



## POLICE ASSOCIATION OF TASMANIA

107 New Town Road  
 New Town TAS 7008  
 Phone: Redacted  
 Email: [pat@pat.asn.au](mailto:pat@pat.asn.au)

**2 February 2024**

Robert Blackwood  
 Assistant Commissioner

Via Email: Redacted

Dear Assistant Commissioner Blackwood,

### **Feedback on the Draft Community Protection (Offender Reporting) Bill**

I acknowledge your email of 12 January 2024, seeking feedback for the proposed amendments to the Community Protection (Offender Reporting) Bill and provide the following response.

The Police Association notes that the intention of the amendments is to ensure that appropriate and adequate information is recorded by Tasmania Police and is able to be disclosed to entities to better protect children and the community. The proposed changes to the legislation are generally supported by the Police Association, and the following matters are outlined for your consideration.

The proposed amendment to section 5 of the Principal Act is to include a new section;-

*“(4A) A person is not a reportable offender merely because the person, as a child, committed a single offence (including an offence under the laws of a foreign jurisdiction) that falls within the class of offences that are prescribed by the regulations to be offences for the purposes of this subsection.”*

While it appears the intention is to preclude children who commit a single offence from becoming a reportable offender, in some instances, the severity or circumstances of the offending may require the control mechanisms available for reportable offenders to be imposed on first-time offenders. It is noted that this section does not prohibit the inclusion of a first-time, child offender to become a reportable offender, however the legislation would be improved with a provision that better considers this option (based on the circumstances and details of the offending behaviour).

The new Section 15C contains a requirement by the Commissioner for a charged person to make disclosures in relation to child-related services or reportable contact. Specifically, it is proposed;-

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*“15C(1) The Commissioner may give to a person, who is not a child, who has been charged with a reportable offence, a notice in writing requiring the person to provide to the Commissioner –*

*(c) information regarding any reportable contact the person has or expects to have with a child.”*

While other subsections under 15C have a specific time period imposed for the disclosure of information, 15C(1)(c) remains mute in this regard. The legislation would be strengthened with the inclusion of a requirement to provide the information at the time of charging.

Section 19 is to be amended by including a new subsection (19(5)) that requires a report of intended international travel by a reportable offender to be forwarded to the CEO of the Australian Crime Commission ((5)(b)). The most contemporary name for that organisation is the Australian Criminal Intelligence Commission (as later described in section 44(4)(c) of the Principal Act). It is recommended that for consistency, section 19(5)(b) be amended to “Australian Criminal Intelligence Commission”.

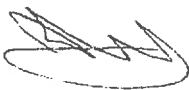
Section 21(8) proposes to provide a person authorised to carry out a non-intimate forensic procedure on a reportable offender to use reasonable force. The legislation would be strengthened by including a penalty provision for refusing to comply with any reasonable direction in connection with the carrying out of the forensic procedure; or obstructing, resisting, hindering, using violence against, threatening or intimidating a person in connection with the carrying out of the forensic procedure.

Section 34A outlines a definition of *public place* that is to be considered when assessing conduct intended to incite animosity towards, or harassment of, reportable offenders. While it is a simplistic definition, for consistency, it may be better to replicate the definition of *public place* contained in the Police Offences Act 1935.

It is also noted that section 45D outlines the offence of failing to comply with the Act and subsection (2) provides a power of arrest. The proposed amendments seek to remove the power of arrest. The position of the Association is that the power to arrest for a breach of the Principal Act should remain.

Once again, thank you for the opportunity to provide feedback on the proposed changes to the Community Protection (Offender Reporting) Act and the Association looks forward to continuing to work with Tasmania Police to make positive changes to legislation.

Yours sincerely,



Shane Tilley  
**President**  
 Police Association of Tasmania