

ANGELA SDRINIS | LEGAL

Submissions at Strategy & Support
Department of Police, Fire
& Emergency Management
BPO Box 308
HOBART TAS 7001

Our Ref: AS:GCM:2022/3508

15 January 2024

By Email: Redacted

To the Tasmanian Police Service

Community Protection (Offender Reporting) Amendment Bill 2023

We are grateful for the opportunity to provide a submission regarding the proposed amendments to the *Community Protection (Offender Reporting) Act 2005* (the Act). Specifically, our submission is directed to the proposed sections 34A and 34B.

Angela Sdrinis Legal is a specialist firm which represents survivors of institutional abuse. Our survivor focus has informed our submission. We say the proposed inclusion of sections 34A & B will have devastating consequences on survivors and may result in the excessive protection of offenders and potentially placing the children of Tasmania at risk.

Indeed, we read the proposed amendments with horror and surprise particularly coming off the back of the Commission of Inquiry into Child Abuse which heard at length the problem with secrecy in various Tasmanian Government departments and how silence protected offenders at the expense of the safety of children.

Having said that, as legal practitioners, we recognise the importance of balancing the rights of offenders and the needs of the justice system; however, from a survivor perspective it is crucial to address the potential negative consequences and implications of the proposed changes.

- **General Wellbeing vs. Individual Rights:** While general wellbeing is important, it should not come at the expense of individual rights. Laws protecting offenders should not unduly compromise the ability of survivors of child abuse to disclose information that can help potential victims or facilitate the judicial process. This becomes especially concerning when survivors are restricted from speaking up under the proposed legislation. In our experience, it is silence that allows child sexual abuse to flourish. Further, in terms of recovery, it is important that survivors choose when and how to disclose. Gagging survivors demonstrably impedes recovery as evidenced by the "Let Her/Us Speak" campaign. [#LetHerSpeak](#) | [#LetUsSpeak](#).
- **Subjectivity of "Inciting Animosity":** The term "inciting animosity" is subjective and open to interpretation. Considering the sensitive nature of child abuse cases, the mere reporting or discussing of such incidents might be misconstrued as inciting

ANGELA SDRINIS Legal
Level 1/ 239 Park Street,
South Melbourne, VIC 3205
Tel: (03) 9686 6610

Hobart Office
Unit 5/ 286 Macquarie Street,
South Hobart, TAS 7004
Tel: (03) 9491 6050

Postal: PO BOX 42,
South Melbourne, VIC 3205
Email: info@aslegal.com.au
www.angelasdrinislegal.com.au



animosity. This subjectivity poses a risk of inhibiting free speech and inhibiting necessary public discourse and disclosure on matters of significant public concern and safety.

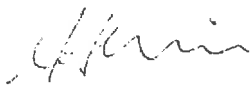
- **Impact on Investigative Process:** The proposed amendments could hinder the investigative process by restricting the disclosure of relevant information about a person's background or previous offences. Law enforcement and legal professionals will face challenges in building a case effectively, potentially compromising the pursuit of justice.
- **Public Perception and Transparency:** Legislation that is overly protective of offender information gives rise to concerns regarding transparency and accountability in the legal system. Transparency is vital to maintaining public trust in the justice system. Striking a balance between privacy and accountability is crucial for a fair and just legal process.
- **Restrictions on Legal Practitioners:** Although the proposed amendment indicates that a person may disclose information to a legal practitioner for the purpose of obtaining legal advice or representation, the interpretation of the amending section could be very narrow and result in restricting legal practitioners in their capacity complete investigations or interview witnesses that have key information regarding the reporting of offenders. For example, our firm regularly posts requests for information on convicted offenders on our website. The proposed changes may mean that we are inhibited from doing so even though we are relying on publicly available information in making these requests. Further, the proposed amendments may restrict legal practitioners from referring to sentencing remarks in media articles or making comments on convictions. This limitation could impede the ability of legal professionals to advocate for their clients effectively and engage the public in discussions regarding matters of public interest.

In conclusion, whilst recognizing the importance of protecting individual rights, it is crucial to carefully consider the potential negative consequences and unintended effects of the proposed amendments to the Act.

We urge Tasmanian Police/the Tasmanian Government to reconsider the language and scope of the proposed changes to ensure a fair and transparent legal process that respects the rights of all stakeholders.

Thank you for your attention to this matter.

Yours faithfully



Angela Sdrinis
Director
Angela Sdrinis Legal

Redacted