

## Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025

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## **Justice Integrity and Community Safety Committee**

### **Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025**

**Submission by Prisoners' Legal Service**

**9 September 2025**

1. Thank you for the opportunity to provide feedback about the Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (**the Bill**).
2. Prisoners' Legal Service (**PLS**) is a community legal centre that has operated for 40 years. We provide legal assistance to people in prison about matters arising from imprisonment.
3. PLS acknowledges the devastating impact of child sexual abuse. Survivors of childhood sexual abuse are significantly over-represented in adult prisons and represent a large proportion of our clients.<sup>1</sup> Any legal reforms aimed at preventing this behaviour should be evidence based to ensure they achieve their objective.
4. This submission will identify how the implementation of a PSOR may increase the risks of reoffending by people convicted of sexual offences. It will also identify deficiencies within the Bill compared to the Western Australian and South Australian models and recommend amendments to address these shortcomings and better promote community safety.

### Impact of Public Sex Offender Registers

5. PLS is concerned that the introduction of a Public Sex Offender Register (PSOR) will not protect children from sexual abuse and may be counterproductive. There is limited evidence to suggest the introduction of PSORs reduce recidivism.<sup>2</sup> Indeed, some studies have shown an increase in recidivism amongst people required to register as sex offenders.<sup>3</sup>
6. Different explanations have been offered for the mixed results produced by existing studies.<sup>4</sup> However, it is clear that placement on PSORs has financial, social and psychological consequences which increase the likelihood of reoffending. For example, registrants will face significant challenges relating to employment, housing, harassment, stigma, fear and vigilantism, which can cause behavioural dysregulation and increase risk.<sup>5</sup>
7. PLS is opposed to the introduction of a PSOR in Queensland given the current lack of evidence to support their effectiveness and the public safety concerns they raise.
8. The Government recognises the human rights consequences of releasing personal information about people convicted of sexual offences to members of the community but fails to grapple with the associated community safety risks.<sup>6</sup>
9. We urge the Government to review the available evidence about the effectiveness of PSORs and consider redirecting its resources to proven methods of reducing sexual reoffending. There are clear areas for improvement in Queensland which could be achieved by increasing access to specialised

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<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 5 Private sessions, p.240 ff and Appendix S.

<sup>2</sup> In 2018, the Australian Institute for Criminology conducted a review of studies in Australia and Internationally about the effectiveness of PSORs and found mixed results. See Napier S, Dowling C, Morgan A & Talbot D, 'What impact do public sex offender registries have on community safety?' (2018) no. 550, *Trends & issues in crime and criminal justice*. Canberra: Australian Institute of Criminology.

<sup>3</sup> See for example Prescott JJ and Rockoff JE 'Do sex offender registration and notification laws affect criminal behaviour?' (2011) 54(1) *Journal of Law and Economics* 161-206 and Agan AY and Prescott JJ, 'Sex offender law and the geography of victimization' (2014) 11(4) *Journal of Empirical Legal Studies* 786-828 cited in Napier et al, above n 2.

<sup>4</sup> Napier et al, above n 2, 2.

<sup>5</sup> Levenson JS and Harris DA 'The ripple effects of Post-Conviction Traumatic Stress in people required to register as sex offenders and their families' (2024) 36(5) *Sexual Abuse*, 572, 575-576.

<sup>6</sup> The human rights compatibility statement recognises human rights consequences associated with potential intimidation, vigilantism, restriction of movement of people convicted of sexual offences. See Human Rights Statement of Compatibility, pages 5-6.

sexual offending treatment programs in prison<sup>7</sup> and expanding Throughcare programs, both of which are evidence-based methods of effectively reducing reoffending.<sup>8</sup>

### Relevant considerations

10. Section 74A(2) of the Bill sets out a list of factors that the police commissioner may have regard to when deciding whether to release or remove information under the Tier 1 and 2 provisions.

11. These factors are expressed in more general terms compared to the equivalent provisions in Western Australia and South Australia. Those jurisdictions both set out the following additional factors for consideration in Tier 1 and 2 decisions:

- a. Whether the publication of the identifying information about the person has been supported or opposed by a victim of an offence committed by the person<sup>9</sup>; and
- b. Whether publication of the identifying information about the person would increase the risk of the person committing offences.<sup>10</sup>

12. While the factors listed within the Bill are sufficiently broad to enable consideration of these matters, they should be expressly referenced in the legislation to ensure they are adequately addressed in the balancing exercise undertaken by the police commissioner.

13. We submit that s74A(2) of the Bill should be amended to expressly reference the above two considerations.

### Tier 2 provisions

14. The Tier 2 provisions enable Queensland residents to apply to temporarily view facial images of particular reportable offenders under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld) (the CPOROPOA) who are living in their general locality. A similar regime has existed in Western Australia since 2012 and will shortly be implemented in South Australia.<sup>11</sup>

15. The Tier 2 provisions assume that members of the community can better protect their children if they are aware that a person convicted of sexual offences lives in their local area. However, most child sexual offences are committed by individuals known to the victim.<sup>12</sup> Unlike the Tier 3 provisions, which enable parents and guardians to seek information about specified persons, the Tier 2 framework allows any member of a community to apply to access facial images of people who are unknown to them.

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<sup>7</sup> PLS regularly observes delayed assessments and program delivery for sexual offending treatment in prison. Programs such as the Strong and Solid Spirit program currently offered to First Nations men at Lotus Glen Correctional Centre should be expanded to other correctional centres. See Susan Rayment-McHugh, Dimity Adams, Nadine McKillop, Clint Hanley & Claire Walker (2025) Strong & Solid Spirit: design & development of a treatment programme for First Nations men incarcerated for sexual offences, *Journal of Sexual Aggression*, 31:2, 274-292.

<sup>8</sup> McKillop, N; Rayment-McHugh, S; Prenzler, T; et.al. 'The Effectiveness of Sexual Offender Rehabilitation and Reintegration Programs: Integrating global and local perspectives to enhance correctional outcomes' (2019) *University of the Sunshine Coast Research Report*.

<sup>9</sup> See section 85I(2)(d) of the *Community Protection (Offender Reporting) Act 2004* (WA) and section 66G(2)(d) of the *Child Sex Offenders Registration (Public Register) Amendment Bill 2024* (SA).

<sup>10</sup> See section 85I(2)(e) of the *Community Protection (Offender Reporting) Act 2004* (WA) and section 66G(2)(e) of the *Child Sex Offenders Registration (Public Register) Amendment Bill 2024* (SA).

<sup>11</sup> See Part 5A of the *Community Protection (Offender Reporting) Act 2004* (WA) and *Child Sex Offenders Registration (Public Register) Amendment Bill 2024* (SA).

<sup>12</sup> Napier et al, above n 2, 2.

16. Given the significant scope for abuse and harm associated with such provisions, they should be attended by appropriate safeguards.

17. We submit that two amendments should be made to the Bill to align with the Western Australian model.

#### *Relevant considerations for discretionary class*

18. The Tier 2 provisions can be applied to a class of reportable offenders who are identified by the police commissioner as posing a serious risk to the lives or sexual safety of children.<sup>13</sup> However unlike in other jurisdictions, the Bill contains no guidance on what factors should inform the police commissioner when making this decision.

19. In Western Australia and South Australia, the legislation sets out the following factors to be considered when determining whether someone poses a serious risk within the context of equivalent Tier 2 provisions:

- a. any medical, psychiatric, psychological or other assessment relating to the person;
- b. any information indicating whether or not the person is likely to commit a sexual offence in the future;
- c. whether or not there is any pattern of offending behaviour on the part of the person;
- d. the person's antecedents and the seriousness of the person's total criminal record;
- e. the person's age and the age of any victims of any offences committed by the person at the time those offences were committed;
- f. the difference in age between the person and any victims of those offences; and
- g. any other matter the Minister considers relevant.<sup>14</sup>

20. Undertaking risk assessments involves a complex balancing of multiple considerations. Decisions of this nature are ordinarily undertaken by judges or parole authorities and rely on expert reports which involve interviews and the application of validated risk assessment tools.

21. The police commissioner is being provided with an extraordinary power when determining whether a person is such a serious risk that their facial image and locality should be made available to members of the public.<sup>15</sup> This power should be coupled with legislative guidance on the types of factors that should be taken into account.

22. PLS recommends that factors (a) to (g) listed above be inserted into s74AG of the Bill.

#### *Procedural fairness*

23. The Bill proposes to limit the right to procedural fairness so there is no requirement on the police commissioner to notify people affected by these provisions. We submit that procedural fairness should be provided if consideration is being given to releasing a person's reportable offender status, facial image and locality to members of their community. This would align with the Western Australian model, which provides impacted individuals under the Tier 2 model with the right to make submissions within 21 days prior to releasing their personal information.<sup>16</sup>

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<sup>13</sup> Section 74AG(5) *Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025* (Qld).

<sup>14</sup> See section 85GB(4) of the *Community Protection (Offender Reporting) Act 2004* (WA) and section 66FA(8) of the *Child Sex Offenders Registration (Public Register) Amendment Bill 2024* (SA).

<sup>15</sup> In Western Australia, this power is only provided to the Minister on application by the Commissioner. See section 85GB of the *Community Protection (Offender Reporting) Act 2004* (WA).

<sup>16</sup> Section 85G(3) *Community Protection (Offender Reporting) Act 2004* (WA).

24. Procedural fairness will enhance the quality of decision making about whether personal information should be released because it provides reportable offenders with the opportunity to describe the potential impact of these decisions on their reintegration. This will allow the police commissioner to determine whether the release of such information may increase an individual's risk to the community.

25. It is well established that housing, employment and community-based supports are all protective factors which reduce the likelihood of reoffending.<sup>17</sup> Releasing information that enables the identification of reportable offenders by their local community, will jeopardise each of these protective factors. Research from the United States, where PSORs have been in place since the 1990s, identifies that:

*“Registrants and family members confront the stress of employment constraints, housing restrictions, economic insecurity, harassment, invasion of privacy, relationship disruptions, public stigma, shame, vigilantism and fear”.*<sup>18</sup>

26. Even where safety or security concerns do not eventuate following the release of information, the fear and anxiety experienced by registrants can have adverse reintegration consequences. Researchers explain that:

*“When our approach to community re-entry and rehabilitation instead fosters anxious symptoms of dysregulation, isolation, and maladaptive coping, their dynamic risks for reoffending increase.”*<sup>19</sup>

27. Given the significant public safety consequences associated with releasing images of people convicted of sexual offences to the community, it is important to understand the impact of those decisions prior to deciding whether they are in the public interest. Procedural fairness will help to achieve that aim.

28. PLS recommends that procedural fairness provisions be incorporated into the Bill.

### **Vigilantism**

29. The Bill creates new offences prohibiting the misuse of information obtained from the PSOR which are aimed at deterring vigilantism.

30. However, these offences only apply to conduct that impacts ‘an identified offender’ and do not protect other parties who may be targeted. We submit that these provisions should be extended to ensure that family members, friends and professionals working with reportable offenders also receive appropriate protection.

31. The risk posed to persons associated with reportable offenders is not remote. Family members supporting loved ones who are registered as sexual offenders often experience adverse reactions within their communities.<sup>20</sup> A review of multiple studies in the United States found that 16% of people

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<sup>17</sup> Darris AH and Levenson J ‘Life on “the List” is a life lived in fear: Post-Conviction Traumatic Stress in men convicted of sexual offences’ (2021) 65(6-7) *International Journal of Offender Therapy and Comparative Criminology*, 763, 764.

<sup>18</sup> Levenson JS and Harris DA, above n 5, 575.

<sup>19</sup> Harris HA, Sheath M and Shields R, ‘First, do no harm: Critically revisiting contemporary approaches to child sexual abuse prevention’ (2024) 153 *Child Abuse and Neglect*, 1, 5.

<sup>20</sup> Levenson JS and Harris DA, above n 5, 590.

on PSORs reported that their family or cohabitants had been harassed, attacked or had property damaged due to their registration.<sup>21</sup>

32. The vigilantism offences in the South Australian model include conduct directed towards '*persons associated with an identified offender*'.<sup>22</sup> Amendments should be made to the Bill to provide similar protections in Queensland.

33. Thank you for providing an opportunity for PLS to make submissions on the Bill.

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<sup>21</sup> Lasher MP and McGrath RJ 'The impact of community notification on sex offender reintegration: A quantitative review of the research literature' (2012) 56(1) *International Journal of Offender Therapy and Comparative Criminology*, 6-28 cited in Napier et. al, above n, 2, 11.

<sup>22</sup> Section 66l(1) and (2) of the *Child Sex Offenders Registration Act 2006* (SA).