

15 September 2025

Our ref: [LP:CLC]

Committee Secretary  
Justice, Integrity and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [REDACTED]

Dear Committee Secretary

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

Thank you for the opportunity to provide a submission to the inquiry into the Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill (**Bill**).

As you are aware, the Queensland Law Society (**the Society**) is the peak professional body for the State's legal practitioners. We represent over 14,000 legal professionals.

This submission has been prepared with the assistance of the Society's Criminal Law Committee.

### **Introductory observations**

We acknowledge the gravity of child sexual offending and the imperative to protect children from harm. The Society is committed to community safety and ensuring a safe and secure environment is created for our most vulnerable citizens, children. However, the Society has holds concerns with the introduction of the proposed disclosure scheme.

The public register represents a significant expansion of public access to sensitive information and its design must be guided by evidence-based safeguards as well as legal principles. In our view, the scheme's proposed value lies in its narrow focus of enabling parents/caregivers to seek access to information to confirm whether a person that may or has provided unsupervised care of their child, is a registered child sex offender.

Our members have previously raised significant reservations about public child sex offender registers and their application in practice. The Society is also not aware of any empirical studies that demonstrate making child sex offender details available to the public better protects children or the community. Additionally, research indicates recidivism rates for child sex offenders are

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far lower than often assumed and treatment can be effective<sup>1</sup>. In our view, resources would be better placed investing in early intervention and the prevention of child sex offending.

Empirical evidence and criminological research consistently demonstrate child sexual offending is predominantly perpetrated by individuals known to the child. Stranger-perpetrator offences represent a minority of cases, and, if progressed, the disclosure scheme must be carefully calibrated to reflect this reality. In addition, there is a real risk the introduction of a disclosure scheme will have the unintended consequence of reinforcing misconceptions about the nature of risk or divert attention from safeguarding mechanisms within familial and institutional contexts.

Research indicates that over time, sexual offending risk will reduce. For every five years a sexual offender remains in the community offence free, their risk of sexual offending halves<sup>2</sup>. Furthermore, rates of sexual recidivism occur at low rates relative to other types of offending such as general and violent crime. Most sex offenders are not re-imprisoned or re-convicted for further sexual offences<sup>3</sup>.

We also consider it important to note that while the proposed public register empowers families to make informed decisions about child safety, particularly in informal care arrangements, a confirmed disclosure can place significant strain on the parent or caregiver where they are faced with immediate decisions about familial relationships. We recommend further consideration be given to the adequacy of support structures available to parents/care givers post a confirmed disclosure, including access to legal advice, trauma informed counselling or child protection agency support. Clear guidance on next steps will be critical.

Maintaining registers is resource intensive and adds a level of complexity to the conditions imposed on reportable offenders under various orders. A balance needs to be struck between the legislative framework for the proposed public register targeting high risk offenders and taking an overly broad approach. Extending the register beyond its intended scope risks undermining its objective and capturing individuals who pose a low risk of reoffending.

### Divergences from comparative legislative frameworks

While the Society acknowledges the Bill's intent to enhance community safety, we set out below several concerns regarding the operation of proposed sections 74AF and 74AG. Although these provisions have been modelled on the Western Australia *Community Protection (Offender Reporting) Act 2004 (WA Act)*, they omit critical safeguards and review mechanisms that are integral to the Western Australia framework, resulting in a significantly less balanced and accountable regime. In the WA Act, public disclosure is tempered by statutory checks, including judicial oversight and reviewable risk assessments. The Bill lacks equivalent legislative protections, particularly in the exercise of discretion by the Police Commissioner under sections 74AF and 74AG.

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<sup>1</sup> Lievore, D. 2004. Recidivism of Sexual Assault Offenders: Rates, Risk Factors and Treatment Efficacy.

<sup>2</sup> Hansen, K., et al (2007). Assessing the risk of sexual offenders on community supervision: The Dynamics Supervision Project.

<sup>3</sup> Denise Lievore 2004f. Recidivism of Sexual Assault Offenders: Rates, Risk Factors and Treatment Efficacy.

### Publication of personal details (Section 74AF)

This provision empowers the Police Commissioner to publish personal details of reportable offenders where their whereabouts are unknown and they have not complied with their reporting obligations.

The Society submits that the Bill should be amended to include an express prohibition on the publication of a reportable offender's identify where that individual is subject to current or pending criminal proceedings. This amendment is necessary to uphold the presumption of innocence and to avoid prejudicing the administration of justice. The current drafting of section 74AH(2)(b) risks unintended consequences including compromising an individual's right to a fair trial where publication of their personal details may influence prospective jurors or community sentiment.

We note the Western Australia framework includes more nuanced protections around timing and judicial oversight, which would assist in mitigating these risks. The absence of such safeguards in the Bill represents a significant gap in legal protection.

### Locality search (Section 74AG)

The Society holds concerns about the broad discretion given to the Police Commissioner under subsection 74AG(3)(d) to determine a reportable offender as a 'serious risk offender'. This discretionary power is particularly problematic as it is not subject to judicial review, on account of section 74AN of the Bill. In our view, the existing objective criteria in subsections 74AG(a) – (c) provide a sufficient and transparent basis for assessing an offender's risk level.

As an alternative, we suggest the Bill adopt a more structured and prescriptive approach, like section 66FA (1)(c) of the *Child Sex Offenders Registration (Public Register) Amendment Act 2024* (SA). This provision is supported by a detailed list of factors which guide decision makers when assessing whether an offender poses a risk to the lives or sexual safety of others. These factors including the nature of offending, patterns of behaviour, compliance history, and expert risk assessments. Studies indicate that the risk of sexual offending can be reduced through treatment. Risk assessment is an important aspect and should form part of the factors to be assessed as part of the proposed disclosure scheme. Assessing risk is directly relevant to promoting public safety, enabling the ability to determine who received routine interventions, who needs increased interventions, and for the strategic use of scarce resources. Accordingly, incorporating a similar list in the Bill would improve transparency, reduce the risk of arbitrary decision making and ensure serious risk designations are grounded in clear, objective evidence.

We also note the Explanatory Notes justify the removal of judicial review and procedural fairness rights on the basis that maintaining them would be administratively burdensome. We do not consider this justification sufficient to override fundamental legal principles. The right to challenge decisions that affect a person's liberty, reputation and privacy are a cornerstone of our legal system. In our submission, removing section 74AG(3)(d) from the Bill would assist in ameliorating administrative complexity while preserving the offenders right to procedural fairness and facilitating the overall effectiveness of the public register.

### Limits on judicial review

The Society expresses its significant concern that section 74AM of the Bill removes access to judicial review of the Polce Commissioner's decisions under the *Judicial Review Act 1991* (Qld).

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This override has significant implications for both reportable offenders and individuals seeking access to information via the public register.

In the Bill's current form, reportable offenders will be unable to challenge decisions by the Police Commissioner to publish or release their personal details. Applicants seeking access to information will be similarly precluded from reviewing decisions where disclosure is refused.

These limitations are not adequately addressed or justified in the Explanatory Notes. The *Judicial Review Act 1991* (Qld) plays a critical role in safeguarding procedural fairness and ensuring accountability in administrative decision-making. The exclusion of the important function of judicial review from this Bill is particularly concerning given the sensitive nature of the information involvement and the potential consequences for affected individuals.

We strongly recommend judicial review be preserved for both reportable offenders and applicants. Doing so would not undermine the objectives of the Bill but would in fact reinforce its legitimacy and ensure decisions are subject to appropriate legal scrutiny.

### **New offence provisions**

The Society supports the new offence provisions to ensure information disclosed to the public is used responsibly and not used as a tool for persecution.

In the context of this Bill, the new offence provisions are a necessary and proportionate response to the risks associated with public access to the personal details of reportable offenders. They reflect a considered attempt to balance community protection with the rights and safety of individuals subject to inclusion on the public register.

When compared to existing criminal offences relating to incitement, harassment and threats, the new offence provisions are narrower in scope but seek to target conduct with heightened potential to cause harm. The potential for vigilantism, reputational harm and disruption to offender rehabilitation and reintegration is significantly amplified in this context.

As such, given the seriousness of the conduct and the objectives of the Bill, the Society submits the maximum penalties for sections 74AJ (1), 74AJ (2) and 74AK should be calibrated to reflect the gravity of those offences, particularly where there is demonstrable intent to incite harm and harass or where the conduct results in actual harm.

These offences must serve not only as a deterrent but also as a signal that the public register is a protective tool, not a mechanism for public retribution.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genéviève Dee  
**President**