

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

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

Submission by Criminal Law Services, Legal Aid Queensland

09 September 2025

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

### Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to provide a submission to the Justice, Integrity and Community Safety Committee in relation to the proposed Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “*giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way*” and is required to give this “*legal assistance at a reasonable cost to the community and on an equitable basis throughout the State*”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ's services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ always seeks to offer policy input that is constructive and is based on the extensive experience of LAQ's lawyers in the day-to-day application of the law in courts and tribunals. LAQ believes that this experience provides LAQ with valuable knowledge and insights into the operation of the justice system that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

This submission draws from the experience of LAQ's Criminal Law Services.

### Submission

LAQ questions the effectiveness of a public sex offender disclosure scheme in circumstances where there is no clear evidence that the introduction of such a scheme has a tangible impact on deterrence or sex-offence recidivism. This is particularly in light of the statistics regarding prevalence of offending in circumstances of pre-existing relationships between victims and their perpetrators.

Several studies conducted in relation to Megan's Law in the United States have concluded that it did not reduce sex-offence recidivism or prevent sexual offending in the general community. While there was some reduction in the frequency of sexual offending, there was no reduction in sex offence recidivism among registered sex offenders.<sup>1</sup>

Additionally, most child sexual abuse is perpetrated by someone known to the child, with 88% of women and 82% of men who experience childhood sexual abuse knowing their perpetrators, with the most common perpetrator being a family member.<sup>2</sup> There is a significant risk that the introduction of this scheme will “*create a 'false sense of security' by focusing the*

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<sup>1</sup> Napier S, Dowling C, Morgan A & Talbot D 2018. What impact do public sex offender registries have on community safety? Trends & issues in crime and criminal justice no. 550. Canberra: Australian Institute of Criminology, page 6.

<sup>2</sup> Australian Bureau of Statistics. (2021-22). Childhood abuse. ABS.  
<https://www.abs.gov.au/statistics/people/crime-and-justice/childhood-abuse/latest-release>.

*community's attention towards individuals on the registry and away from non-convicted individuals who pose a potential threat".<sup>3</sup>*

LAQ also emphasises that additional care ought to be taken in relation to the risk of releasing information, including the identification of offenders, that is likely to disclose the identity of protected child victims. This is a real risk in circumstances where up to 47% of offending is perpetrated by a family member, including:

- 25% by a non-immediate adult male relative
- 16% by their father or step-father
- 5.6% by their brother or step-brother.<sup>4</sup>

### **Disclosure pursuant to section 74AG (Tier 2: Locality search)**

LAQ is concerned about the power of the police commissioner to provide a photograph of a person whom they deem to be a serious risk offender in accordance with proposed section 74AG(3)(d). If the police commissioner considered at any time that a reportable offender poses a serious risk to the lives or sexual safety of one or more children or children generally, the police commissioner may deem the offender to be a serious risk offender, and their photograph disclosed pursuant to a locality search.<sup>5</sup> A reportable offender deemed to be a serious risk offender remains so until the police commissioner deems them not a serious risk offender, or they stop being a reportable offender.<sup>6</sup>

While proposed section 74AH provides for matters the police commissioner may have regard to, the inability for an offender who may be subject to this exercise of discretion to have such a decision reviewed is contrary to the principles of natural justice. The exercise of discretion in this subsection is not present in subsections (a)-(c), which are categories that involve objective criteria. The removal of natural justice via proposed section 74AM is not justified in these circumstances. LAQ submits that the exercise of discretion under this provision should only be exercised in exceptional circumstances, subject to clearly defined considerations, and be subject to a specific procedural fairness process given that those offenders would not ordinarily be captured by the Tier 2 release criteria but for that exercise of discretion.

LAQ is also concerned as to the further difficulties that disclosure under Tier 2 will present specifically for offenders subject to supervision under the Dangerous Prisoners (Sexual Offenders) Act 2003 and their ability to both locate and maintain accommodation in the community.<sup>7</sup> In the experience of LAQ's practitioners, there is often great difficulty in locating suitable community accommodation for these offenders, with the majority of offenders being initially released to the Queensland Corrective Services (QCS) operated Precinct accommodation at Wacol, Townsville and Rockhampton. The conditions and over-crowding

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<sup>3</sup> See Napier S, Dowling C, Morgan A & Talbot D 2018. What impact do public sex offender registries have on community safety? Trends & issues in crime and criminal justice no. 550. Canberra: Australian Institute of Criminology, page 8.

<sup>4</sup> Specifically in relation to female survivors of childhood sexual abuse: Australian Bureau of Statistics. (2021-22). Childhood abuse. ABS. <https://www.abs.gov.au/statistics/people/crime-and-justice/childhood-abuse/latest-release>.

<sup>5</sup> Proposed section 74AG(5) Community Protection and Public Child Sex Offender Registry (Daniel's Law) Bill 2025.

<sup>6</sup> Proposed section 74AG(6) Community Protection and Public Child Sex Offender Registry (Daniel's Law) Bill 2025.

<sup>7</sup> See disclosure under proposed section 74AG(3)(c) Community Protection and Public Child Sex Offender Registry (Daniel's Law) Bill 2025.

of these accommodations have been noted in several Supreme Court judgments.<sup>8</sup> Intended as temporary accommodation, offenders are expected to move from the Precinct into community accommodation. Such transition is subject to rigorous investigations by the High Risk Offender Management Unit within QCS. That, in LAQ's experience, includes comprehensive assessments of proximity to playgrounds, schools, and residences or other locations in which children reside or may regularly visit, where relevant. The disclosure of facial photographs of offenders in this category is unlikely to have any tangible effect on further protecting children from sex offenders, other than those mechanisms already in place.

### **New offence provisions**

LAQ welcomes the new offences contained in proposed sections 74AJ and 74AK. While acknowledging the introduction of those new offences pertaining to the misuse of information accessed via the scheme which is intended to mitigate that risk, LAQ remains concerned as to the propensity for vigilantism.

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<sup>8</sup> See, for example *Attorney-General for the State of Queensland v GHS (No 2)* [2022] QSC 103 from [27] onwards.