

Queensland Protection Commission Bill 2026

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, make this statement of compatibility with respect to the Queensland Protection Commission Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

Please refer to the Explanatory Note for an overview of the Bill.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The human rights under the *Human Rights Act 2019* (HR Act) that are relevant to the Bill are:

- Section 23 – taking part in public life;
- Section 24 – property rights;
- Section 25 – privacy and reputation;
- Section 26 – protection of families and children; and
- Section 29 – right to liberty and security of person.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

Removal of commissioner and deputy commissioners

(a) the nature of the right

The *right to take part in public life* (section 23 of the HR Act) provides a right of access, on general terms of equality, to positions in the public service and in public office. This right ensures that individuals are not unfairly excluded from public service roles and that employment opportunities are accessible to all, free from discrimination.

The Bill limits these rights because it will allow for the termination of a statutory office holder for any reason or none.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the provision which allows for the removal of the commissioner or deputy commissioners is to provide the Minister with the flexibility and oversight to address matters affecting the affairs and leadership of the Queensland Protection Commission (QPC). This flexibility is intended to ensure that the QPC operates effectively in its purpose to protect the safety and wellbeing of children, young people and other vulnerable people. This will also ensure the community can have trust and confidence in the QPC and that its leadership is driven towards achieving these objectives.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limit will achieve the purpose because it directly and explicitly provides the Minister with the authority to recommend the removal of the commissioner or deputy commissioners, without the need to satisfy specific criteria. This enables a flexible and responsive approach to addressing leadership or operational issues which may arise.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

Consideration was given to tying removal conditions only to specific criteria (e.g. misconduct or incapacity). However, this would not achieve the purpose to the same extent because it would not provide the same degree of flexibility or responsiveness required to address unforeseen circumstances that could impact the effective operation of the QPC, in particular its purpose to protect the safety and wellbeing of children, young people and other vulnerable people. Allowing the removal of the commissioner and deputy commissioners for any reason or none enables timely and decisive action, ensuring these roles are executed to the high standards expected by the public.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limit on the right identified is outweighed by the significance of the purpose. In achieving the purpose, the removal provision will provide the Minister with the necessary flexibility to ensure that the leadership of the QPC is as effective as possible. As a result, it will enhance the protection of children and other people at increased risk.

- (f) any other relevant factors

Nil.

Information sharing

(a) the nature of the right

The *right to privacy and reputation* (section 25 of the HR Act) provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. The scope of the right to privacy is very broad and covers personal information and a person's private life more generally.

This right may be limited where a statutory provision provides for or amends requirements relating to the storage, security, retention, or sharing of, and access to, personal information. Section 25 also protects the right of persons not to have their reputation unlawfully attacked.

The multiple information-sharing provisions of the Bill limit the right to privacy and reputation in a number of ways. It will enable an authorising environment where any information held by any of the QPC's Child Safe Standards (CSS), Reportable Conduct Scheme (RCS) or worker screening functions which may be relevant to whether a person poses a risk to the safety of children or a person with disability can be disclosed to any other of those functions. Such information may be shared under the *Child Safe Organisations Act 2024* (CSO Act), the *Working with Children Check Act 2000* (WWCC Act) or the *Disability Services Act 2006* (DS Act). This will effectively remove any existing legislative barriers to the sharing of this personal information, where those barriers may currently create gaps in the information that can be shared.

The Bill also limits the right to privacy by authorising the disclosure of personal information (including family names, address, date and place of birth) about individuals who have applied for a working with children check, and those who already hold a blue card, with the Australian Criminal Intelligence Commission (ACIC).

The Bill also limits the right to privacy and reputation by integrating the Child Death Register and Child Death Review Board provisions from the repealed *Family and Child Commission Act 2014* (FCC Act). These unchanged provisions, which are already in operation under the FCC Act, enable the sharing, use and retention of personal and sensitive information, relating to the deaths of children, in a number of ways.

Further, the right to reputation is limited by the transfer of provisions from the FCC Act which provide that there is to be no liability for defamation if defamatory statements are published, under the provisions relating to the Child Death Register and the Child Death Review Board, in good faith. The right is limited by these provisions because they establish protections from liability which, in turn, may increase the likelihood of defamatory statements being published.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of these various limitations on the right to privacy and the right to reputation is to promote the rights of children to protection in the child's best interests (section 26(2) of the HR Act) and the rights of children and other persons at increased risk to security (section 29(1) of the HR Act) by enabling, and removing barriers to, the free sharing of information which is relevant to, and will contribute towards the enhancement of, the safety and wellbeing of children and other persons at increased risk.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limits on rights will achieve the purpose because they will make it easier for information which is relevant to the safety and wellbeing of children and other persons at increased risk to be shared within the QPC and between different entities and individuals involved in the child safeguarding system. This will ensure that relevant information is not withheld, individuals are not disincentivised from providing relevant information, and that risks are more easily identified and addressed.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

An alternative approach could involve maintaining the status quo by retaining existing legislative provisions for the sharing of information as drafted, and not removing barriers to the sharing of risk information between the CSS, RCS and worker screening functions. However, this would not achieve the purpose and would potentially undermine the QPC's ability to proactively identify and address risks to the safety of children and persons with disability. This may result in critical information being siloed, potentially preventing the QPC from carrying out its safeguarding functions in the most efficient and effective manner.

Similarly, maintaining the status quo with regards to sharing information with the ACIC would exclude Queensland from the NCCC system, meaning the QPC would not have access to near real-time information about changes to the criminal history of blue card applicants or cardholders. As a result, critical information relevant to the safeguarding of children and other persons at increased risk would not be available. Such an approach would fail to achieve the purpose.

With respect to the transfer of the Child Death Register and Child Death Review Board, any restrictions on the information sharing provisions would not achieve the purpose because it would create new barriers to sharing information relevant to the deaths of children.

The information shared within the QPC's CSS oversight, RCS and worker screening functions will be restricted to whether it is relevant to the performance of the QPC's functions under the CSO Act, WWCC Act or part 5 of the DS Act. Existing confidentiality provisions and new confidentiality requirement will apply. Further, information shared with ACIC will be limited to what is necessary for the operation of the NCCC.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

While the Bill imposes substantial limits on the right to privacy and reputation, it does so only to the extent that is necessary to protect the safety and wellbeing of children and persons with disability, which is a legitimate public interest and is of critical importance.

This need for enhanced information sharing was outlined in recommendations made in the Child Death Review Board's 2025 report *In Plain Sight: Review into System Responses to Child Sexual Abuse*. The limitation strikes an appropriate balance between the importance of the right to privacy and reputation and the importance of the State's obligation to protect children and other people at increased risk under section 26(2) and section 29 of the HR Act.

- (f) any other relevant factors

Nil.

Uplift of offences to disqualifying and serious offence framework

- (a) the nature of the right

The *right to privacy and reputation* (section 25 of the HR Act) is outlined above.

The Bill limits the right to privacy and reputation because the administration of the working with children check framework requires the collection, use and disclosure of personal information, including criminal history information.

The amendments to the WWCC Act, which will provide for the inclusion of additional offences within the serious and disqualifying offence categories, will result in additional personal criminal history information being relied upon when determining an individual's eligibility to work with children. Additionally, individuals who become ineligible to hold a clearance because of a relevant conviction may experience adverse impacts on their professional standing, reputation and ability to undertake particular employment or volunteer roles.

The *right to take part in public life* (section 23 of the HR Act) is also outlined above.

The inclusion of additional serious and disqualifying offences within the working with children check framework may result in some individuals becoming ineligible to obtain, or to continue to hold, a working with children clearance. In circumstances where a blue card or exemption card is a mandatory requirement for employment in a public sector role involving child-related work, affected individuals may be unable to obtain, retain or continue employment in those positions. Accordingly, the amendments may limit opportunities for some persons to access or participate in particular forms of public employment.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to promote the rights of children to protection, under section 26(2) of the HR Act, by ensuring that persons who have committed particular offences that indicate an unacceptable risk to children are unable to engage in regulated child-related employment and activities.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limits will achieve the purpose because excluding persons convicted of specified offences which capture significant offending behaviour reduces the likelihood that children may be exposed to individuals who present an unacceptable risk to their safety and wellbeing. Crucially, all of the relevant offences involve causing harm and indicate a clear capacity for behaviour that poses a risk to the safety and wellbeing of children.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

A less restrictive alternative would be to classify more of the relevant offences as serious offences, rather than automatically disqualifying offences. This would allow the affected person to make submissions to seek a clearance following an assessment of their circumstances. However, this approach would not achieve the purpose to the same extent. Automatic disqualification is considered necessary to ensure the highest possible level of protection for children and to maintain the integrity of the blue card system.

Further, existing cardholders will not be automatically disqualified, will not face instant loss of employment, and will have the opportunity to demonstrate that theirs is an exceptional case when making a future renewal application. Similarly, where an individual holds a clearance and they have a conviction for a new serious offence, this will not be taken to be a serious offence until the person applies for another clearance.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The purpose of protecting children is of fundamental importance. Achieving the purpose will protect more children from exposure to individuals who pose an unacceptable risk. It will also ensure that Queensland is aligned with other jurisdictions in creating a consistent and effective framework for working with children checks across Australia.

- (f) any other relevant factors

Nil.

Increase of multiple penalties and introduction of imprisonment for offences

(a) the nature of the right

The *right to liberty* (section 29 of the HR Act) provides that a person should not be deprived of their liberty except on grounds, and in accordance with procedures, established by law. The right ensures that individuals are protected from interference with their physical freedom, including by being arbitrarily or unlawfully detained. The Bill limits this right by amending the CSO Act to introduce a penalty of imprisonment for the existing offence of giving an official false or misleading information.

Property rights (section 24 of the HR Act) provide that a person has the right not to be arbitrarily deprived of their property. The Bill limits this right by amending the CSO Act and the WWCC Act to increase the monetary penalties imposed on individuals convicted of multiple existing offences .

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limits on rights is to more appropriately reflect the seriousness of the offending captured by the offences in the CSO Act and WWCC Act.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The Bill will achieve the purpose as it sends a clear message to both offenders and the wider community that the offences are considered to be of a serious nature.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Less restrictive alternatives would have included increasing the maximum penalties to a lesser degree. However, such alternatives would not achieve the purpose to the same extent. The usual safeguards which apply to sentencing matters, including courts retaining discretion in sentencing, will continue to apply in relation to this offence and the two year penalty merely represents the maximum penalty available in the more serious of circumstances.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The purpose of the limitation is of such importance – particularly when considered as part of a broader framework intended to safeguard society’s most vulnerable people from harm – that it outweighs the limits on rights.

(f) any other relevant factors

Nil.

Conclusion

In my opinion, the Bill is compatible with human rights under the HR Act *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the Act.

The Honourable Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity

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