




Speech By
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MEMBER FOR MACALISTER

Record of Proceedings, 28 October 2025

**COMMUNITY PROTECTION AND PUBLIC CHILD SEX OFFENDER REGISTER
(DANIEL'S LAW) BILL**

 **Mrs McMAHON** (Macalister—ALP) (12.23 pm): I rise to make my contribution to the bill. With the House's indulgence, before I start on that I would like to say 'happy birthday' to my little boy, who turns 12 years old. I think everyone knows or has heard of Ronan in our time here. Happy birthday to him. He is my 12-year-old boy, and I acknowledge that we stand today to talk about Daniel's Law—the boy who will be forever 13.

I rise to support this bill. In doing so, I acknowledge the amazing work of Bruce and Denise Morcombe. I think we are all very familiar with the 'no child left behind' policy. There has been so much that their 20 years of dedication to this particular issue has changed for us here in Queensland, and we are forever grateful for the passion they continue to deliver, despite the pain that obviously sits alongside of that.

In sitting on the committee investigating and inquiring into this bill, I did look to manage any conflict of interest. As a former police officer, my involvement in the Morcombe investigation was very tangential in relation to attending the crime scene up at the Sunshine Coast. However, I would like to take this opportunity to mention the work of Detective Senior Constable John Carey. I think I mentioned him in this House not long after I attended his funeral. The work that he did in this particular case will probably never be fully acknowledged due to the nature of the work, but I did see Bruce and Denise at his funeral. For the work of Detective Senior Constable John Carey and everyone who was involved in that painstakingly detailed investigation, I pass on my thanks.

Certainly in relation to my own experience in issues like this, I generally try to steer clear of hypothetical questions such as, 'In my particular case, would a bill like this have made a difference?' I choose not to delve too far into those things. The consideration of these bills is not about me. I think we need to acknowledge that this bill and the laws that will go with it will provide a tool for society, for community, but it would be foolish to think it is the protection that we need for all of our children. Every case appears to be different, and certainly any tool that we can provide to our families and our children is commendable.

I note the three tiers that are in this bill. Tier 1 is relatively straightforward. These would be people who would appear on our 'most wanted' lists in these particular cases because they are dangerous offenders whose whereabouts are not known and who would be wanted in relation to noncompliance. No details are required. This is a publicly available site. We had a look at the details on the Western Australian site, and I think at the time there would have been about 12 or 13 people listed under tier 1 under the Western Australian model. However, it was acknowledged that the majority of those, whilst unknown about their whereabouts in Western Australia, are assumed to be interstate or overseas.

Tier 2 is the locality search. I am guessing that is what most Queenslanders are looking to in this bill: who are the reportable offenders living in my area that I need to keep my children safe from? The information provided will be an image and generally restricted to the locality. I note the minister's

comments about locality and what that means to a decentralised state like Queensland. While the postcode of 4207 in my patch might cover about 12 different suburbs, much like Western Australia, in our smaller communities it will be very much up to a considered approach as to what 'locality' means. It might be limited to the shire council area or local government area, which might cover a couple of locations. However, it is noted that, much like Western Australia, we have discrete Indigenous communities, and I note the discretion that the Commissioner of Police will have to provide in relation to those areas.

Tier 3 is where a parent or carer can make a request for information. It should be noted that people applying for information under tier 2 and tier 3 must provide their ID. Information is not just provided willy-nilly; it needs to be considered. ID is provided. Particularly with tier 3, the response will be a yes or no—as in 'Is this person on the register? Yes or no?'—and then further information in relation to that.

I do note that this bill is largely modelled on the Western Australian approach; however, I will point out to the House that one of the bigger differences between this Queensland approach and the Western Australian approach is how it deals with juvenile offenders. In the Western Australian model, if a child offends and becomes a reportable offender they do not go on the register; however, once they turn 18 they do go on the register. If something they did at the age of 13 or 14 has labelled them a reportable offender, they do not go on the register until they turn 18. It should be noted that here, in Queensland, if a child offends and becomes a reportable offender they will not go on the register after they turn 18. I just wanted to make sure everyone was clear on that particular difference because some submitters had some issues with what happens with juvenile offenders.

I also would like to make sure Queenslanders are aware of the risk of having a false sense of security. As has been indicated a number of times already, this is but one tool. As already identified by the shadow minister, of the thousands of people in Queensland who would be considered eligible, less than 25 per cent will actually be on the register—that is, less than 25 per cent of convicted sex offenders will be on the register. To go back again, I note that not all children report sexual offences. There is and always will be a large number of child sex offenders who are never reported or, because of the nature of child evidence, even if they are reported are not convicted—no jail, no sentence—and, therefore, do not go on the register. We acknowledge that 25 per cent of the people who are actually convicted and charged will be on the register.

We need to educate the people of Queensland that it is not just the people on the register whom they need to be concerned about. Yes, the evidence does point to the fact that the majority of offenders in this space are actually known to the offender. They probably already live in the home or nearby or play a role in that child's life. One might hope that tier 3 will assist families to make decisions about whom they choose to have in their house and around their children, but it is also a beacon to remind us to listen to our children and to be active and watch for changes in our children. They may not or may never feel comfortable coming forward for whatever reason because that is the nature of how child sex offenders work.

Let's remember that this is a tool; it is not going to give parents all the cover and protection they may want, and educating them on this is really important. Yes, I do consider it important to have some level of review or administrative oversight. We are talking about less than 700 here—and not everyone will want to raise that flag, but the decision of the Police Commissioner will be final. There are lots of reasons why a decision might be made, but as many submitters indicated it is against fundamental legislative principles for someone to not have a right of review. I hope this is considered in the five-year evaluation.