JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:
Mr MA Hunt MP—Chair
Mr MC Berkman MP
Mr RD Field MP
Ms ND Marr MP
Hon. GJ Butcher MP
Mr PS Russo MP

Staff present:
Ms F Denny—Committee Secretary
Ms H Radunz—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE COMMUNITY PROTECTION AND PUBLIC CHILD SEX OFFENDER REGISTER (DANIEL'S LAW) BILL 2025

TRANSCRIPT OF PROCEEDINGS

Friday, 19 September 2025

Brisbane

FRIDAY, 19 SEPTEMBER 2025

The committee met at 10.30 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025. My name is Marty Hunt; I am the member for Nicklin and chair of the committee. I respectfully acknowledge the traditional custodians of the land on which we meet today. With me here today are: Peter Russo MP, the member for Toohey and deputy chair; Russell Field MP, the member for Capalaba; Mr Glenn Butcher MP, the member for Gladstone, who is substituting for Melissa McMahon MP, the member for Macalister; Michael Berkman MP, the member for Maiwar; and Natalie Marr MP, the member for Thuringowa.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded. A transcript will be published in due course. Media are present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphones on before you start speaking and off when you are finished. Please turn your mobile phones off or to silent mode.

MORCOMBE, Mr Bruce, Co-Founder, Daniel Morcombe Foundation

MORCOMBE, Mrs Denise, Co-Founder, Daniel Morcombe Foundation

CHAIR: Good morning. Thank you for joining us today. This important bill is named in honour of your son Daniel. Out of an abundance of caution, I will declare a possible conflict of interest. I do know the Morcombes personally and I participated in a child safety video with them as a police officer many years ago. Out of an abundance of caution, I wanted to declare that before the hearing started.

Thank you for coming and for your tireless work in the child safety space. All of us here know the important work you do, particularly around educating our children to remain safe. We appreciate you coming today to present to the committee. I invite you to make an opening statement.

Mrs Morcombe: Thank you very much for those kind words. We thank you for this opportunity and we trust that we will assist in this process.

Our son, 13-year-old Daniel Morcombe, was abducted and murdered on 7 December 2003. For almost eight years he was listed as a missing person who was suspected of being murdered. Daniel's police investigation became the largest in Queensland's history. Brett Peter Cowan, a twice-convicted child sex offender, was ultimately found guilty of murdering Daniel and sentenced to life in jail.

As Daniel's parents and founders of the Daniel Morcombe Foundation, we have pushed for a publicly accessible sex offenders register for more than 15 years. We believe that the three-tiered approach outlined in the bill before the Queensland parliament is measured in its approach and provides the tools necessary for parents and carers to improve the safety of children in their care. It assists the community to ultimately feel safer, and we believe it significantly acts as a deterrent against future offending.

First and foremost, the bill puts the protection of children ahead of the rights of offenders. Cowan would have been exposed under tier 2 and tier 3. The bill, to be known as Daniel's Law and named in honour of our son, is a wonderful gesture that is supported by the Morcombe Foundation. Daniel's legacy is about keeping kids safe. We believe that Daniel's Law will return the balance and provide additional tools for the community to do that. We hope that one day it is operating nationally.

Of course it is not the complete answer. We all realise that the perpetrators of child sexual abuse who do not have criminal records will remain in the shadows, but we know that Daniel's Law is absolutely going to help keep children safer.

Mr Morcombe: I will just add a couple of quick words to acknowledge the process and state how appreciative we are that it is progressing as we would like. I have most definitely read all of the submissions. I truly appreciate everyone's comments because it is a filtering process. There are quite a number of submitters who agree with us. Some were very detailed, some were middle ground with concerns as listed, and some objected and felt that Daniel's Law would create more issues than it solves. I appreciate everyone who contributed because, at the end of the day, the in-person hearings will bed down a lot of the commonsense approach, and we look forward to being part of that.

CHAIR: Thank you again for being here. It is wonderful to have your insights. As Denise said, this is a tool; it is not the answer to everything. The work you do in educating children is a very important tool for the protection of children. Can you take us through the journey of how you became involved in advocating for a register, please?

Mr Morcombe: As Denise quickly outlined, it probably goes back a good 15 or so years. Back then, Daniel was listed as a missing person who was suspected of being murdered. Obviously, the police investigation, the undercover work and the trial changed the landscape of that. Even in those early days we were very much of the view that being able to identify convicted child sex offenders in the community surely is a commonsense approach to keeping our children safe not just in the home unit but in the neighbourhood. I felt it also added weight as a deterrent factor for anyone who potentially wished to go down that path so that neither a first-time offender nor, indeed, a repeat offender would ever want to be on a publicly accessible child sex offender register. You can bring up lots of statistics from around the world with regard to different disclosure systems, including Megan's Law in the US et cetera, but at the end of the day I think common sense would say that nobody, no matter what your record, whether you are a cleanskin or somebody who has an horrendous record of repeat offending against children, wants to be on that register. Having a register is clearly a deterrent.

The first reading of what was termed Daniel's Law in the Northern Territory was in 2015. That was truly based on Megan's Law in the US, which is vastly different to the three-tiered approach here. It passed its first reading in a different climate of the parliament in the Northern Territory. The very small minority government and few Independents who supported the government's approach at that time became nervous, and upon the second reading of Daniel's Law in the Northern Territory it effectively collapsed. Since then there have been government changes. Over the years, of course, Western Australia has had a three-tiered system.

In the last 10 years we have had many discussions with premiers and relevant police ministers in every state. Fortunately, there is gathering momentum within Australia. I think we are all aware that South Australia has legislation on the books that I believe will be rolled out perhaps as early as December this year. Tasmania is having serious discussions at the moment, and we are involved to some degree with that in terms of definition and how it is to be applied. We are quietly confident that may well be rolled out in the second half of this year. Of course, Queensland is well down that track, so there is gathering momentum that this is the way forward. As Denise said, it is a measured, careful approach. We all want to put the protection of children ahead of the rights of convicted child sex offenders.

Mr BUTCHER: Thanks for coming in. With regard to the bill, are there any improvements or changes you have identified that you would put forward to the committee or the minister; for example, amendments or additional information? Is there anything that could be extended in the future as part of this bill moving forward?

Mr Morcombe: We do not have too many suggested changes. We have a steady-as-she-goes approach. I think that is the best way to put it. We are certainly happy to listen to any objections or modifications that may come forward. We are very much aware that with Western Australia, South Australia, the proposed legislation in Tasmania and here there are similarities in terms of tiers. Tasmania has elected to run with a two-tier approach. Tier 2 as listed in the proposed Queensland bill is community disclosure, being a photo. They have declined to put that forward at this stage. We understand that Tasmania has plans for a 12-month and then a five-year review. Given that perhaps Tasmania sits on their hands and gets something up in tier 1 and only tier 3, if I can term it like that, and then observes how South Australia, Queensland and maybe another state run along that line, they may modify that and deem there is no potential risk in identifying victims and roll out additional strengths. We are comfortable with where it sits. There is always something more you can do; one could argue there are always things you can do less. We are really comfortable that it is measured. I think it will serve the community well. It is always something you can monitor and adjust in due course should it become necessary.

Ms MARR: Thank you both for being here today. When you were speaking at the beginning and during this conversation you said it is a measured approach, and I really appreciate that. That is how I feel about this as well. You have also spoken about it being a deterrent. Education is going to be a key part in delivering Daniel's Law. How important is that component in keeping children safe? Is the Morcombe Foundation willing to work with the government to make sure we deliver these life-saving changes?

Mr Morcombe: Yes, absolutely. The Daniel Morcombe Foundation tries to be, and has been, front and centre as much as we can in not only providing resources free of charge but working with other agencies and government within Queensland and elsewhere to make sure we strengthen the education process and some of the other holistic approaches within Australia that could potentially be adopted or enhanced within Queensland. I refer to perhaps the Bright Futures program, which is an early intervention program for pre-teens, so early adolescents, who find themselves or are identified with acting out harmful sexual behaviours. We need to identify these youngsters and modify their behaviour so they do not turn into adult monsters down the track.

There are other measures. Stop it Now! is something the Daniel Morcombe Foundation is very much aware of. It is effectively a hotline for adults—of course, mostly males in this regard—who have an urge to sexually harm children. Before they do that, we wish they would ring a hotline to receive advice and care and support to nudge them in a healthy direction without the offending taking place. There is also Circles of Support and Accountability in South Australia, which we understand is getting very good reviews and is very helpful in helping reduce the likelihood of repeat offenders most definitely and also educating not just children but carers—not only mums and dads, who are obviously the carers within those children's lives, but also grandparents. It is a holistic approach to make sure that we keep our kids as safe as we can.

The register with the disclosure scheme is only one element. It does need three or four supporting mechanisms within that to make sure we get the balance right, because the last thing we want to do is create the sense in the community of perhaps mum and dad thinking, 'Well, the register is out there. Our kids will be safe in our neighbourhood.' That would be largely false because, as we know, unless you have been caught and convicted through the courts of child sex offending you will not be on that register. That is an adult as against perhaps a teenager who has made a mistake and grown out of that habit or their behaviour has been modified.

Ms MARR: I want to acknowledge your advocacy so far and I also thank you for going along the journey if this passes through parliament, because that is going to be the most important part of this. You are the face that we need to educate people. Your face is better than our faces. I can say that much.

Mr Morcombe: We do find ourselves—that is, Denise and I—in an unusual place where we are very much the face of child safety. There are wonderful organisations that share this space, of course, and do equally good work. Our story—Daniel's tragic story—is something that has captured the community's imagination and also, I think, the media's thirst for information. We are certainly very happy to go on that journey. We would look forward to that and welcome it.

Mr BERKMAN: Thank you so much for being here. I just want to start by thanking you as well for your decades of advocacy. Obviously, you are coming out of tragic circumstances. I also thank you for your generosity in having taken the time to read all of the submissions and acknowledging the diversity of views. It is incredibly helpful for us.

Mr Morcombe: Thanks.

Mr BERKMAN: In the statement of compatibility with human rights, introduced with the bill, there is an acknowledgement that this scheme does risk revealing the identities of families, children and other people associated with registered sex offenders. I expect you are well aware of the data that shows your circumstance with Daniel. Someone completely unknown to the family is in the minority compared to the number of circumstances where it is someone known. My question is: do you have any thoughts or concerns about the implications of those two things together? Might the scheme deter people—victims of child sexual abuse or other family members who are aware—from reporting on the basis that it presents a risk to them as a family or to their children or to loved ones?

Mr Morcombe: No. We do not have a risk of that because it is all about protecting children. For the best part of 20 years, the Daniel Morcombe Foundation through the Daniel Morcombe Child Safety Curriculum has had three words: recognise, react and report. Just on Wednesday of this week, only a couple of days ago, we were at Siena Catholic College presenting to year 7 students. After 20 years of presenting to school-age students how best to stay safe and how to improve the safety of the friends around them—their brothers or sisters or school colleagues—if I can isolate one word it is 'report'. We

encourage, 'If something has happened to you, if you are a survivor or if you have heard something from a school friend or a neighbour or whoever, you can help that person. It is never their fault. It is never your fault. Come forward, you will be believed and you will be cared for.' That is consistently our message and we would not change from that.

In terms of identifying victims—no matter what their age—in the community, we would absolutely wish that they never be identified. We would like the disclosure scheme to err on the side of caution. Should there be any possibility of the adult who has history of offending identifying the victim, do not put them on the register or disclose who they are for fear that it may identify the victim. That person could be from a small rural community, for argument's sake, that is relatively easily identified, as against a capital city or a major Queensland developed area. We do not want the possibility of victims being identified—absolutely not. To err on the side of caution would always be our recommendation.

Mr BERKMAN: Of course. Thank you very much.

Mr FIELD: Thank you, Bruce and Denise, for being here. I know it is difficult for everybody in your situation and others like it. I know there has been a lot of discussion, but do you see any negatives in this legislation?

Mr Morcombe: No, I do not. I read all of the submissions, as I identified. It is good to get a balanced view doing that. In good faith, with some of the negative approaches, we completely agree that public housing is an issue, or the integration of former incarcerated child sex offenders back into the community is an issue. We also identify that perhaps the valuations of people's homes may be affected should there be a cluster within a suburb or region—however it is identified—of child sex offenders in that area. Truly, they are of minor consequence. No. 1, No. 2 and No. 3 are: let's protect our kids. It is about children; it is not about the valuation of your home. Of course, integration of people from jail and rehabilitation is what we want, but No. 1 is to protect our kids. That is really my argument. I do not have any issues with people putting up different approaches and suggesting, 'That is good' or, 'That is not so great' or, 'That will create a drama.' We can sort those dramas out. I think this legislation is good, it is balanced and it is going to help kids.

Mr BUTCHER: With regard to tier 3 of the scheme, do you believe that there could be a benefit in including a maximum timeframe for the processing of applications to provide certainty for those applicants to make sure that—

Mr Morcombe: It is done in a timely way?

Mr BUTCHER: Yes.

Mr Morcombe: Yes, I would like that. It is perhaps not stated, and I am not aware of it being stated in other states either—what is appropriate but in a timely way. There will be situations of sleepovers or when someone within the family unit is unwell. New partners come into people's lives. If things are done accurately with haste, I think that is a good thing. Yes, I would agree with that. I am not sure of the length of time. I am not in the inner sanctum of the Police Commissioner's work life. I am sure it is incredibly busy. Timely would be good.

CHAIR: Bruce, in terms of tier 3, my understanding is that the predator who took Daniel was in a family—his wife—who were unaware of his previous offending. Tier 3 moves to capture that. A motivated predator will, in my experience, find vulnerable women to get into a family. Tier 3 is designed to prevent that happening. With the education that the foundation does, do you see a role moving forward in educating adults about the tier 3 register and how you can protect your children by using it?

Mr Morcombe: I think that is an excellent suggestion. It is all very well having the tools in place and I frequently—as frequent as just the other day in the office when we were in the process of completing new resources for children and adults to come out in a couple of months time, on Day for Daniel—stress to our team that we can create incredibly valuable, modern, influential child safe material but unless there are downloads we have wasted that opportunity, so downloads are really important. An advertising scheme—most definitely—to alert the public of the availability of tier 3, should they wish to go down that path, I think is a valid suggestion. It has great value.

We are very much aware that relationships globally, but certainly within Queensland and Australia, now are very different to the 1970s—like us, I suppose. Historically we were relatively stable but these days perhaps less so. I think it is a good idea that biological parents and guardians have the opportunity, should relationships change with the youngster whom they are perhaps the father of or the mother of, to check to see if that new partner who is the new love of that person's life has a history of offending against children—most definitely.

CHAIR: I saw you writing something down. Denise, do you have something to add?

Mrs Morcombe: I was just going to say that with the Daniel Morcombe Foundation our marketing and our ability to get resources out to the public is really enormous. We have two million people participate just on Day for Daniel. If we put out a bit of a campaign on tier 3—what to be aware of and what to do—we would be able to get that out nationwide.

CHAIR: I think that would be wonderful. We will talk more.

Mr Morcombe: I perhaps could have answered that three or four questions ago in terms of the unusual space Denise and I find ourselves in. Largely, there are better educated people in the room on child safety—we know that—but we bring something different to the table. In August Denise and I had over two million impressions on social media. We did not ask for that, but we find ourselves in that space, so we can be utilised in a helpful way to let the public know that these things are in place and so please use them if you can.

Ms MARR: I was talking to you before, Denise, and you were saying that you will never know how many lives your advocacy has saved. I am sure you have reflected on that and I am sure it continues to drive your work. Can you talk to us about the work you do and why it is so important that it is protecting the next victim? I do not think we have covered that as well as I would like.

Mrs Morcombe: We started the foundation in 2005. In 2006 we put out our first DVD called *Foundation Red*. We physically posted 50,000 copies of that to parents, carers, Scout groups and schools across Australia. Over the years we have increased and changed those videos; they are all about protective behaviours. In 2011 we started work with the Queensland government. We were child safety ambassadors. We visited around 1,000 schools in Queensland and in the country. In 2012 the Daniel Morcombe Child Safety Curriculum was launched. The three key messages are: recognise, react, report. All of our resources since 2012 are about 'recognise, react, report'.

In 2014 we put out new resources with 20 different videos—for Indigenous children, for kids with special needs. We have been putting out different resources on internet safety, games and booklets for grandparents and carers. In six weeks time we will be putting out three new resources: two of those are on AI and things for younger children and one is a book about Jelly the cat that is all about being safe. We also do work with Bright Futures. We just had a national symposium. We do forums; we do workshops. This is all about harmful sexual behaviours with pre-teens. A lot of our work now is on consensual safeguarding. We are doing work with the surf clubs. We just spoke to a fireman in William Street, and he is going to do work in Mackay, Dysart and Emerald. We said we are able to assist him with that. It is all about creating new resources. As I mentioned, the Daniel Morcombe Foundation is very good at getting these resources out to schools, businesses, parents and carers.

CHAIR: Bruce and Denise, it being 11 o'clock, that brings this part of the hearing to a close. Thank you again for your attendance.

RONKEN, Ms Carol, Director of Research, Bravehearts

CHAIR: Carol, would you begin by introducing yourself and the capacity in which you are attending the committee today?

Ms Ronken: My name is Carol Ronken. I am the director of research at Bravehearts. I have been with the organisation for well over 22 years now. My background is criminology, so when I first came to Bravehearts I had a huge interest in looking at how we can help sex offenders desist from offending in the future. Working within an organisation that focuses on victims and victim support, I certainly have been fortunate to bring that knowledge to working within this space and looking at the prevention of child sexual abuse much more broadly.

CHAIR: If this bill is passed, do you see a role for Bravehearts in educating people around the bill and its uses?

Ms Ronken: Absolutely. Bravehearts does a lot of work in terms of education certainly with children, but we are also doing more and more education with adults and organisations. One of the things that I think we are really aware of is the fact that predators do not just groom children; they are grooming families and organisations, so legislation like this is really important. Awareness around the legislation, any of the limitations to this bill and the legislation going forward—we need to talk about that and we need to get it out there. Certainly Bravehearts has spoken quite openly around our support for this bill.

CHAIR: You mentioned the education of adults and vulnerable people in relationships. In your experience, have you seen vulnerable people being taken advantage of, and how does Bravehearts support them?

Ms Ronken: Absolutely. We work with many parents of children who have been harmed and provide them with support in terms of understanding not only that grooming process and what had occurred with the child but also how to protect their children going in the future. I think that is really important. For me, that goes a little bit to tier 3 of this bill. I very much support it, but I do fear that there may be a limitation to it in that some parents who may have a new partner may not be in a place to see the risk to their child or to see the behaviours that may pose a risk to their child.

In our submission we did suggest that, while we understand the need for privacy and information-sharing concerns, we would like to see at the review of this legislation—at 12 months or whatever it is going to be—consideration around perhaps how other concerned adults in that child's life—a grandparent, an uncle or an aunt, for example—may be able to reach out under tier 3. In the meantime, however, we believe that the information that goes out around the scheme, particularly tier 3, needs to be really clear about those limitations and also provides other outlets for those who may go onto the portal and see, 'Okay, I am not a guardian and I am not a parent, but I have real concerns here.' There need to be referral points on the portal that those people can reach out to and raise their concerns.

Mr BUTCHER: In your submission you detailed that in just over a two-year period in Western Australia for tier 2 there were 36,837 searches but only 86 out of 2,052 sex offenders were deemed to meet the criteria during that same period. Are you concerned that the statistically low level of offenders fitting the criteria for tier 2 will increase the risk of a false sense of security in communities, especially if a search comes back without capturing any of those offenders?

Ms Ronken: Absolutely. Bravehearts fully supports this legislation, fully supports this approach and believes it is one of the best approaches to registers; however, we are concerned that there is still that risk of a false sense of security amongst the community. As Bruce said earlier, if someone goes onto the site and does a search in their local community, they may say, 'Oh, there is no-one here. Right, my kids can go out and play around until nine o'clock at night, no problem.' Again, for me, a huge part of combating that is ensuring the information on the website—the information put out around this scheme—is really clear about the limitations to the scheme, because we do know that most sex offenders do not get caught. Most sex offenders do not get convicted. Most people who are at risk are outside the limits of this scheme.

Ms MARR: The Western Australian scheme has been operating for a decade now. Does it give you a level of comfort that Daniel's Law has been modelled on that scheme when you are talking about those limitations? Obviously, we will go and learn how they have gotten to where they are today. Does that give you some confidence about us moving forward?

Ms Ronken: Absolutely. Many years ago Bravehearts was approached by the New South Wales government, which was looking at introducing a scheme very much modelled on Megan's Law in the US, and we came out strongly against that. In my previous life at Griffith University I did some research

and work around the impact of those types of public registers, and there are many issues and concerns around those. I do truly believe that this is the best approach. It is limited and it is targeted. There are protections against vigilantism et cetera, and we need that in there. From my previous life as a criminologist I am very aware of concerns around offenders being driven underground, not reaching out for services and not having the support they need because of those more public registers. I do not think that is a huge risk with this type of register. I think this definitely addresses those concerns.

Mr BERKMAN: The committee has been briefed with material that suggests the link between the bill and the protection of families and children has not been thoroughly substantiated and, moreover, that there has been no evidence presented to demonstrate that the release of this information would have a protective impact or a deterrent impact on individuals. With your background in criminology, can you shed any more light on that for us? Is there any evidence you are aware of of that protective impact or deterrent influence?

Ms Ronken: No. For me, that is a really good opportunity for the Queensland government to step in. This legislation is part of a more holistic approach to protecting the community. We need to do so much more around working with parents, helping them become protective parents and showing them how they can protect their children. We need to do so much more around prevention in terms of children and young people. The work that Bruce and Denise do through the foundation and the work that organisations like Bravehearts do within that sector is really important.

In terms of the deterrence effect, I am not that confident at all that this type of legislation will impact on deterrence. Unfortunately, most sex offenders do not think they will get caught—most of them know they are not going to get caught—so the idea of being put onto a register is not going to impact whether or not they will commit an offence. I have less hope about it being a deterrent but, as I mentioned, I do believe it is a really important part of a more holistic approach. Certainly, programs like Circles of Support and Accountability in South Australia have incredibly great success in terms of being able to provide those wraparound services around sex offenders when they are released to assist them in not reoffending and getting onto the right path.

Mr FIELD: In these things there is always a discussion about the rights of individuals. In your opinion, how does the proposed legislation align with Australia's obligations under the UN Convention on the Rights of the Child?

Ms Ronken: I think it aligns really well with the UN Convention on the Rights of the Child. It is about putting the best interests of children and their protection first. The way that the legislation has been formed goes as far as possible to protect the rights of offenders as well, because we cannot forget that they also have rights. This form of legislation is really well positioned to protect the rights of children, young people and victims' families as well as offenders.

Mr RUSSO: Carol, in relation to tier 3, am I correct in assuming there may be people who are not on the Child Protection Offender Register but who have, for example, criminal history which involves a serious sexual assault against an adult? Do you have a view on how the Queensland Police Service could deal with this in responding to applicants?

Ms Ronken: Definitely. Certainly with Sarah's Law in the UK which this is modelled after, there was a move—I must admit, I am really sorry I cannot remember whether it was successful—to broaden it so that the applicant was not just notified if the person had an offence against a child but also notified around any violence or personal offences. That is a real concern because, as we said before, we know that most people are not going to be on this register for sex offences. It is really important to, again, have that more holistic approach to protecting children—understanding all of that, giving parents the tools.

If a parent reaches out to say, 'Look, I just want to check if this person is safe to be around my children,' and that person does not come up as being on the child sex offender register, there still needs to be an opportunity for the respondent to say to that person, 'Look, they are not on the register' or, 'There are no concerns here, but these are some of the things you can do around protecting your children. If you want some more advice or help, you can reach out to these organisations.' It is almost acting as a referral point as well, because there is obviously a reason—or hopefully there is a good reason—that person has reached out under tier 3.

CHAIR: This bill is largely based on the Western Australian model, which has been operating for a decade. As a researcher, can you unpack a bit more how it operates there and whether some of the concerns have come to fruition?

Ms Ronken: I think it has been operating really well. The take-up probably, I suppose, has not been what perhaps was expected, but I also think that is reflective of the fact that the community often is not aware or thinking about this issue. It is not like every parent is going to go home and say, 'Okay, this is open and I'm just going to do a quick search around my area.' I do think there are those concerns.

The biggest one I know of was that there were a couple of instances of people who had located an offender within their local search area and had gone to social media and publicised that. I think it is really important to make sure there are restrictions and penalties for that occurring, because this is actually about protecting children and it is not about putting out offenders' names et cetera. When we go down that avenue, that is where we risk offenders disappearing—not registering where they are, just going underground and not complying with any orders they may be under or being safe around children. I definitely think that was one of the things that came out of the WA experience that we really need to learn from.

CHAIR: In your submission I think you said that the concern the scheme would lead to offenders going underground does not appear to have come fruition; is that the case?

Ms Ronken: Not that I am aware of. I have not heard of any who have been listed on the register in WA and have disappeared. I think tier 1, the missing offender tier, is also a really important component of all of that.

Mr BUTCHER: Your submission strongly recommends the need for community education, which you have touched on a little bit today, including on the limitations on the scheme. Are you able to clarify what you believe are the limitations in the scheme and if there is anything that can be done to address that in this bill as it is already drafted? Can you expand on what you see as the best practice for that community education program?

Ms Ronken: I think the biggest limitation is the concern around the false sense of security that communities and families may feel. It is one that is really easily managed through the way the bill has spoken about communication—what the portal looks like and what information is available on there. Even some of the basic facts and statistics around child sexual abuse are really important for the community to understand. For example, we know that the majority of child sex offenders are people who are known, loved and trusted by the child and/or their family. There is still that myth out there that it is strangers we need to be aware of, and we know that is not the case. Certainly it does happen. Unfortunately, the Morcombe case is a really tragic example of a stranger attacking and murdering a child. The reality is that most offenders are known and we need to be able to protect our children from everybody. For us, we really push for that to be included as part of that holistic approach to this scheme in terms of pushing for greater education for parents and greater education for children and young people and the community more broadly.

Ms MARR: Carol, you have obviously done a lot of research and really involved yourself in this process and what is available. I do thank you for talking about making sure that people are not misusing the information. I put that down as a point that we certainly need to consider and think about how we can do that well. Before we wrap up, I am very interested to hear if there are any other specific recommendations that you think we need to consider. Is there anything you want to bring to the attention of the committee, because that is what today is about?

Ms Ronken: I think the language around this bill is also really important. There will be lots of victims and survivors who may be accessing the portal. I would really strongly suggest that there be that trauma informed language included and considered in pulling all of the information together. We do not want victims and survivors to be triggered by the material online.

I also recently—and just yesterday it was published—did some research with QUT around victims' views of post-release programs. One of the post-release programs that we spoke to victims about was registration. They do have a concern that they will be identified or may be identified through registration schemes. I 100 per cent also think that is a real consideration that we need to think about. We know that in some registers, if the victim is a relative of the offender—if they are a child of the offender or another close relative—that offender is not included on the register, as a way to mitigate the possibility of the victim being identified.

CHAIR: Thank you, Carol. It being 11.20, that brings this part of the hearing to a close. We appreciate you coming along today and providing us with your evidence.

ALLSOP, Mr Thomas, Chief Executive Officer, PeakCare

COLLIER, Ms Tayla, Senior Program Analyst, PeakCare

CHAIR: Welcome. Would you like to make an opening statement?

Mr Allsop: I would like to start by acknowledging the traditional owners on whose lands we are meeting today and pay my respects to elders past, present and emerging. I would also like to thank the committee for the opportunity to appear today with my colleague Tayla to speak on the bill to introduce Daniel's Law. PeakCare is the peak body for Queensland's child and family sector. At the heart of what we do is protecting the lifelong wellbeing and safety of children and young people. We represent the child and family services sector, thousands of organisations across Queensland, and at the heart of their work is the safety, wellbeing and upholding the rights of children, young people and their families.

At the outset, I would like to acknowledge the tireless dedication and advocacy of Bruce and Denise Morcombe. Queensland's children—my children, our children—are safer for their work. Australia's children will continue to be safer for their tireless advocacy.

We support this bill. While we support this bill, it is important to acknowledge that keeping children safe is everyone's business. Community safety is paramount, but public registers alone will not create safety. We know from experience in the United States, which has been talked about already, and more locally in Western Australia that, without investing in those additional educational supports for continuous evaluation and a broader range of safeguards that are required to keep children safe, these kinds of schemes can fall short of living up to their full potential and they can create unintended harms.

PeakCare urges the committee to consider action-based research and continuous evaluation alongside the implementation of Daniel's Law from the outset of its implementation. The bill does not provide for evaluation until the five-year point after its commencement, and we know from the international evidence that if you can walk alongside a bill of this importance and continue to learn and evolve over time then you will set that bill up for its greatest success, rather than having to address unintended consequences well after they have become entrenched.

We acknowledge and welcome the bill's provisions that exclude children and young people who have offended, where their offences have only occurred as a child, from public identification and uphold the courts' non-publication orders. This approach will reduce the risk of disproportionate harm and support rehabilitation. We also support the bill's creation of a new offence to prevent harassment and intimidation that will help prevent vigilantism.

We do note the bill is silent on prevention and community education. If we are serious about protecting children then we must equip families with the educational supports that they need to recognise the risks and take both proactive and protective action to support their families. This should be done in collaboration with peak bodies and culturally and linguistically diverse communities.

Finally, we do hold, of course, concerns about the override of the Human Rights Act. However, we acknowledge that there should be intense focus on the temporary, justified and close monitoring of any potential harms that may result and that strong safeguards and reporting obligations as well as the consideration of an earlier sunsetting period should be considered to ensure there is an effective balance.

In conclusion, PeakCare supports the shared goal of strengthening community safety. We welcome the bill's provisions that reduce reintegration harms that protect victims as well as protect offenders from vigilantism. We also need to ensure that continuous evaluation, prevention, and an accessible and transparent means of accessing information are available to ensure Daniel's Law can live up to its promise.

In closing, it is really important to acknowledge that in Australia today the Australian Child Maltreatment Study says that one in four children, before the age of 18, will be sexually abused. That is the current experience of Australia's children. This is an urgent national problem. It is widespread in our communities, it is enduring and it is entirely intolerable. Daniel's Law is an important step in protecting Australia's children, but it is not the last step we should take. I welcome your questions.

CHAIR: In your submission you mention that you welcome the provisions around the Police Commissioner's consideration of the impact on victims. Earlier in the hearing the member for Maiwar explored the potential for the identification of victims. Could you outline your understanding of how that will operate with the Police Commissioner's decision-making powers and the impacts on victims?

Mr Allsop: We absolutely welcome the opportunity for the Police Commissioner to define guidance and guidelines around how they may consider surfacing appropriate information and what the operational protocols will be for the operation of this scheme. What I would recommend in doing that is that consideration be given to the engagement around the stakeholders who should be at the table to help inform those guidelines. The bill will set the expectation that guidelines and protocols should be in place, but it is really important, in operationalising a scheme of this size, that the right stakeholders are at the table to help inform holistically what those guidelines should be, as well as the monitoring oversight of those guidelines, to ensure their effectiveness and that the Police Service is supported over time to continue running and administrating an effective scheme that is defensible and that is supported by public trust.

CHAIR: I think the Queensland Law Society's submission suggested judicial oversight of that. Do you think that is necessary or do you think the Police Commissioner, with those supports, is well placed to make decisions around that?

Mr Allsop: It would be our position that, with appropriate supports, oversight and the stakeholders able to inform what those guidelines are, we would consider that to be sufficient.

Mr BUTCHER: In your submission and your opening statement, you recommend the bill be amended to include earlier-stage reviews and annual public reporting of outcomes, unintended consequences and rights impacts. Do you believe that there should also be live or close-to-live data released on the number of requests and responses, timeframes and the like?

Mr Allsop: Where we make recommendations for information to be available and continuous monitoring, that is so that we can embrace an action-learning approach to ensuring this system is able to live up to its full potential. We know that some of the greatest challenges faced in keeping children safe through systems like this are in their implementation. Over time we should always be open to learning, and that learning will only strengthen a system. Transparency and oversight is critically important, because it builds and shows public trust. It also holds governments and departments to account in delivering on the systems that can best support Queensland's communities.

I would be cautious in recommending real-time or near-real-time information sharing around the utilisation of these systems. As previous speakers have noted, the vast majority of offenders will never be identified for their offences. This will catch a narrow but important subset, but there is a lot more that we should be doing. I would encourage a greater emphasis on that broader educative piece. While we can use data and information well, we want to ensure that we progress meaningfully, slowly and intentionally and that government is set up to ensure the best success of this system while also supporting the community to feel trusted in using this system well.

Ms MARR: Has PeakCare done any research into the impact sexual abuse has on Queensland children? If so, did you identify any groups that are most at risk of sexual predators?

Mr Allsop: In addition to the work that we do as a peak body, we are benefited greatly in Australia by recently having received the outcomes of the Australian Child Maltreatment Study that in 2023 released its findings, having surveyed 8½ thousand Australians, 3½ thousand of those Australians being between the ages of 16 and 24, and then 1,000 Australians for each decade after that. They identified, through what is considered to be the highest standard qualitative analysis in the Southern Hemisphere, the prevalence rates of five types of maltreatment including sexual abuse. They identified sexual abuse prevalence for children in Australia today sits at 25.7 per cent of Australia's children. That is, one in three girls in Australia before the age of 18 will be sexually abused and one in seven boys. That is the standard Australian experience today.

There is a phenomenal wealth of information on the categorisation of offenders in terms of the rates of sexual abuse for those children and the characteristics of when and where they were offended against, and it identifies the highest offender prevalence is from other young people under the age of 18 who are known to those children but not in a romantic capacity. That prevalence rate, according to the Australian Child Maltreatment Study, showed 12.9 per cent of children were offended against by other children. The second highest rate of prevalence was family members or close relations within the family home. They are the two highest prevalence rates.

Such significant harm is caused through the sexual abuse of children. The two in particular that give rise to significant issues are the lifelong impacts on the mental health of the children as well as the endemic levels of self-harm and suicidal ideation of the children who have experienced abuse. I would recommend the committee look at the depth of research, particularly in terms of the impact and prevalence of child sexual abuse, that the Australian Child Maltreatment Study has presented to us in considering the educative approaches that should be taken, because prevention is much better than response.

Mr BERKMAN: I effectively want to ask you the same question I put to the Morcombes, and I think you were here for that earlier. Given the acknowledged risk of a scheme like this identifying victims themselves and their families—and the data demonstrates that is a substantial proportion, if not the biggest proportion, of victim-survivors—does that create an unintended consequence that victims might be deterred from coming forward and reporting?

Mr Allsop: It does, and I fully acknowledge that there is absolutely that risk. What we need to couple that with is very effective guidelines and protocols around the operationalisation of this scheme as well as when an offender will not be put on the register because of the inappropriate risk of identifying a victim. We need to ensure the victims' rights are at the heart of this scheme.

It is critical that we have the voice of victim advocates at the table when the protocols and guidelines that the Police Commissioner will use to inform the decisions to publish or not to publish information relating to an offender are designed, and as part of the broader supports that are available for victims who have been offended against. It is a fine balance; however, as previous speakers have mentioned, this is just one prong in a multipronged approach that is needed to keep children safe. It is an important step, and it should be coupled with every other range of support that is needed.

Mr FIELD: Earlier you were talking about vigilantes et cetera, and you did have some concerns with the register. Do you believe that those concerns have been addressed in this legislation?

Mr Allsop: I believe the legislation puts forward positive steps to address those concerns. What I would say from experience, as the peak body representing the child protection system and as a spokesperson in the youth justice space, is that it comes down to how effectively the government operationalises the powers that it has to address directly, immediately and strongly any vigilante actions that occur. The deterring effect will be when the force of these powers is brought to bear on those who seek to misuse them.

Mr RUSSO: The chair has already touched on this in relation to the guidelines for the police. Do you think legislative oversight would help in relation to that?

Mr Allsop: I would always recommend, through the appropriateness of oversight and accountability and transparency, that if there is the opportunity for an oversight body to support the Queensland Police Service in its operating, monitoring and evaluating of this scheme it would be welcome. We want to ensure that we do not overly bureaucratise these processes, but we also want to be able to inform and guide the ongoing monitoring and educational support that may be needed. Queensland is blessed to have many oversight bodies under its remit, so if there is a body that could provide that additional support that would be most welcome.

CHAIR: In relation to the Western Australia scheme that has been operating for a decade, has PeakCare done any research into that? Do you have any comments or concerns in relation to how it operates over there?

Mr Allsop: I would echo the earlier reflections of Carol Ronken from Bravehearts in terms of the benefits and challenges of the Western Australian scheme. It is really important to acknowledge and contextualise that Queensland is different from Western Australia. Although we can be informed by the benefits and learnings of that 10-year scheme, we have unique qualities in Queensland that we should consider when rolling out this scheme. Of the six recommendations we make in our submission—all of which point to strengthening an important piece of legislation—cultural and linguistic diversity, accessibility of information and how we are able to do educational work, particularly in regional and rural areas, will be critically important for Queensland.

Although Queensland and Western Australia share a breadth of geographical diversity, Queensland is so populous in comparison to Western Australia and we are also very multicultural. We need to ensure this information is available in a range of languages and a range of accessibilities; we cannot create additional barriers for people with a disability and have a system that is only able to be accessed and consumed by those who do not have a disability. We can learn all those additional factors. Through this, Queensland has an opportunity to lead Australia, but it means that every person who accesses it should be able to do it in a way that is meaningful for them.

CHAIR: Obviously, Western Australia has some very remote Aboriginal communities and certainly Queensland has some very remote Aboriginal and Torres Strait Islander communities. Do you have any insights into how this scheme has affected those communities in Western Australia, if at all?

Mr Allsop: While we hold no immediate insights into the experiences of Western Australia as a peak body, we would absolutely recommend the consideration that was given by the Police Commissioner into the protocols and operationalisation of the scheme. They will work closely with our

First Nations peak body counterparts, the community organisations and Indigenous communities to ensure this is implemented effectively and well so those communities can access this information readily and it supports important preventive and response work that is needed.

Mr BUTCHER: Information sharing certainly comes up time and again through royal commissions and other reviews across the country when it comes to child safety. You recommended legislated interagency collaboration in your submission. Can you expand on what that would look like and what that would mean?

Mr Allsop: We know at the heart of keeping children safe, particularly working across government systems and with children who experience disadvantage which may place them at increased risk of victimisation, we will interact with multiple government systems, whether it is education systems, health systems, police systems or Public Guardian systems. At times, Queensland has led the nation in its work towards real-time information sharing. We do that in response to children who go missing who were in care. We do that across multiple government systems, and that keeps children safe.

We know that the best response to preventing harm for children is a joint whole-of-system response, and at the heart of that is information sharing. If you cast your mind back over the last 12 years of recommendations and responses into child protection—there have been more than 3,000 recommendations made in Australia across 61 reviews and reports—the first and most important recommendation that sits there, of the six key themes, is information sharing. This is an important information-sharing vehicle for the community, but it is also critically important for government.

When we think about the guardianship and parenting responsibilities, the state has a parenting responsibility for almost 13,000 young people who, through the experiences of trauma and harm, will be at increased risk of abuse or may have already been abused. I would definitely encourage the committee to consider how the state should be discharging its responsibilities and considering this additional information and scheme where young people in the care system may be interacting with adults in the community. Critical to everything we do is making sure that information is available not just from systems but across systems.

CHAIR: Thank you for your attendance today and for the evidence you have given to the committee. That concludes this section of the hearing at 11.40 am.

Mr Allsop: Thank you.

MERLEHAN, Ms Natalie, Director, Voice for Victims Foundation

CHAIR: Welcome. I invite you to make an opening statement.

Ms Merlehan: To the members of the Justice, Integrity and Community Safety Committee, firstly, I thank you for the opportunity to be here today, and I extend my sincere thanks to Denise and Bruce Morcombe, whom I met for the first time today, for their tireless work to get us to this point. While I will try not to rehash the bulk of our submission, as I know you have all read it, I just want to cover off on some key points around our support for this bill along with some concerns and some recommendations that we would appreciate the committee considering.

Our key points of support for this bill include the enhanced community protection that could come from the establishment of this three-tiered public register, as it aims to increase community awareness and vigilance by making relevant information about reportable offenders accessible to the public. The safeguards against misuse are an important aspect of how we will also manage issues that could arise from this becoming law in Queensland. The lessons that we have learned from Western Australia, which uses a similar model, include how their register has been effective when it is supported through adequate resourcing, education and protection against unintended harm.

Our key points of concern for this bill include secondary and ongoing trauma for victims of crime in this space. We hold concerns that there will be ongoing media coverage around this bill, which may roll in to the ability to identify reportable offenders. Other colleagues have raised concerns around how that implication would be managed and how we should go about addressing which offenders would be removed from the register and the risk that that would pose long term for the community.

We are also concerned about stigma and the harassment not only of people who are identified as being a family member of reportable offenders but also of the victims who may be identified through this. While the three identified tiers give a sense of assurance with respect to a small number of offenders, there is a significant amount of child sexual offending which is perpetrated by individuals known to children and often goes unreported. Those that do get reported relatively frequently go unprosecuted due to the significant trauma experienced by those children and the challenges of their giving evidence.

Further to this, the bill does not create standalone change outside of the three tiers, but it builds on the requirements already in law and good policy, including the blue card screening, the safe-working checks and the requirements on court- and board-ordered parole orders for reportable offenders to prohibit their interaction with children. This places a significant onus on the reportable offender to report appropriately. The bill being considered, along with the current legislation which it intersects, leaves a significant expectation on a reportable offender, a person who has already proven themselves to be untrustworthy, to act appropriately. Our recommendations would include bringing forward the independent evaluation, which I know has been supported by a number of other attendees today, possibly to within 18 to 24 months of commencement, to focus on victim impacts, police and Corrections workloads, community outcomes and the offender's compliance in relation to this. We feel that this would further inform the five-year review in a more holistic way.

As a number of other agencies have foreshadowed, public education is a significant part of making sure this legislation really does provide exactly what we are hoping. We need to bolster the understanding of the risks with respect to child sexual offending, as a significant portion of these types of offences are perpetrated by individuals known to the children, and the vigilance must extend beyond the register and the anticipated introduction of Daniel's Law. It forms a part of the mechanism to assist in the education and support of the community.

We would also request additional resource identification to support victim-survivors, including counselling, trauma informed notification and communication systems built into the dashboard and any memorandums or information passed on to victims.

We would also look for the harmonisation of the legislation frameworks. Currently we have the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 along with the Corrective Services Act 2006 and the Dangerous Prisoners (Sexual Offenders) Act 2003, which all intersect in the interests of Daniel's Law as it is proposed. We would like to see a consistent application across the different agencies which operate under this legislation and the anticipated passing of Daniel's Law to address any inconsistencies or gaps. We would also like to ensure appropriate resourcing for both corrective services and the police to ensure that the management of these changes in administration of the database is upheld and is done in a timely manner.

We strongly support the passage of Daniel's Law and look forward to seeing how it may build to a federal jurisdiction as time goes on. Again, we thank you for your time and sincerely thank the Morcombes for the incredible work they have done to get Daniel's Law to this point.

CHAIR: Thank you, Natalie. I thank you and the Voice for Victims Foundation for the wonderful work you do as well in advocating for victims. In that regard, I want you to unpack a little bit further your comments that secondary trauma may be amplified by media coverage and possible social media sharing as observed in Western Australia. Can you unpack what that looked like and what the concerns are?

Ms Merlehan: We all know that we all spend a significant amount of time on social media, whether intentionally or not, and there is already vigilantism when it comes to significant issues like youth crime, which Voice for Victims really holds a lot of space in. We are concerned that the publication of reportable offenders who are not adhering to their orders—

CHAIR: So tier 1?

Ms Merlehan: Yes, so we are concerned that that could increase the likelihood of bringing additional media, identifying victims and long term how we manage what offenders are required to not be reported on and what that looks like and how you go around safeguarding communities and families where those people who maybe are not adhering to their orders are intersecting with people with children. We are concerned around the fast-pace ability to put information on the web and the control over removing it if someone is breaching the legislation, as is also a part of Daniel's Law around that vigilantism.

Mr BUTCHER: Thank you, Natalie, for coming in. In your submission you raised concerns about the resourcing level for police and corrections officers when it comes to the operational side of the bill as drafted. You also raised concerns, as we have heard, about data and the review time standards. These are certainly both things that would require additional resources as part of this. Do you believe that the bill should not proceed without these standards being enshrined in legislation and that the bill should not be operationalised until any additional resources are fully rolled out to facilitate them?

CHAIR: Member, I do not know whether witnesses can answer in terms of what resources the police would need to operationalise this. I will let you provide a response, but I would not expect that you would be across what police resources are required.

Ms Merlehan: No, I was going to say that I think my response would be limited with respect to that. Obviously, there would be budget limitations and perhaps redeployment of resources in the short term until we see what the true impact of what the legislation could be on those operational officers. In the submission we did raise concerns, more so in the corrective services space, about checking that offenders are residing where they have identified. That is a huge use of those resources, but, obviously, again, that would need to be managed through budgetary processes and in-house. As each office manages those particular offenders, there may be more in some than others, so it would just be a resource-sharing issue, I would imagine.

Ms MARR: Good morning and thanks for being here. The Morcombes mentioned protecting the next victim and your organisation advocates for victims of crime. Would you agree that this legislation will help prevent children from becoming victims and talk more about protecting the next victim?

Ms Merlehan: It definitely is a significant step in that direction. The bolstering of education and understanding of identifying risk factors is probably something we would like to see more on in the bill. This is a mechanism for change and for understanding and, like I said, it is a step in the right direction. Every time new legislation or a bill is in front of parliament, it is always with the aim to move in the right direction and protect people, so we hope that this will do that in a long-term perspective. It will not be a 'one size fits all' and it will not do it probably within the first six to 12 months; it will be a learning process, and I believe that that would come in with the review as anticipated to see where those gaps are.

Mr BERKMAN: It is good to see you, Natalie. Thanks for being here. I will not repeat the entire question again, but I am interested to canvass the same issues I raised with the Morcombes and PeakCare. Do you agree particularly with PeakCare's view that there is a risk of unintended consequences around deterring reporting where that could self-identify a victim-survivor or their family and, if so, what would you suggest in terms of avenues to minimise that risk if there is any?

Ms Merlehan: Within our submission and probably within the short spiel that I gave this morning, we raised concerns around the fact that there is a serious and significant amount of onus placed on reportable offenders to report accurately and managing information that is received and then crosschecking that and ensuring that what is being reported is accurate. That is where the gap probably lays for us in the initial instance.

There is definitely a risk of secondary trauma to victim-survivors with any change in legislation most of the time. I think there needs to be additional consideration around how to support them and ensuring that appropriate trauma informed wording is used and there are services and referrals available to people who may come across information that they did not know or are possibly even seeing that someone from their own family is now showing up. There are widened and unintended consequences, but that is not outside the realm of possibility for any change in legislation.

Mr FIELD: Just clarifying, we asked a question earlier as to whether or not there was a conflict. I put on record that I have marched with Voice for Victims and Natalie was involved with our accident, but I am happy to ask a question if everybody is still happy for me to do that. Most people here know, but could you give us a bit of an idea of what Voice for Victims is about and what it does to help victims in general?

Ms Merlehan: We have spoken in front of you a number of times, but essentially we want to ensure that victims are having their voices heard and that they are getting practical and ongoing support as they navigate through their justice journey and what that looks like and how that comes to be. Unfortunately, we are usually with people in their darkest days. We do our best to support them. Until we are formalised as a charity we are limited by what we can do, but we would never deem it appropriate to turn someone away if we do not have resources or the information available. We work very strongly with a number of agencies to ensure that victims are supported if we are not able to support them.

Mr RUSSO: The member for Thuringowa asked this question, but I want to expand on it just a little bit. In relation to your recommendation for a public education campaign, would you be kind enough to outline what you think should be included in that type of public campaign, please?

Ms Merlehan: If we are using the standard of the Morcombe Foundation, building on the things that they do to get information out to young children—middle school children—before they hit puberty so that they are equipped with an understanding of what to look for, how to have conversations with their parents, caregivers and trusted adults around risk factors that they deem appropriate in schools and with trusted adults and community groups to explain to them things to look for, because there are a number of intersections with children and people who are identified as needing to report concern. There is no need for overwhelming change in public education; it is just bolstering that to support the changes in this legislation so that everyone can understand what it does, where the limitations are and how we can assist children in having the right words to use if they need to report.

Mr RUSSO: Thanks, Natalie.

CHAIR: You note in your submission that a positive outcome of the bill is empowerment and validation through transparency and recognition of lived experiences. Can you please explain in a bit more detail what you mean by that?

Ms Merlehan: We want to ensure that victims are feeling supported and empowered in their journey, wherever they are along that spectrum, but also give them an off-ramp, give them a safe place to fall and give them an opportunity to seek additional services, whatever that may look like for them. I am sorry, but what was the other question?

CHAIR: You noted in your submission that a positive outcome of the bill is empowerment and validation through transparency and recognition of lived experiences. I am reading from a briefing note, not the actual submission, so I am sorry I cannot draw you to the actual page.

Ms Merlehan: No, that is okay. I am sorry, but I cannot find it in my notes.

CHAIR: On page 1 of your submission, down near the bottom, it is listed as a positive implication of the bill. That is all. I just wanted you to expand on that if you could. If you cannot, that is fine.

Ms Merlehan: I have now found it; thank you. The point we were trying to get to there was that it is so incredibly difficult for victims of sexual assault to come forward to go through that police process and then to go through the judicial process in that there will be a cohort of people who are victim-survivors who feel as though they are getting validation through people being held accountable. Thank you for your patience. I am sorry about that.

CHAIR: No, that is good. Thank you for unpacking that for us. That is great.

Mr BUTCHER: You talked a little bit in your opening statement about more victim-survivor focused provisions in the bill enshrining things like counselling, opt-in notifications and trauma informed communication. In the ideal scenario, how would you see that included in this bill and then subsequently operationalised and what it would look like?

Ms Merlehan: In an ideal way, it would be that persons who have reported and are victim-survivors get notified first of someone going on to the register so that they can prepare themselves for that coming out, and perhaps there is a cooling-off period or a timeframe where they can make a submission or have a conversation with someone around the appropriateness of that and how that would be either helpful or harmful to their victim journey.

Ms MARR: Natalie, we have heard today from a lot of people that education plays an important role in moving forward, and I think we could all agree on that. In your opinion, being familiar with Daniel's Law, what do you think the benefits of that current law are for parents and carers and vulnerable children in Queensland? What do you think the best benefits are of that?

Ms Merlehan: I think there will be the ability to access in relatively real time, from my reading and understanding of the bill, persons who are not compliant and being able to check within those tiers as well as to, again, offenders who are noncompliant within their area. While we have said and a number of others have said it is not a catch-all, it is a step in that direction to assist parents and caregivers in understanding the risks around them. We all take calculated risks every single day, but the more information we have the better informed we are about deciding what risks are worth it for us or not.

Ms MARR: Thank you.

CHAIR: Thanks for your attendance today, Natalie. It being 12 o'clock, that brings this part of the hearing to a close.

DEE, Ms Genevieve, President, Queensland Law Society

MOSCHELLA, Mr Adam, Member, Criminal Law Committee, Queensland Law Society

REECE, Ms Laura, Deputy Chair, Criminal Law Committee, Bar Association of Queensland

SMITH, Ms Charlotte, Member, Criminal Law Committee, Bar Association of Queensland

CHAIR: I now welcome representatives of the Bar Association of Queensland and the Queensland Law Society. Could you please state your names and the capacity in which you will be appearing today?

Ms Smith: My name is Charlotte Smith. I am a barrister and a member of the Criminal Law Committee of the Bar Association.

Ms Reece: My name is Laura Reece. I am the deputy chair of the Criminal Law Committee and also a barrister in private practice.

Ms Dee: My name is Genevieve Dee. I am the current president of the Queensland Law Society.

Mr Moschella: My name is Adam Moschella. I am a senior associate at Bell Criminal Lawyers and an accredited specialist in criminal law and a member of the QLS Criminal Law Committee.

CHAIR: Thank you very much. I welcome you to make an opening statement now.

Ms Reece: The Bar Association thanks the committee for the opportunity to give evidence today. The association is always prepared to provide feedback and advice to government and to answer questions on proposed changes to the law. We do note the short timeframe provided for written submissions on the bill and we were unfortunately unable to provide detailed written feedback in that time. The association was consulted prior to the introduction of the bill, but there are marked differences between that proposal and the content of the bill. We can provide a written submission; one is being finalised and it can be provided to the committee within a short period of time.

We have, however, reviewed the submissions of almost everybody who has written to the committee. We particularly note the submissions of our colleagues at the Queensland Law Society, with whom we work very closely on issues of law reform, and Legal Aid Queensland and we respectfully endorse them. In particular, we support the comments made by Legal Aid Queensland but also developed by the Crime and Corruption Commission, among others, going to the lack of evidence supporting the effectiveness of public sex offender registries, both nationally and internationally.

The position consistently maintained by the Bar Association of Queensland on the reform of criminal law in our state and associated legislation is that reform should always be evidence based. While the government refers to a child safety crisis gripping the state, in its statement going to exceptional circumstances, which it provided to justify the override of the Human Rights Act, the sad and confronting reality in our society is that the vast majority of sexual offences against children is committed by people they know. The question of whether a public sex offender register will have any impact on rates of sexual offending against children must be properly interrogated in order to understand whether this measure can be justified on any metric.

We are also concerned with the express removal of any right to seek judicial review of any decision made under this scheme. That includes applications by people like those identified by the representative from Voice for Victims but also individuals affected by the register in a different way. Where it is acknowledged that there is an intrusion on the rights of an individual there should always be the potential for judicial oversight of that decision-making.

There is one other unintended consequence; there has been some discussion of unintended consequences this morning. We are criminal lawyers. We think an unintended consequence of measures like this is that it may deter some individuals from pleading guilty. Those are the comments we wish to make in opening.

CHAIR: Would the Law Society like to make an opening statement?

Ms Dee: Thank you for inviting the Queensland Law Society to appear today. I respectfully acknowledge the traditional owners and custodians of the land on which we meet, the Yagara and Turrbal peoples, and I pay my respects to their elders past and present.

As you are aware, the Queensland Law Society is the peak professional body for the state's solicitors. We are an independent, apolitical representative body. We have provided a written submission which drew on the work of our Criminal Law Committee.

We acknowledge the introduction of the bill to give effect to a government commitment to establish a public sex offender register in Queensland. The society recognises the importance of community safety and the protection of children and we support evidence-based measures to advance those objectives. In our submission the society has recommended amendments to the bill. These are aimed at enhancing transparency in decision-making and preserving access to judicial review rights, both of which are essential to maintaining public confidence in the integrity of our legal system.

Child sex offender registers are a blunt instrument. Without appropriate safeguards, community education and adequate resourcing, such registers risk undermining the intended purpose and may produce unintended consequences. We note that concerns about these issues are echoed by many within both the legal and the academic communities. Many submitters point to research that indicates registers of this kind have not been found to enhance community safety and may instead contribute to stigma, acts of vigilantism, misinformation and reduced rehabilitation outcomes.

The society holds serious concerns about the removal of all review rights beyond a jurisdictional error. In our view, the statement of exceptional circumstances and accompanying statement of compatibility do not provide sufficient justification for the exercise of an extraordinary power. The erosion of review rights in this context raises significant rule-of-law concerns. I am joined today by Adam Moschella, a member of Queensland Law Society's Criminal Law Committee, and we are happy to take questions.

CHAIR: Thanks for your appearance today. Would you acknowledge that the bill would have wide public appeal? Can you unpack for the committee how the Law Society and the Bar Association come to a position? You have, I am guessing, thousands of members. Are you aware of members who would support the bill, for example, and how do you come to a position when you submit to hearings such as these?

Ms Reece: The position that the Bar Association brings to committee hearings like this is developed through consultation with our Criminal Law Committee but also with the leadership of the Bar Association. We do not poll the entirety of the members of the association. We speak from our experience and with our training as criminal lawyers. We bring that expertise to bear when we make comment on these matters.

What we are talking about when we make our submissions is not popularity; it is about whether something will be effective and whether there is a sufficient basis in evidence to demonstrate that a measure such as this would be effective, particularly in circumstances where there are different rights of different people which are engaged. Of course, there is this ongoing and completely understandable desire to protect the vulnerable in our community, but, like in any difficult question of public policy, there are also the rights of individuals which are engaged. When we come to give evidence and when we formulate our position, the starting point is: is there an evidence base? That has been our consistent position in coming to this place over decades. That is what informs us, if that assists, Mr Chair.

CHAIR: Is there any scheme or system—and I am talking particularly about tier 3 here. In the case where somebody is in a relationship with somebody who perhaps has children, can you see any system where that person could have a right to information that could be important about that person's sexual offending history?

Ms Reece: What is interesting is that there may even be descending concern attached to each of the tiers, because tier 1 is so public and it refers to information being temporarily available, which is problematic in the age we live in. The idea of identifying information about sex offenders being temporarily available and then removed from public circulation engages all sorts of concerns. When you come down to tier 3 and that kind of provision of information on an individual basis with that very clear protective mechanism, that is far more supportable in our view than those other more general provisions, which really do expose the community to the risk of vigilantism and misidentification and also to some of the matters raised by those here today who speak on behalf of victims of unintended consequences of victims being identified because their perpetrator's face is publicised in the way it is anticipated under this scheme.

CHAIR: Just to clarify—and I do not want to verbal you here—do you support tier 3?

Ms Reece: Tier 3 is certainly the one that we think is most readily supportable from a policy point of view.

CHAIR: Does the Law Society have any comments on that? Do you agree with that?

Mr Moschella: I have to agree with everything that Laura said, effectively. Also to go back to your first question about how we get to our position as the Law Society, ultimately from our perspective we have, as you would likely be aware, committees within our Law Society that basically engage or interact with specialised areas of law. We have a Criminal Law Committee and as a committee we come up with a position with respect to various bills that are brought within our relevant area of expertise, per se.

As criminal lawyers, we are quite specialised in what we do in terms of the people this legislation touches, people with whom we interact on a daily basis, and that is in respect of offenders but also victims. We are uniquely placed in order to comment on both sides in a way more than a general member of the public would be or even more than someone who is not working in this specific context. Whilst we are not polling a whole society, the purpose of this relevant committee system we have is that, effectively, submissions on bills are provided to specialised committees that are appropriately placed to comment, in absence of polling a whole society, on what the subject matter of that bill is potentially aiming to legislate.

CHAIR: Thanks for unpacking that for me.

Mr BUTCHER: Ms Reece, in your opening statement you said that there was a marked change from prior to the legislation being introduced to now. Can you highlight what some of those marked changes have been from that early interaction with the department or the minister to today's hearing?

Ms Reece: I think Ms Smith might be able to answer that.

Ms Smith: It is a question that is probably difficult to answer orally in the sense that the issue was that the consultation which occurred with the Queensland Police Service, which was a meeting Ms Reece attended, was pretty broad brushstrokes in terms of there would be these tiers and what they would aim to do. The bill itself then provides specifics in terms of proposed legislation. One of the things that is notably different is the way in which the Queensland bill departs from the WA bill on which it is supposed to be based. Invariably, this is where unintended consequences can arise—when the legislature says, 'We're adopting the framework from WA,' but then with no explanation there are parts that are not the same. Then it is very difficult to provide any feedback to you as to how the legislation may work.

One of the things that has been noted is an absence of measures which would go to some sort of oversight or procedural fairness. That is a concern. I should say that is a concern that relates, as has been highlighted already, not only to criminal offenders but to victims as well in terms of having some ability to have any agency in the process.

In terms of tier 1, plainly that is a very small class of people. That seems to be the experience from Western Australia. The only data I was able to come across was that which was cited in the Bravehearts submission. I think that is worthy of a good look, because it refers to one of the reviews that was done of WA and it tends to reinforce what a small group of people you are dealing with when you are dealing with convicted sex offenders. The idea that, while there is less procedural fairness there because they are people who are missing and not complying with reporting obligations, there is still some oversight in terms of the process that might be adopted for efforts to locate offenders before their publication is authorised and that there should be some judicial supervision of that process is a concern. As a practical observation for us as practitioners, it is commonplace that police, for example, might say someone is unable to be located and then they can be quite readily located, as it turns out. There are concerns about that from a practical point of view.

When it comes to tiers 2 and 3, similarly the WA act is not duplicated. There is written notification of an intention to publish under the WA scheme—and this is probably something that a written submission from us could focus upon for you in terms of citing the particular provisions of the WA act—but that is not present here. Similarly, there is a new power—and this is one of the distinct differences: a broad discretion vested in the Police Commissioner to deem an offender to be a serious-risk offender. This was not something which was part of the earlier consultation process. Proposed new section 74AG(5) basically vests in the Police Commissioner a very broad discretion. If he or she considers at any time that a reportable offender poses a serious risk to the community, they can deem that person to be a serious-risk offender. There is no guidance within the bill as to how that decision would be arrived at. It does seem to vest in the Police Commissioner a power to deem someone a serious-risk offender even if they have not been convicted of a sexual offence relating to children. There is not any information within the explanatory notes or otherwise as to the need for that particular power, and to have that kind of power without any oversight is concerning.

Ms MARR: The legislation provides for new vigilante offences for people who misuse the disclosure scheme. Can you discuss whether these offence provisions will act in the interests of a reportable offender?

Mr Moschella: As the Law Society, we support the introduction of those offences. Obviously, it needs to be made plainly clear that that kind of behaviour is not acceptable. The proposed intention of the scheme is not to operate in this way. Ultimately, I think our position, in terms of supporting those offences, is that the maximum penalties with respect to those offences may need to be reconsidered and potentially be higher. I know that, generally across the statute book, offences that carry some sort of intent element or some sort of intention to do harm often carry higher maximum penalties, to reflect that specific-intent component, whereas offences that have a recklessness component or a negligence type component typically have lesser penalties. I think it is fair to say that there is a specific-intent element to vigilantism; therefore, to have it made very plainly clear, by the increasing of those maximum penalties, that it is not something that is going to be condoned and is something that will be controlled very seriously obviously is important.

I also note that one of my concerns with respect to those provisions is that they do not go wide enough in terms of capturing potential vigilante acts with respect to family members, friends or associates of these offenders. I think the general consensus of the public might be that if a family member or someone you are close to would do this then you would effectively not want to support them anymore, but there are many reasons people maintain support of people in the circumstances. These types of offenders, more often than not, have serious mental health issues and things like that and they need support, and that is often why family stand by them. They do not think they effectively deserve to be the subject of attacks, basically, as a result of that. In terms of the offences, I do think the penalties could be increased and also they could be a bit wider in terms of providing a broader protection against vigilantism not only against the offenders but also associates, per se.

Mr BERKMAN: I appreciate the submissions that both organisations have made around improvements to the bill, whether that is to more closely reflect the WA scheme or ensure better oversight, but I am curious to understand: would any amendment of this scheme be sufficient to get support from QLS and the Bar Association, or is the concern with public reporting and the absence of evidence so profound that you would not support such a public reporting scheme in any form?

Ms Reece: We raise issues about whether reforms can be effective, and we support evidence-based law reform. In light of the concerns we have raised about that lack of an evidentiary base, the association would not support, in particular, tiers 1 and 2. Our view, I suppose, is that we come down here not necessarily to advocate for or against a particular intention of government but to provide information and advice about how we see it operating and whether there is an evidentiary and legal basis open to act in the way that parliament intends. We raise these issues and we raise them seriously. I hope that answers your question.

Ms Smith: I would add that the matters raised in the CCC's submission concerning the lack of any engagement with all of that reporting that occurred only recently in terms of the effectiveness of CPOR is deeply concerning.

CHAIR: Thank you for coming along today.

BOOTH-MARXSON, Ms Brenna, Acting Deputy Commissioner, Queensland Human Rights Commission

CHAIR: Welcome. I invite you to make an opening statement.

Ms Booth-Marxson: Before I begin, I would like to respectfully acknowledge and Yagara and Turrbal people as the traditional custodians of the land on which we meet and pay my respects to elders past and present. I also want to thank the committee for the opportunity to appear today and to recognise at the outset that every child in Queensland has the right to be safe and protected from harm. Child sexual abuse is a devastating violation of child rights, and the commission shares the government's and the community's determination to prevent such abuse and keep children safe from harm. In fact, under the Human Rights Act, the government has a positive obligation to take proactive measures to prevent child sexual abuse from occurring. At the same time, though, the government has a responsibility to ensure that the policies it enacts are both effective and proportionate. Measures that limit human rights must be demonstrably necessary to achieve their purpose.

The government has stated that the purpose of this bill is to safeguard children by empowering communities and families in particular to take protective actions to prevent children from being subject to the devastating harm which results from child sexual offending. That is a compelling purpose. However, the commission has been unable to identify any evidence demonstrating that a public child sex offence register will reduce sexual offending against children or reduce reoffending by those on a register. Where public notification schemes have been studied in other jurisdictions, the findings are mixed at best. Some evaluations in fact point to increased risks of reoffending amongst registered offenders. The commission considers that there is a plausible explanation for that. Public identification can lead to exclusion from housing and employment, harassment and threats, and social isolation. Those are the very conditions which are associated with higher reoffending risk and more challenging supervision, undermining rehabilitation and stable supervision. This may, in practice, make children less safe.

If empowering parents and families through public disclosure were an effective prevention strategy then you could expect to see reductions in child sex offence recidivism in jurisdictions that have adopted public registers, but that pattern has not been observed. By contrast, Queensland already has targeted, non-public tools that directly link information sharing to identified risk under both the Child Protection (Offender Reporting and Offender Prohibition Order) Act and the Dangerous Prisoners (Sexual Offenders) Act.

The commission notes that the bill also creates serious risks for victims, limiting the rights not only of offenders but also of victims of child sexual abuse. It is well recognised that most offenders are known to their victims, and publishing an offender's identity can, in practice, identify the victim and their family, intruding on their right to privacy without any opportunity to make submissions as to the harm that that identification may cause them as a result.

While the bill allows the Police Commissioner to consider whether the publication of an offender's details could lead to a victim identification, it does not require victims to be notified or consulted before publication or require the Police Commissioner to consider their views as to publication. In our view, centring victims means giving them a voice in the decisions that will profoundly affect them. The approach taken by the bill arguably undermines victim autonomy and risks retraumatisation. The commission recommends that the bill be amended to require consultation with victims and to require that the Police Commissioner consider any submissions from victims prior to publication. The commission additionally recommends the government ensures support services are appropriately resourced to support victims who are identified.

Families, neighbours and co-residents of offenders are also exposed to harm. Evidence from the United States indicates that these individuals experience harassment, assault and property damage following public identification of an offender that they have a connection with. Those people have committed no offence, yet their rights to family life, privacy and property are being interfered with. The offences aimed at vigilantism contained within the bill do not currently extend to those persons, which is something that was flagged by my colleagues at the Law Society earlier.

The commission is additionally concerned that the bill risks shifting the burden of monitoring onto parents, families and communities who, once provided with information, have limited power to respond. Monitoring, supervising and policing offenders is rightly the role of law enforcement, who have the necessary powers to take appropriate action where circumstances require it. Against that background, neither the statement of compatibility nor the explanatory notes explain why Queensland's existing targeted non-public disclosure mechanisms, which are less restrictive of rights and are closely aligned

to specific identified risks, are insufficient. In the absence of such justification, the least restrictive means test to demonstrate proportionality of legislative measures under the Human Rights Act has not been met. To that end, the bill proposes an override of the Human Rights Act. The government's statement of exceptional circumstances supporting that override refers to a child safety crisis evidenced by horrific abuse cases and allegations. Each case of child sexual abuse is devastating and warrants action, but no data or evidence is provided to substantiate the kind of exceptional sudden emergency for which the override was designed. In our view, the threshold for an override has not been met. More importantly, it is unnecessary. Parliament can pursue child safety through measures that are targeted, evidence-based and compatible with human rights. Human rights compatible approaches create more effective, sustainable solutions that will produce tangible improvements to child safety without causing more harm than is necessary to achieve that goal.

In closing, I want to acknowledge the pain and grief of the families whose children have been harmed by child sexual offending and abuse, and the powerful community desire to do more. That desire is valid, but parliament has a responsibility to ensure laws are effective and they will protect children without causing new harm or compounding victims' trauma. The commission's submission is that the most appropriate course is to strengthen what is already in place and what works: existing targeted disclosure mechanisms tied to risk, high-quality supervision, offence-specific treatment and reintegration supports that promote rehabilitation for offenders, and modern prevention education for families, parents and communities. I welcome any questions.

CHAIR: When you refer to compatibility with human rights, we are talking about compatibility with the Human Rights Act or legislation as it appears in Queensland. It is not a subjective definition of human rights?

Ms Booth-Marxson: Yes, that is correct.

CHAIR: Under that legislation as it currently stands—you would have heard my questions around tier 3 to the Law Society. Did you hear the example I gave to the Law Society of a woman with children entering a relationship with a male who is a sex offender? Do they have the right to have that information? That is where we go with tier 3. The Law Society, as you may have heard, said that may have some merit. Under the current Human Rights Act, is there any way such a scheme could operate without an emergency override provision, which you said you do not agree has been adequately canvassed in that compatibility statement?

Ms Booth-Marxson: I would echo the comments made by both the Law Society and Bar Association in response to that question about tier 3 being perhaps the lowest threshold of the three cascading schemes. We can certainly appreciate that in situations where, for example, single mothers are bringing new partners into the lives of their children there may be benefits in providing parents and guardians with actionable information in specific circumstances. As for whether or not that would be possible without an override mechanism, the distinction I would make is that under the Human Rights Act the override is intended to be used in emergency situations. The statement of compatibility prepared by the minister indicates that the bill has been overridden to prevent any declaration of incompatibility by a court. I would note that a declaration of incompatibility by a court does not invalidate legislation and it does not invalidate decisions made under that legislation. It triggers the dialogue model under the Human Rights Act, which is a discussion about the protection of rights between the three arms of government. Without an override, a tier 3 scheme could proceed. If a court considered it was incompatible, it would refer that question back to parliament for discussion because under the act parliament retains its supremacy to make laws that it considers appropriate for the state.

Mr BUTCHER: In your recommendation 3A you outline issues identified in the Western Australia evaluation where a mistaken conclusion could be drawn. Can you expand on this issue and what it could mean in a real-life scenario here in Queensland?

Ms Booth-Marxson: I believe that recommendation stems from the findings of the 2018 Western Australian evaluation, which found that information that is available on the public register can be complex and difficult to interpret in some circumstances by the people who are accessing that information and that there was not a clear understanding, as in the WA evaluation, about how the information could be best used to promote community safety. If the scheme is to proceed under the bill, there is an opportunity to include perhaps more contextual information to further explain who is and who is not included in the public register scheme and what that information actually means.

Ms MARR: At paragraph 25 you state—

The Commission has been unable to identify sufficient evidence to indicate that Queensland is currently facing an exceptional crisis with respect to sexual offending against children.

Considering people here today have said that protecting the next victim is important, do you not believe that any number of vulnerable children being sexually assaulted is unacceptable?

Ms Booth-Marxson: The commission certainly accepts that every instance of child sexual abuse is a profound violation of a child's rights and warrants a swift and compassionate response. The commission does not seek to minimise that reality. Our concern goes to the threshold and override provision in the Human Rights Act. Parliament designed the override for truly exceptional circumstances. The act speaks to examples of exceptional crises relating to war, a state of emergency or crises that demand immediate temporary measures before ordinary safeguards can operate. In the commission's view, the point of that threshold is to ensure that, even when faced with really serious social problems, government remains anchored to balanced and proportionate responses that respect the human rights of all members of the community and are demonstrably able to achieve their intended purpose.

The statement of exceptional circumstances that accompanies the bill relies on community concern. As I mentioned in my opening statement, it refers to recent horrific abuse cases and allegations. Those matters are certainly serious, but the commission has been unable to identify specific evidence or available data that demonstrate a sudden exceptional escalation in child sexual abuse that the current legal framework cannot address which would warrant an emergency response. The existence of grave harm is not by itself proof that the override conditions are met. The Human Rights Act operates in a way that anticipates difficult problems and still expects government to pursue solutions that demonstrably work and limit rights only so far as necessary to achieve their purpose.

Mr RUSSO: Referring to your recommendations 5A, B and C, can you outline how you see a victim notification scheme could work? Noting that many victim-survivors are family members of the perpetrator, how could this be done in a way that does not retraumatise and potentially put victims in a compromised position?

Ms Booth-Marxson: A key risk with the public notification scheme is that, as I mentioned, most offenders are known to their victim. Disclosing an offender's identity can in practice identify victims, particularly in small communities in regional and remote areas and among extended family groups. That creates a tangible risk of retraumatisation, stigma and even the harassment of victims and their families.

In both the Western Australian and South Australian schemes, the Police Commissioner must weigh a range of factors before publishing the details of an offender on the public register, including victim identification and their safety and the views of the victim and whether publication could increase the risk of the person. The commission recommends that the bill be amended to require the Police Commissioner to similarly consider such matters, including an ability for victims to make submissions or representations to the Police Commissioner before a decision about publication is made—which, as I understand it, is how tier 2 of the Western Australian scheme works. It allows relevant parties to make submissions within 21 days before a decision is made by the Police Commissioner about publication on the scheme.

Mr FIELD: Your submission states—

... the limits placed on human rights by the Bill are not justifiable.

Do you believe in the rights of vulnerable children to try and avoid being sexually abused by predators who may seek to do harm to them? Should the rights of sexual predators outweigh the rights of those children?

Ms Booth-Marxson: The commission's position is not about favouring offenders; it is about ensuring measures are effective, evidence-based and compatible with human rights. The commission considers the human rights implications of legislative proposals on all affected persons. In this case that includes victims' families, communities and offenders. There are examples provided in a number of other submissions made to the committee about alternatives that would better support victims, particularly parents and families, including: the expansion of age-appropriate prevention and education programs; broadening school-based protective behaviour programs and digital safety education; and providing comprehensive resources for parents and carers to support and empower them. The commission's position is not about prioritising the rights of one cohort over another; it is about ensuring the government is pursuing solutions to complex problems that will work and, in this case, protect children and keep them safe.

CHAIR: Did Western Australia have a Human Rights Act they had to overcome?

Ms Booth-Marxson: No. The jurisdictions in Australia that have state-based human rights legislation are Queensland, the Australian Capital Territory and Victoria.

CHAIR: There being no further questions, that concludes this public hearing. Thank you to everyone who participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 12.39 pm.