

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 to Justice, Integrity and Community Safety
Committee, Queensland Parliament

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Introduction

- 1 Thank you for the opportunity to provide a submission on the Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (**the Bill**) which proposes to establish a public child sex offender register (**a public register**) in Queensland.
- 2 The Queensland Human Rights Commission (**the Commission**) is an independent statutory body established under the *Anti-Discrimination Act 1991* with functions under that Act and the *Human Rights Act 2019* (**Human Rights Act**) to promote an understanding, acceptance, and public discussion of human rights in Queensland. This submission has been approved by the Queensland Human Rights Commissioner.
- 3 Every child in Queensland has the right to be safe and protected from harm. Child sexual abuse is a devastating and damaging violation of children's rights, and the government is obligated to take proactive measures to prevent child sexual abuse from occurring.¹ At the same time, government has a responsibility to ensure that the policies it enacts are evidence-based and limit human rights no more than necessary to achieve their purpose.²
- 4 The government states the purpose of the Bill is '*to safeguard children by empowering the community – and families in particular – to take protective actions in the best interests of children (consistent with section 26(2) of the HR Act) to prevent children from being subject to the devastating harm which results from sexual offending*'.³
- 5 However, no evidence is available to demonstrate that public child sex offender registers reduce sexual offending against children. Conversely, public child sex offender registers have been shown to *increase* sex offence recidivism (reoffending). This is understood to be partially a result of the negative consequences of public registration which can include exclusion from housing and employment, and being subjected to harassment and assault, all of which can disrupt rehabilitation efforts.
- 6 As the Bill is not capable of achieving its purpose to protect children from sexual abuse, the limits placed on human rights by the Bill are not justifiable.

¹ *Human Rights Act 2019* (Qld) ss 26, 58.

² *Human Rights Act 2019* (Qld) s 13.

³ Statement of Compatibility, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 6.

- 7 The Bill will also limit the human rights of victims of child sexual abuse. As most offenders are known to their victim, identifying an offender risks identifying their victim. Publishing an offender's details may also re-traumatise a victim. The Bill makes no provision for consulting victims about whether publication will create risks for the victim, and the government has not committed any resources to ensuring support is available to victims identified through the public register.
- 8 The Commission recommends that the government abandon the Bill and instead pursue human rights compatible approaches to child safety that will be effective in reducing child sex offending and will not cause disproportionate harm, including to victims.

Recommendations

- 9 The Commission recommends:

- As the Bill is incompatible with human rights, the Committee should recommend to parliament that this Bill not be passed (**RECOMMENDATION 1**) and that the \$10 million in funding allocated to establishing the register be diverted to support evidence-based strategies that will reduce child sexual abuse (**RECOMMENDATION 1A**).

- 10 Alternatively, at a minimum:

- Appropriate mechanisms must be put in place to monitor the impact of the scheme on identified offenders, including impacts on housing, employment, and future offending behaviours (including sexual and non-sexual recidivism) to ensure the scheme is not leading to increased offending (**RECOMMENDATION 2**).
- The public register website should incorporate: additional information to assist parents and families keep their children safe (**RECOMMENDATION 3**); and contextual information to explain who is, and who is not, included in the public register scheme, and what the information means (**RECOMMENDATION 3A**).
- The government should conduct a formal evaluation of the effectiveness of existing mechanisms before proceeding with this Bill (**RECOMMENDATION 4**).
- The Bill should be amended to require that when determining whether to publish information under all tiers, the Police Commissioner *must* consider whether publication is supported by the victim (**RECOMMENDATION 5A**). To facilitate this amendment, the Bill should be amended to provide for the Police Commissioner to seek submissions from victims prior to publication of a reportable offender's details (**RECOMMENDATION 5B**).

- Alternatively, the Bill should be amended to require that a victim be notified of the intention to publish information and that the Police Commissioner *must* consider the impacts of publication on a victim, including the likelihood that the victim will be identified (**RECOMMENDATION 5C**).
- The government should establish mechanisms by which the impact of the Bill on victims is collected, and this information must be considered as part of the proposed independent statutory review (**RECOMMENDATION 5D**).
- The government should commit to resourcing victim support services to provide additional support to victims identified by the scheme, or who suffer re-traumatisation following the publication of details of their offender (**RECOMMENDATION 5E**).
- The impacts of the Bill on families and cohabitants of reportable offenders should be carefully monitored and considered in the context of the proposed independent statutory review (**RECOMMENDATION 6**).
- The proposed offences should be extended to criminalise conduct which incites or may incite the harassment or intimidation of the family or acquaintances of an identified offender (**RECOMMENDATION 7**).
- The Bill should make provision for the reporting and recording of unauthorised use of reportable offenders' information and suspected harassment or vigilantism of reportable offenders (**RECOMMENDATION 8A**). The proposed public register website should also include a link to Crime Stoppers Queensland website (**RECOMMENDATION 8B**).
- To minimise the impact of the Bill on the human rights of reportable offenders, the Bill should be amended to (**RECOMMENDATION 9**):
 - require that the Police Commissioner remove the details of a reportable offender which are published under Tier 1 'as soon as practicable' *but within 8 hours* (**RECOMMENDATION 9A**)
 - provide a more restrictive definition of 'locality' e.g., to mean 'suburb' if the person lives in a metropolitan area, or 'town' if the person lives in a regional or remote area (**RECOMMENDATION 9B**)
 - impose a duty on the Police Commissioner to maintain the public register, including by ensuring that offenders who are no longer subject to reporting requirements are removed as soon as practicable (**RECOMMENDATION 9C**).
 - require the Police Commissioner to consider the following matters when determining whether to publish a reportable offender's details:

1. any medical, psychiatric, psychological or other assessment of the reportable offender;
 2. any information indicating whether the reportable offender is likely to commit a prescribed offence in the future (including evidence of rehabilitation);
 3. whether publication may negatively impact the reportable offender's successful rehabilitation;
 4. the reportable offender's age and the age of any victims of any offences by the reportable offender at the time those offences were committed (**RECOMMENDATION 9D**).
- require the Police Commissioner to notify an offender of an intention to publish their details under Tier 2, and to require the Commissioner to give the person no less than 21 days to make submissions, which must be considered (**RECOMMENDATION 9E**).

Background

- 11 The Bill proposes to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (**CPOROPOA**) to enable the publication of particular information about 'reportable offenders'.
- 12 Reportable offenders include persons who are sentenced for a 'reportable offence', subject to a reporting or prohibition order, or a post *Dangerous Prisoners (Sexual Offenders) Act 2003* (**DPSOA**) supervision order.⁴ In simple terms, reportable offenders are persons who have been convicted of a sexual offence in relation to a child.
- 13 The Bill proposes that the personal details of reportable offenders may be published in the following circumstances:
 - Under Tier 1, particular details about a reportable offender, including a photo of their face, may be published on a public website in circumstances where the reportable offender has failed to comply with their reporting obligations or contravened the conditions of a supervision order and their whereabouts are unknown to police. The reportable offenders' personal details must be removed 'as soon as practicable' following the location of the offender.⁵

⁴ *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld) s 5.

⁵ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AF.

- Under Tier 2, a member of the community will be permitted to apply to view facial photos of reportable offenders who reside in their 'locality' (the general locality where the person resides). Facial photos will be provided where: the offender has committed a further reportable offence; the offender has had reporting obligations imposed for life; the offender is subject to a DPSOA order; or the offender is deemed to be a 'serious risk' by the Police Commissioner.⁶
 - Under Tier 3, a parent, guardian, or person with ongoing parental responsibility for a child may apply to be informed about whether a specific person who has had, or will have, unsupervised contact (any unsupervised physical contact or form of communication, including electronic communication) with their child, is a reportable offender.⁷
- 14 Under all Tiers, the Police Commissioner will retain discretion to publish a reportable offender's personal details.
- 15 Under Tiers 1 and 2, the Police Commissioner may (but is not required to) have regard to a number of matters when determining whether to publish a reportable offender's personal details, including:
- the effect that publication of the identifying information may have on a victim of the offender;
 - whether the publication or provision of identifying information would be likely to prejudice a criminal proceeding or an investigation by a law enforcement agency;
 - whether publication or provision of the identifying material is in the public interest; and
 - any other relevant matter.⁸
- 16 Under Tier 3, the Police Commissioner must be satisfied the relevant offender has had or will have unsupervised contact with the relevant child.⁹
- 17 Information provided will be required to be treated as confidential. The unauthorised sharing of information obtained will be an offence punishable by a sentence of up to three years imprisonment.¹⁰

⁶ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AG.

⁷ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74Al.

⁸ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AH.

⁹ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74Al(4).

¹⁰ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AK.

- 18 It will be an offence if a person, by a public act, intends to intimidate or harass a person they believe to be an identified offender, or incites others or to do this, punishable by a sentence of up to 10 years imprisonment. Where a person engages in a public act likely to intimidate or harass a person they believe to be an identified offender, or is likely to incite others or to do this, it is punishable by a sentence of up to 3 years imprisonment.¹¹
- 19 Publication of information about a reportable offender will not be permitted where:
- an offender is under the age of 18 years, or was under the age of 18 years at the time they committed a child sexual offence and has not reoffended or engaged in particular conduct as an adult;
 - an offender is a participant in a witness protection program; or
 - a court has prohibited identification of the offender or the disclosure or publication of personal information about the offender.¹²
- 20 Two states in Australia operate public child sex offender registers: Western Australia, which established a register in 2012,¹³ and South Australia, which established a register in 2024.¹⁴ The registers operated in Western Australia and South Australia are very similar to that proposed by this Bill with minor differences. For example, in South Australia, before publishing identifying information of a reportable (registerable) offender who has failed to comply with their reporting obligations, the Police Commissioner must take reasonable steps to consult with any persons that the Commissioner believes may be adversely affected by publication of the information.¹⁵

Key issues

Overriding the Human Rights Act

- 21 When introducing a Bill, the responsible Minister must prepare a statement of compatibility which states whether, in the Minister's opinion, the Bill is compatible with human rights and, if the Bill is not compatible with human rights, the nature and extent of the incompatibility.¹⁶

¹¹ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AJ.

¹² Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AE.

¹³ *Community Protection (Offender Reporting) Amendment Act 2012* (WA).

¹⁴ *Child Sex Offenders Registration (Public Register) Amendment Act 2024* (SA).

¹⁵ *Child Sex Offenders Registration Act 2006* (WA) s 66G3.

¹⁶ *Human Rights Act 2019* (Qld) s 41.

- 22 The statement of compatibility for the Bill states that even though the responsible Minister is of the opinion the Bill is not compatible with human rights, the Minister considers it necessary to override the Human Rights Act. The statement of compatibility states *'the amendments include an override declaration as a precautionary measure [emphasis added]... to protect the lives and sexual safety of Queensland children'* which *'removes the risk that a court might declare the proposed public register, or decisions made by the Police Commissioner under it, incompatible with human rights.'*¹⁷
- 23 The Commission is deeply concerned by this inappropriate use of the override provisions in the Human Rights Act. Overriding the Human Rights Act is only lawful in 'exceptional circumstances' such as where there is a war, state of emergency, or an exceptional crisis constituting threats to public safety or national security.¹⁸ The override provisions were intended to be used in circumstances in which parliament is required to act quickly in response to serious emergency situations, such as when responding to a pandemic or conflict. The provisions were not intended to be used as a precaution to avoid oversight by the judiciary.
- 24 When a Minister introduces a Bill containing an override declaration, the Minister is required to make a statement outlining the exceptional circumstances that justify the override.¹⁹ The exceptional circumstances statement tabled with the Bill states *'In the Government's view, there is a child safety crisis gripping Queensland communities as shown by many horrific abuse cases and allegations over recent times.'*²⁰ The statement does not provide any data or other information to support this claim.
- 25 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.

¹⁷ Statement of Compatibility, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 7, 2.

¹⁸ *Human Rights Act 2019* (Qld) s 43.

¹⁹ *Human Rights Act 2019* (Qld) s 44.

²⁰ Statement about Exceptional Circumstances, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 1.

- 26 Two key agencies provide authoritative crime data for Queensland: the Queensland Government Statisticians Office (QGSO) and the Australian Bureau of Statistics (ABS). The QGSO *Crime Statistics Report 2023-24* indicates that instances of sexual offending have remained steady over recent years at 192.6 per 100,000 persons in 2022-23 and 192.5 in 2023-24.²¹ Data published by the ABS shows a gradual increase in the number of sexual assault offences in Queensland, from 86.4 per 100,000 persons in 2013 to 95.4 in 2019 to 154.6 in 2023.²²
- 27 Crime data in relation to sexual offences must be interpreted with caution. The consistent rise in rates of recorded sexual offences in recent years has been partially attributed to an increase in reporting due to a reduction in stigma, as well as strengthened legislation, enhanced awareness, and better detection systems. Additionally, the figures published by both the QGSO and the ABS include sexual offences perpetrated against adults as well as children.
- 28 While the increase in sexual offending presented in the ABS data is concerning, the available statistics do not provide a clear picture of the rates of sexual offending against children. In the absence of any evidence of an exceptional crisis, the Commission finds no justification for overriding human rights in relation to this Bill.
- 29 The Committee should recommend to parliament that this Bill not be passed (**RECOMMENDATION 1**).
- 30 This does not diminish the urgency with which the government should take considered action in relation to sexual violence against children. Every instance of child sexual abuse is a devastating and damaging violation of a child's rights. But in the absence of an 'exceptional crisis', the government must seek to implement solutions compatible with human rights.²³ Even in the event of an exceptional crisis arising, government should pursue human rights compatible approaches wherever possible. 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.

²¹ Queensland Government Statistician's Office, *Crime report, Queensland, 2023–24: Recorded crime statistics* (Report, 23 April 2025) 9.

²² Australian Bureau of Statistics, 'Recorded Crime – Victims - Queensland', *Crime and justice* (Web Page, 3 September 2025) Graph: Sexual assault, victimisation rate Queensland <<https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/latest-release#queensland>>.

²³ *Human Rights Act 2019* (Qld) s 58.

Lack of evidentiary basis

- 31 The government states the purpose of the Bill is *'to safeguard children by empowering the community—and, in particular, families—to take protective actions in the best interests of children (consistent with section 26(2) of the HR Act) to prevent children from being subject to the devastating harm which results from sexual offending'*.²⁴ However, the Commission has been unable to identify any evidence that public sex offender registers have been found to prevent further sexual offending against children (sex offence recidivism).
- 32 Importantly, if providing information via a public child sex offender register facilitated parents to take protective actions which successfully prevent instances of child sexual abuse, this would manifest as a decrease in further sexual offending against children (sex offence recidivism). This decrease has not been observed.
- 33 Two states in Australia operate public child sex offender registers: Western Australia which established a register in 2012,²⁵ and South Australia which established a register in 2024.²⁶ The registers in operation in Western Australia and South Australia are very similar to that proposed by this Bill.
- 34 While the South Australian register is yet to be evaluated, the Western Australian register was formally evaluated in 2018, after five years of operation. The *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004 (the WA Evaluation)* did not identify any evidence that the register had reduced sexual offending. In fact, the Evaluation notes a *'direct causal link between registers or notification schemes and the incidence of sexually based offending against children is neither supported by current research and literature nor by the architects of the legislation'*.²⁷

²⁴ Statement of Compatibility, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 6.

²⁵ *Community Protection (Offender Reporting) Amendment Act 2012* (WA).

²⁶ *Child Sex Offenders Registration (Public Register) Amendment Act 2024* (SA).

²⁷ The Evaluation nevertheless found the Scheme 'can be considered effective as it meets the primary purpose for which it was developed, that is, to make information publicly available.' Western Australian Police Force, *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004* (Review, 17 April 2018) 17.

- 35 Public sex offender registers have also been established in a number of locations in the United States. In 2018, the Australian Institute of Criminology conducted a review (**the AIC review**) of the evidence in relation to public sex offender registries in the United States. The report identified 15 studies which confirmed that public sex offender registers did not reduce 'sex offence recidivism'. This led the authors to conclude there is 'little evidence' to indicate public registers have led to reduced reoffending among registered sex offenders.²⁸
- 36 Concerningly, the AIC review identified a number of studies which found that sex offence recidivism had *increased* following implementation of a public register or notification scheme.²⁹ While some studies suggested this increase could be partially attributed to increased surveillance and detection, other studies suggested the negative consequences of a public register, which may include harassment and assault, exclusion from a neighbourhood or residence, loss of employment, and impacts on mental health,³⁰ could be disrupting rehabilitation efforts and leading to further offending.³¹ This means where a reportable offender is subject to negative treatment as a result of being identified via the proposed public register (e.g., being denied employment or housing) this could lead them to reoffend.

²⁸ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 6-8 and 12-14.12.

²⁹ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 6-8 and 12-14.

³⁰ MP Lasher and RJ McGrath, '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; JS Levenson and LP Cotter, 'The effect of Megan's Law on sex offender reintegration' (2005) 21(1) *Journal of Contemporary Criminal Justice* 49-66.

³¹ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018), 7.

- 37 Both the WA Evaluation and the review additionally identified that the premise for public child sex offender registers and notification scheme is flawed.³² The majority of child sex offences are committed by individuals known to the victim, either because they are family members or close acquaintances.³³ As such, in the majority of cases it is possible or likely that any history of sexual offending is already known to family members. Where it is not known, parents are less likely to complete a search in relation to a family member, friend, or acquaintance. This means a public notification scheme is unlikely to be of assistance in the majority of cases.³⁴ Concerns have also been raised that a public sex offender register could lead to sex offenders 'networking' in order to commit further offences.³⁵
- 38 Given this evidence, the Committee should recommend to government that this Bill not proceed, and that the \$10 million in funding allocated to establishing the register be diverted to support evidence-based strategies that will reduce child sexual abuse (**RECOMMENDATION 1A**).
- 39 If the Bill proceeds, the Commission recommends that appropriate mechanisms be put in place to monitor the impact of the scheme on identified offenders, including impacts on housing, employment, and future offending behaviours, including in relation to sexual and non-sexual recidivism to ensure the scheme is not leading to increased offending (**RECOMMENDATION 2**).
- 40 The WA Evaluation found there is not a clear understanding about how the information provided through the public register could best be used to enhance child protection and community safety. The reviewers recommended that the public register website 'incorporate additional, targeted information to assist individuals and communities to adopt protective behaviours and implement situational crime prevention strategies'.³⁶ The Commission similarly recommends the Queensland website incorporate additional information to assist parents and families keep their children safe (**RECOMMENDATION 3**).

³² Western Australian Police Force, *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004*, (Review, 17 April 2018) 17.

³³ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 6-8 and 12-14.

³⁴ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 6-8 and 12-14.

³⁵ Queensland Council for Civil Liberties, 'QCCL opposes Public Sex Offender Register' (Newsblog, 17 March 2025) <<https://qccl.org.au/newsblog/qccl-opposes-public-sex-offender-register>>.

³⁶ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018), 22.

- 41 The WA Evaluation also found the information released through the public register website was complex and a possibility existed that mistaken conclusions could be drawn.³⁷ The government should avoid similar issues by including more contextual information on the relevant website to further explain who is, and who is not, included in the public register scheme and what the information means (**RECOMMENDATION 3A**).

Existing mechanisms are less restrictive

- 42 Importantly, there are existing mechanisms by which parents in Queensland can be provided with information in relation to reportable offenders to support them to take protective actions to safeguard their children.
- 43 The CPOROPOA currently permits the Queensland Police Service (QPS) to release information about a reportable offender to a person, including a parent or guardian of a child, if it is reasonably necessary and appropriate to reduce a risk to the lives or sexual safety of one or more children or of children generally.³⁸ This power may be utilised in circumstances where police become aware of changes to a reportable offender's contact with a child or children, for example if the offender reports that they have moved into accommodation where children are living.³⁹
- 44 Additionally, an authorised Queensland Corrective Services officer may provide information about a person subject to a DPSOA supervision order to a parent, guardian, or caregiver.⁴⁰
- 45 Neither the Statement of Compatibility for the Bill nor the Explanatory Notes indicate why these existing mechanisms, which are less restrictive and clearly available alternatives, are not sufficient.
- 46 Additionally, while the effectiveness of non-public child sex offender register are yet to be evaluated in an Australian context, studies conducted in the United States indicate non-public sex offender registers have led to a decrease the overall number of sex offences.⁴¹

³⁷ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018), 21.

³⁸ *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (Qld)*, s74I.

³⁹ *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (Qld)*, s74I.

⁴⁰ *Explanatory Notes, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld)* 2.

⁴¹ Prescott JJ & Rockoff JE 2011. Do sex offender registration and notification laws affect criminal behavior? *Journal of Law and Economics* 54(1): 161–206; Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018), 5.

- 47 This indicates the existing mechanisms under the CPOROPOA and DPSOA are a less restrictive, reasonably available and more effective means of achieving the purpose of the Bill to provide parents with sufficient information. The government should conduct a formal evaluation of the effectiveness of existing mechanisms before proceeding with this Bill (**RECOMMENDATION 4**).

Undermining victims' rights

- 48 Contrary to the government's commitment to support victims of crime, this Bill is likely to have adverse consequences for victims of crime, including victims of child sexual offences.
- 49 As noted above, the vast majority of sexual offences are perpetrated by someone known to the victim.⁴² As such, there is a risk that the publication of a reportable offender's details could lead to the identification of their victim or victims. This risk will substantially increase where the perpetrator and/or victim are located in a small rural, regional, or remote area.
- 50 Where a victim is identified, this will amount to a substantial limit on their right to privacy (section 25, Human Rights Act). Where identification leads to harassment, intimidation, or further abuse, this will result in further limits on that right and could limit the victim's right to be free from torture and cruel inhuman or degrading treatment (section 17, Human Rights Act).
- 51 On 27 August 2025, the Honourable Dan Purdie MP, Minister for Police and Emergency Services advised the Queensland Parliament that to date there has been no known instance of a victim being identified as a result of a publication or disclosure under the scheme in Western Australia.⁴³ This may be because, in determining whether or not to publish any personal details of a reportable offender who has failed to comply with their reporting obligations or to provide the details of an offender to a person who resides in the same locality, the Western Australian Police Commissioner may take into account 'whether, in statements made by the victim to the Commissioner, the publication of the identifying information about the person has been supported or opposed by a victim of an offence committed by the person'.⁴⁴

⁴² Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, 'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018).

⁴³ As reported in Queensland, *Parliamentary Debates*, Legislative Assembly, 27 August 2025, 2486 (DG Purdie, Minister for Police and Emergency Services).

⁴⁴ *Community Protection (Offender Reporting) Act 2004* (WA) s 85I(2)(d).

- 52 Similarly in South Australia, before publishing identifying information of an offender who has not complied with their reporting obligations, the South Australian Police Commissioner must take reasonable steps to consult with any persons who may be adversely affected and must consider whether publication may lead to the identification of a victim.⁴⁵ Additionally, before providing information about an offender who resides in the same locality to a person, and before informing a child's parent or guardian whether a person is a reportable (registerable) offender, the Police Commissioner must have regard to whether this is reasonably likely to identify a victim.⁴⁶
- 53 The Bill should be amended to require that when determining whether to publish information under all tiers, the Police Commissioner *must* consider whether publication is supported by the victim (**RECOMMENDATION 5A**). To facilitate this amendment, the Bill should be amended to provide for the Police Commissioner to seek submissions from victims of crime prior to publication of a reportable offender's details (**RECOMMENDATION 5B**).
- 54 Alternatively, at a minimum, the Bill should be amended to require that a victim be notified of the intention to publish information and that the Commissioner *must* consider the impacts of publication on a victim, including the likelihood that the victim will be identified (**RECOMMENDATION 5C**). The government should also establish mechanisms by which the impact of the Bill on victims is collected. This information must be considered as part of the proposed independent statutory review (**RECOMMENDATION 5D**).
- 55 Finally, the government should commit to resourcing victim support services to provide additional support to victims who are identified by the scheme or who suffer re-traumatisation following the publication of details of their offender (**RECOMMENDATION 5E**).

Undermining families' rights

- 56 Where reportable offenders are identified, their families and acquaintances may also suffer negative treatment. One study in the United States found 16 per cent of offenders reported that their family members or other cohabitants of their residence had been harassed, attacked, or had property damaged as a result of their registration.⁴⁷ Where this occurs, the right of families and children to protection (section 26, Human Rights Act) as well as to freedom of movement and association (sections 19 and 22, Human Rights Act), and possibly to freedom from torture, and cruel, inhuman, or degrading treatment (section 17, Human Rights Act) will be undermined.

⁴⁵ *Child Sex Offenders Registration Act 2006* (SA) s 66G(3).

⁴⁶ *Child Sex Offenders Registration (Public Register) Amendment Act 2024* s 66FA(7) and s 66FB(5).

⁴⁷ MP Lasher and RJ McGrath '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.

- 57 The government should ensure the impacts of the Bill on families and cohabitants of reportable offenders is carefully monitored and considered in the context of the proposed independent statutory review (**RECOMMENDATION 6**). In addition, the proposed offences should be extended to criminalise conduct that incites or may incite the harassment or intimidation of the family or acquaintances of an identified offender (**RECOMMENDATION 7**).
- 58 Finally, the government has presented the Bill as empowering parents to determine whether their child is at risk and take necessary action. The Commission considers that the Bill problematically shifts the burden of prevention onto parents and families. The role of monitoring and policing offenders is appropriately owned by the relevant authorities which have the necessary powers to monitor and police reportable offenders. This Bill may result in parents feeling as though they are required to take on the additional burden of enquiring after the reportable offender status of all persons with whom their child has contact. This is illustrated by the experience in Western Australia which demonstrated that only 48 per cent of respondents to a survey felt the information provided via the Western Australian register would help them protect a child or vulnerable person.⁴⁸

Limiting offenders' rights

- 59 As identified by the statement of compatibility, the Bill will undermine the human rights of reportable offenders. Most significantly, the publication of photographs and other personal details will limit reportable offenders' right to privacy (section 25, Human Rights Act). Where the identification of a reportable offender following publication leads to ostracization and other negative treatment that has an impact on the offender's mental integrity, this right will be further limited.
- 60 Research conducted in the United States has documented a significant number of reports of vigilantism against people who are listed on public sex offender registries. This has included acts of harassment and murder.⁴⁹ For example, one study reports that 44 per cent of registered sex offenders reported experiencing threats or harassment by neighbours; approximately 20 percent experienced threats or harassment in general; 8 per cent reported experiencing physical attacks; and 14 per cent reported property damage.⁵⁰

⁴⁸ Western Australian Police Force, *Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004* (Review, 17 April 2018), 22.

⁴⁹ Human Rights Watch, 'No Easy Answers: Sex Offender Laws in the US' (Web Page, 11 September 2007) < <https://www.hrw.org/report/2007/09/11/no-easy-answers/sex-offender-laws-us>>.

⁵⁰ MP Lasher and RJ McGrath, 'The impact of community notification on sex offender reintegration: A quantitative review of the research literature. International' (2012) 56(1) *Journal of Offender Therapy and Comparative Criminology* 6–28; Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot,

- 61 Where identification leads to harassment and physical attacks on a reportable offender or their property, the public register will limit a reportable offender's rights to life (section 16, Human Rights Act), to freedom from torture and cruel, inhuman, or degrading treatment (section 17, Human Rights Act) and to property (section 24, Human Rights Act). Any harassment or negative treatment which has an impact on an offender's family relationships or results in exclusion from a particular neighbourhood or employment may also limit the reportable offender's right to freedom of movement (section 19, Human Rights Act), freedom of association (section 22, Human Rights Act), and right to the protection of families and children (section 26, Human Rights Act). As noted above, where a reportable offender experiences this kind of treatment, they may be less likely to be successfully rehabilitated post-sentence and may be more likely to commit further sexual offences against children.
- 62 The statement of compatibility for the Bill dismisses the possibility the Bill could lead to a limitation on the right not to be punished more than once because 'the purpose of the public register is not to punish reportable offenders'.⁵¹ However, the intent of the Bill is not relevant when determining whether or not a right is limited, only that the right will foreseeably be limited.⁵² Treatment resulting in the negative consequences described above will amount to a limit on the right not to be punished more than once (section 34, Human Rights Act).
- 63 The Bill includes a number of safeguards including requiring that details published under Tier 1 (where an offender has not complied with their reporting obligations) be removed 'as soon as practicable' after the offender is located, and criminalising the unauthorised sharing of an offender's information, and any conduct which does or is likely to incite the harassment of an identified offender.⁵³ However, these safeguards are unlikely to be sufficient to prevent the unauthorised use of an offenders personal details. Once details are shared online, the ability to make a record of and rapidly share those details to large audiences through modern technology, including encrypted or anonymised messaging services, mean unauthorised use could be nearly impossible to prevent or track.

'What impact do public sex offender registries have on community safety?' (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018).

⁵¹ Statement of Compatibility, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 6.

⁵² The test for whether or not a measure will limit a human right is if it 'places limitations or restrictions on, or interferes with, the human rights of a person' *Austin BMI Pty Ltd v Deputy Premier* (2023) 16 QR 377 [306] (Freeburn J); *BZN v Chief Executive, Department of Children, Youth Justice and Multicultural Affairs* [2023] QSC 266 [238] (Crowley J).

⁵³ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AJ.

- 64 The WA Evaluation found ‘it does not appear the concern initially held about potential vigilantism... have eventuated’.⁵⁴ However, the Evaluation clarifies ‘[t]his is not to say that vigilantism against, or harassment of, persons on the Scheme has not occurred, or is not occurring. It is necessary to consider that there may be shortcomings in the reporting or recording of acts...’ noting the lack of formal processes for monitoring complaints of allegations about this kind of behaviour.⁵⁵
- 65 In line with the recommendations made by the WA Evaluation, the Commission recommends that the Bill provides for the reporting and recording of unauthorised use and suspected harassment or vigilantism. This could be facilitated by requiring that reportable offenders whose details have been published be asked about harassment and vigilantism during regular reporting meetings (**RECOMMENDATION 8A**). The proposed public register website should also include a link to the Crime Stoppers Queensland website (**RECOMMENDATION 8B**).
- 66 To minimise the impact of the Bill on the human rights of reportable offenders, the Bill (section 74AF(4)) should be amended to require that the Police Commissioner remove the details of a reportable offender which are published under Tier 1 ‘as soon as practicable’ *but within 8 hours* (**RECOMMENDATION 9A**). The Bill should also be amended to provide a more restrictive definition of ‘locality’ e.g., to mean ‘suburb’ if the person lives in a metropolitan area, or ‘town’ if the person lives in a regional or remote area (**RECOMMENDATION 9B**). The Bill should also be amended to impose a duty on the Police Commissioner to maintain the public register, including by ensuring that offenders who are no longer subject to reporting requirements are removed as soon as practicable (**RECOMMENDATION 9C**).
- 67 Under Tiers 1 and 2, the Police Commissioner may (but is not required) to have regard to a number of matters when determining whether to publish a reportable offenders’ personal details, including:
- the effect that publication may have on a victim of the offender;
 - whether the publication or provision of identifying information would be likely to prejudice a criminal proceeding or an investigation by a law enforcement agencies;
 - whether publication is in the public interest; and
 - any other relevant matter.⁵⁶

⁵⁴ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, ‘What impact do public sex offender registries have on community safety?’ (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 6.

⁵⁵ Sarah Napier, Christopher Dowling, Anthony Morgan and Daniel Talbot, ‘What impact do public sex offender registries have on community safety?’ (*Trends & Issues in Crime and Criminal Justice* No 550, Australian Institute of Criminology, May 2018) 27.

⁵⁶ Community Protection and Public Child Sex Offender Register (Daniel’s Law) Bill 2025 (Qld) s 74AH.

68 Under Tier 3, the Police Commissioner must be satisfied the relevant offender has had or will have unsupervised contact with the relevant child.⁵⁷

69 In Western Australia and South Australia, the legislation which establishes each state's public register provides that relevant decision-makers may consider a broader range of factors when deciding whether to publish an offender's personal details. These factors assist decision-makers to avoid publication where publication would be counterproductive to community safety or manifestly unfair. For example, where an offender has a disability which meant their mental age was similar to the age of the victim at the time of the offence, or where an offender has shown clear signs of successful rehabilitation.

70 To reduce the likelihood that an offenders' details will be published in circumstances such as these, the Bill (proposed section 75AH(2)) should be amended to require that the Commissioner consider the following matters when determining whether to publish a reportable offender's details:

- any medical, psychiatric, psychological, or other assessment including in relation to disability of the registrable offender;
- any information indicating whether the registrable offender is likely to commit a prescribed offence in the future (including evidence of rehabilitation);
- whether publication may have a negative impact on the reportable offender's successful rehabilitation;
- the registrable offender's age and the age of any victims of any offences by the registrable offender at the time those offences were committed
(RECOMMENDATION 9D).

71 The Bill limits reportable offenders' right to a fair hearing (section 31, Human Rights Act) by removing their ability to seek a judicial review of the decision to publish their details and protecting the State from liability arising from the negligent, unlawful publication of their details.

72 The Explanatory Notes for the Bill explain that if procedural fairness and review rights were not removed in this way, a significant risk would exist that the public register could not operate as intended'.⁵⁸ The Explanatory Notes go on to state, '*it is important that the Police Commissioner is not required to identify and locate all persons who may be impacted and provide them with an opportunity to be heard...*' as this would create delays in releasing information.⁵⁹

⁵⁷ Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) s 74AI(4).

⁵⁸ Explanatory Notes, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 7-8.

⁵⁹ Explanatory Notes, Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Qld) 7-8.

- 73 In circumstances in which a person has made a ‘general locality’ application, there is unlikely to be any urgency. In recognition of this fact, the Western Australian scheme provides that prior to publishing the photograph and locality of a person the Commissioner must give the offender written notice and provide a period of not less than 21 days to make submissions in relation to the proposal. It also requires that any submissions be considered by the Police Commissioner.⁶⁰
- 74 The ability for a reportable offender to make submissions would minimise the likelihood that an offender’s details will be published in circumstances where this presents a significant risk to the public or the offender, or in circumstances in which the publication of an offender’s details would be manifestly unfair.
- 75 The Bill should be amended to require the Police Commissioner to notify an offender of an intention to publish their details under Tier 2, and to require the Commissioner to give the person no less than 21 days to make submissions, which must be considered (**RECOMMENDATION 9E**).

Exclusion of children from the register

- 76 The Commission firmly supports the exclusion of child offenders from the register. Being placed on a public sex offender registry can have severe negative implications for a young person, particularly regarding future study and employment opportunities. The Commission is cognisant that up to one-third of child sexual abuse is perpetrated by people under the age of 18.⁶¹ In Queensland, the government has taken a ‘tough on crime’ approach to crime committed by children. This approach is poorly evidenced and unlikely to lead to lower crime rates in the long run.⁶²

⁶⁰ *Community Protection (Offender Reporting) Act 2004* (WA) s 85G(3).

⁶¹ Ian Nisbet, ‘Adolescent sex offenders: a life sentence?’ (2010) 32(4) *InPsych*.

⁶² See for example: Queensland Family & Child Commission, *Exiting youth detention: Preventing crime by improving post-release support* (Report, June 2024) 12; Australian Institute of Health and Welfare, *Youth justice in Australia 2023-24* (Web Page, 28 March 2025) < <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2023-24/contents/introduction/youth-justice-system>>; Committee on the Rights of the Child, *General Comment No. 24 (2019) on Children’s Rights in the Child Justice System*, UN Doc CRC/C/GC/24 (18 September 2019) [2], [22]-[23].

77 In relation to the prevention of child sexual abuse committed by children, the Commission urges an approach which favours prevention and intervention instead of punishment. Recent research has been conducted in Queensland involving 1,400 children who had been processed for sexual offences and treated by the Griffith Youth Forensic Service. This treatment involved specialised, trauma-informed, community-based interventions, and achieved reduced offending across different categories of offences. Most relevantly, it achieved a 78-90 per cent reduction in sexual reoffending between 2010 and 2024.⁶³ This study offers clear evidence that specialist, community-based intervention is substantially more successful than punishment, including identification via a register, in reducing offending.

⁶³ Jesse Cale et al, 'A quasi-experimental evaluation of a specialized treatment service for youth adjudicated for sexual offences in Queensland, Australia' (2025) 99 *Journal of Criminal Justice* 102462.