Protection (Offender Reporting) Regulations **2026** Amended'; and
- An amendment to clause 58 to replace 'Community Protection (Offender Reporting) Regulations 2016' with 'Community Protection (Offender Reporting) Regulations **2026**'.

(Review provision)

The Bill mandates a review of the disclosure scheme relevant to section 44CA at 1 year and 5 years post-commencement. Such review will consider the number of applications made under the new disclosure scheme, the number of disclosures made, and the number of charges laid under the misuse offences at sections 34A and 34B. In carrying out the review, the Commissioner is to consult with all persons and bodies considered relevant to assess the operation and effectiveness of section 44CA. This will ensure the disclosure scheme remains subject to scrutiny and provides an opportunity to evaluate its effectiveness.

(Consultation)

Honourable Speaker, our Government is committed to providing opportunities for community involvement in the development and review of Government policy and legislation. As part of the development of this Bill, we invited feedback from the community through an initial public consultation process over 11 weeks from December 2023 to March 2024. We not only received comprehensive written submissions, but we reached out to key stakeholders through in-person targeted consultation sessions. Since that time, we have continued to listen and to hear what the community had to say about the proposed amendments. I am pleased that the Department of Police, Fire and Emergency Management was able to conduct further consultation in September 2025. Through this consultation round, face-to-face meetings were held with all those who had previously contributed to the public consultation process in 2023 and 2024, and we are incredibly grateful to those who provided further feedback on the Bill. These additional meetings were extremely productive and collaborative and resulted in some valuable refinements to the Bill since it was last introduced to this House. We also reviewed comments made in the initial debate of the Bill in May 2025, and, where appropriate, we incorporated Members' feedback into this finalised draft of the Bill. I would like to thank everyone who provided input in relation to this Bill. We have taken your feedback on board, and we have redrafted this Bill to ensure that it is strengthened to protect our children and our community from the harms of sexual and other serious offending.

(Conclusion)

Honourable Speaker, with this Bill we have worked hard to get the balance right. It is acknowledged that the Bill is not a silver bullet for addressing recidivist offending. As we know, reasons for offending can be complex and heinous, and unfortunately no single approach can eliminate such a scourge in our community. However, our Government is committed to protecting Tasmanian children, adults and the community from harm. By imposing tougher obligations on reportable offenders and increasing the capability of Tasmania Police to responsibly share information on the Register, we are sending a strong message to offenders that their activities are always subject to scrutiny. We are also making a promise to our children and our community that we will do everything we can to protect you with the additional safety net in Daniel's Law.

I commend the Bill to the House.