



# QUEENSLAND PARLIAMENT **COMMITTEES**

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

Justice, Integrity and Community Safety Committee



**Report No. 19**

**58th Parliament, October 2025**

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

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All references and webpages are current at the time of publishing.

## **Acknowledgements**

The committee acknowledges the assistance provided by the Queensland Police Service. It would also like to thank everyone who met with the committee in Perth and shared their knowledge, experience and perspectives on the Western Australia public notification scheme and Community Protection website.

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## Chair's Foreword

This report presents a summary of the Justice, Integrity and Community Safety Committee's (the committee's) examination of the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025*.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee's inquiry into Daniel's Law touched deeply on issues of community safety, public trust, and the protection of children. It was informed by strong and heartfelt submissions from the public, agencies, and advocacy groups, reflecting the importance of these matters to Queenslanders.

The committee particularly acknowledges Bruce and Denise Morcombe for their tireless and selfless advocacy for child safety through the Daniel Morcombe Foundation. Since the tragic loss of their son Daniel, Bruce and Denise have dedicated their lives to ensuring other families do not endure the same heartbreak. Their unwavering commitment to child protection and education has been an inspiration to Queenslanders and Australians alike, and their advocacy has directly contributed to legislative reforms such as this.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and appeared at public hearings, including community members, advocacy organisations, and government representatives. The committee also thanks the Queensland Police Service, the Western Australia Police Force, and all agencies who provided evidence and briefings to support the inquiry.

I extend my sincere appreciation to the committee members for their considered contributions throughout this inquiry, and to our Parliamentary Service secretariat staff for their professionalism and dedication in supporting the committee's work.

I commend this report to the House.



Marty Hunt MP

Chair



## Executive Summary

On 27 August 2025, the Honourable Daniel (Dan) Purdie MP, Minister for Police and Emergency Services, introduced the Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (Bill) into the Legislative Assembly. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for detailed consideration.

The objectives of the Bill are to:

- increase community awareness by giving parents and carers access to information to help protect children via a three-tiered public register under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2024* (CPOROPOA)<sup>1</sup>
- guard against misuse of offender information by introducing offences targeted at conduct intending to or likely to incite others to intimidate or harass another person they believe, or suspect, is an identified offender as well as against unauthorised sharing of information obtained through the register.<sup>2</sup>

Broad protections from liability for those who administer the register are provided for as well as a statutory review provision.<sup>3</sup>

The committee received and considered the following evidence:

- 38 written submissions from stakeholders
- a written briefing provided by the Queensland Police Service (QPS) on 2 September 2025
- evidence provided at a public hearing in Brisbane on 19 September 2025, and
- a public briefing provided by the QPS in Brisbane on 19 September 2025.

Following the public proceedings, the committee travelled to Perth on a study visit to learn more about the operation and administration of the Western Australia (WA) public notification scheme and Community Protection website. The Bill before the Legislative Assembly is broadly modelled on the WA public child sex offender register which has been operating since 2012.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*. The committee recognises that the Bill limits certain human rights as defined under the *Human Rights Act 2019* (HRA) for the reasons set out in section 3 of the report. However, the committee is satisfied that the exceptional circumstances as outlined in the 'statement about exceptional circumstances' apply to the relevant provisions of the HRA such that the provisions have effect despite not being compatible with some of the human rights as defined in the HRA.

The committee made 1 recommendation, found at page vi of this report.

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<sup>1</sup> Explanatory notes, p 3.

<sup>2</sup> Explanatory notes, p 1.

<sup>3</sup> Explanatory notes, p 5.

## Recommendations

### **Recommendation 1 ..... 5**

The committee recommends that the Bill be passed.



## Glossary

<b>CCC</b>	Crime and Corruption Commission
<b>Committee</b>	Justice, Integrity and Community Safety Committee
<b>Community Protection website</b>	Queensland Community Protection and Public Child Sex Offender Register website
<b>CPOROPOA</b>	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>
<b>Daniel's Law / the Bill</b>	Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025
<b>DPSOA</b>	<i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>
<b>HRA</b>	<i>Human Rights Act 2019</i>
<b>LAQ</b>	Legal Aid Queensland
<b>LSA</b>	<i>Legislative Standards Act 1992</i>
<b>Minister</b>	Honourable Daniel (Dan) Purdie MP, Minister for Police and Emergency Services
<b>PLS</b>	Prisoners' Legal Service
<b>public register</b>	Queensland Community Protection and Public Child Sex Offender Register
<b>QCCL</b>	Queensland Council of Civil Liberties
<b>QHRC</b>	Queensland Human Rights Commission
<b>QLS</b>	Queensland Law Society
<b>QPS</b>	Queensland Police Service
<b>QSAN</b>	Queensland Sexual Assault Network
<b>Queensland website</b>	Queensland Community Protection and Public Child Sex Offender Register website
<b>SA</b>	South Australia
<b>SVRPU</b>	Sexual Violence Research and Prevention Unit

<b>VFVF</b>	Voice for Victims Foundation
<b>WA</b>	Western Australia

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## 1. Overview of the Bill

The Community Protection and Public Child Sex Offender Register (Daniel's Law) Bill 2025 (the Bill) was introduced by the Honourable Daniel (Dan) Purdie MP, Minister for Police and Emergency Services (Minister) and was referred to the Justice, Integrity and Community Safety Committee (the committee) by the Legislative Assembly on 27 August 2025.

### 1.1. Aims of the Bill

The Bill aims to deliver on the Government's election commitment to establish a public child sex offender register in Queensland.<sup>4</sup> The objectives of the Bill are to:

- increase community awareness by giving parents and carers access to information to help protect children via a three-tiered public register under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2024* (CPOROPA)<sup>5</sup>
- guard against misuse of offender information by introducing offences targeted at conduct intending to or likely to incite others to intimidate or harass another person they believe, or suspect, is an identified offender as well as against unauthorised sharing of information obtained through the register.<sup>6</sup>

Broad protections from liability for those who administer the register are provided for as well as a statutory review provision.<sup>7</sup>

### 1.2. Context of the Bill

This Bill is named 'Daniel's Law' in honour of Daniel Morcombe and in recognition of the advocacy and work of the Daniel Morcombe Foundation (the foundation). The foundation has advocated for the establishment of a register allowing greater public access to information about child sex offenders in the community.<sup>8</sup> The Bill seeks to align with the work undertaken by Daniel's parents, Bruce and Denise Morcombe, through the foundation to provide educational resources, tools and strategies that equip the community and help them feel empowered.<sup>9</sup>

The public child sex offender register proposed in the Bill is broadly modelled on the Western Australia (WA) public notification scheme and Community Protection website which has been operating since 2012.<sup>10</sup>

The following key issues were raised during the committee's examination of the Bill,<sup>11</sup> which are discussed in Section 2 of this Report:

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<sup>4</sup> Explanatory notes, p 1.

<sup>5</sup> Explanatory notes, p 3.

<sup>6</sup> Explanatory notes, p 1.

<sup>7</sup> Explanatory notes, p 5.

<sup>8</sup> Explanatory notes, p 1.

<sup>9</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,486.

<sup>10</sup> See Part 5A of the Community Protection (Offender Reporting) Act 2004 (WA) and Child Sex Offenders Register (Public Register) Amendment Act 2024 (SA).

<sup>11</sup> Note that this section does not discuss all consequential, minor, or technical amendments.

- Operation of the new public child sex offender register
- Administration of the register
- Judicial review
- Protection against vigilantism
- Statutory review, and
- National approaches.

### 1.3. Existing legislative framework

There is currently no publicly accessible information or register that provides information about child sex offenders in Queensland. Under the CPOROPOA, the Queensland Police Service (QPS) administers the existing non-public child protection register, the purpose of which is to:

- provide for the protection of the lives of children and their sexual safety
- reduce the likelihood that an offender will reoffend, and
- facilitate the investigation and prosecution of any future offences that the offender may commit.<sup>12</sup>

The proposed public child sex offender register will collect similar information to the non-public register such as the offender's name, details of each reportable offence the offender has been convicted or charged, and the address or locality at which they reside.<sup>13</sup> Reportable offenders are required to disclose the stipulated information either on receipt of an initial reporting obligations notice from the Police Commissioner or at the time periods stipulated in section 14(4) of the CPOROPOA following their conviction for a reportable offence.<sup>14</sup> Reportable offenders are also required to make periodic reports on a quarterly basis thereafter, as well as ad-hoc reports if their personal details or circumstances change.<sup>15</sup>

The Bill does not alter the definition of a reportable offender as defined in section 5 of the CPOROPOA as being a person who is:

- a) sentenced for a reportable offence, regardless of when the offence was committed or the person was convicted; or
- b) sentenced for an offence for which a court has made a declaration under subsection (5); or
- c) an existing reportable offender; or
- d) a corresponding reportable offender; or

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<sup>12</sup> CPOROPOA, s 3.

<sup>13</sup> CPOROPOA, ss 15 and 68.

<sup>14</sup> CPOROPOA, s 14.

<sup>15</sup> Explanatory notes, p 1; Queensland Police Service (QPS), written briefing, 2 September 2025, p 2.

- e) subject to an offender reporting order; or
- f) subject to an offender prohibition order; or
- g) the respondent for a registered corresponding order; or
- h) a post-*Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) reportable offender.

The public register proposed in the Bill will operate independently of the existing non-public register and will be operated by different units within the QPS.<sup>16</sup> The public register will not alter reporting obligations nor the types of offences that will deem someone a reportable offender.

Reportable offenders in Queensland are liable to the longest reporting periods in Australia of 10 years, 20 years or life, depending on two factors: the offender's age at the time of the offence and whether they have repeat prior convictions. Reporting obligations begin when the offender is sentenced or released from custody, whichever is later.<sup>17</sup>

The CPORPOA currently permits information about a reportable offender to be provided to a person, including a parent or guardian, if it is reasonably appropriate to mitigate a risk to the life or sexual safety of a child or children. This is currently used in circumstances such as where the offender (in the course of their usual reporting obligations) makes a report which, for example, indicates that they have moved into a residence where children also reside.<sup>18</sup>

#### **1.4. Inquiry process**

The committee received and considered the following evidence:

- 38 written submissions from stakeholders
- a written briefing provided by the QPS on 2 September 2025
- evidence provided at a public hearing in Brisbane on 19 September 2025
- a public briefing provided by the QPS on 19 September 2025.

In addition to the public consultation in Brisbane, the committee undertook a study visit to Perth and met with a range of stakeholders to discuss the operation and impact of the WA public child sex offender register, on which the Bill is broadly based. Meetings were held with representatives of the following agencies:

- Western Australia Police Force, Offender Management Division
- Commissioner for Children and Young People
- Commissioner for Victims of Crime
- WA Department of Communities

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<sup>16</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 6.

<sup>17</sup> QPS, written briefing, 2 September 2025, pp 1-2.

<sup>18</sup> QPS, written briefing, 2 September 2025, p 2.

- Legal Aid WA
- Aboriginal Legal Service WA, and
- Dr Dan Talbot.

### 1.5. Consultation

The explanatory notes state that targeted external stakeholders were provided with an information paper about the proposed public register and invited to attend an information session to provide verbal feedback. All invited stakeholders were also able to provide written feedback on the technical and operational aspects of the public register. The explanatory notes indicate that all feedback received was considered in the development of the Bill and that key stakeholders will be consulted on the development of educational materials to support the implementation of the public register.<sup>19</sup>

### 1.6. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA),<sup>20</sup> and the *Human Rights Act 2019* (the HRA).<sup>21</sup>



#### 1.6.1. Legislative Standards Act 1992

Assessment of the Bill's compliance with the LSA identified the following issues which are analysed in Section 2—whether the:

- legislation has sufficient regard to the rights and liberties of individuals regarding the release of information relating to reportable offenders and the proposed new offences
- scope of administrative discretion of the Police Commissioner under the Bill is:
  - sufficiently defined and subject to appropriate review
  - unambiguous and drafted in a sufficiently clear way, and
  - consistent with principles of natural justice
- retrospective application of the Bill on existing reportable offenders is justified, and
- legislation confers immunity from proceedings or prosecution without adequate justification.

The committee is satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA. The explanatory notes contain a sufficient level of information, background and commentary to facilitate understanding of the Bill's aims and origins.

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<sup>19</sup> Explanatory notes, p 9.

<sup>20</sup> Legislative Standards Act 1992 (LSA).

<sup>21</sup> Human Rights Act 2019 (HRA).





### 1.6.2. Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified issues with the following rights, which are analysed in Section 3:

- right to privacy (section 25(a) of the HRA)
- right to life (section 16 of the HRA)
- right to liberty and security of person (section 29 of the HRA)
- right to the protection of families and children (section 26 of the HRA)
- right to property (section 24(2) of the HRA)
- right to a fair hearing (section 31 of the HRA) and review of decision
- freedom of movement (Section 19 of the HRA)
- right not to be tried or punished more than once (section 34 of the HRA)
- right to recognition and equality before the law and to not be discriminated against (section 15 of the HRA), and
- right to freedom of expression (section 21 of the HRA).

A statement of compatibility was tabled with the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights as set out in the HRA. The Bill also includes an 'override declaration' in clause 8<sup>22</sup> which has the effect that the HRA does not apply to the relevant parts of the Bill that do not align with certain human rights as defined in the HRA.<sup>23</sup> Accordingly, a statement about exceptional circumstances was tabled with the Bill in accordance with section 44 of the HRA.

The committee found that the Bill limits some human rights as defined in the HRA for the reasons set out in section 3 of the report. However, the committee is satisfied that the exceptional circumstances as outlined in the 'statement about exceptional circumstances' apply to the relevant provisions of the HRA such that the provisions have effect despite the limitations on human rights as defined in the HRA.

### 1.7. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.



#### Recommendation 1

The committee recommends that the Bill be passed.

<sup>22</sup> Clause 8 proposes insertion of new pt 5AA which includes s 74AN of the CPORPOA.  
<sup>23</sup> HRA, s 45(1).

## **2. Examination of the Bill**

This section discusses key themes which were raised during the committee's examination of the Bill.

### **2.1. New Public Child Sex Offender Register**

The Bill proposes amendments to the CPOROPOA to establish a three-tiered community protection and public child sex offender register (public register) with the aim of protecting Queensland children and putting 'the rights of parents and families ahead of sexual predators'.<sup>24</sup> The public register will operate via the Queensland Community Protection and Public Child Sex Offender Register website (website) and will be administered by the QPS.

The three-tiered public register will act as a proactive tool for parents, guardians and the community. It will provide them with the information and agency necessary to take actions that reduce risk and better protect Queensland children. The public register is designed to:

- increase general community awareness and vigilance by making particular information about particular reportable offenders in certain circumstances and general information about safeguarding children available to the public through the register
- give parents, guardians or other persons who care for children access to information that may allow them to take action at an individual level, to keep children safe, and
- protect against the potential misuse of information about offenders disclosed under the public register and potential harm to offenders and other individuals arising from, for example, acts of vigilante violence.<sup>25</sup>

To create the public register, the Bill will insert a new part 5AA into the CPOROPOA, providing for the release of personal details of certain reportable offenders at three distinct tiers. Only Tier 1 information will be available to the public without the need to make an application.<sup>26</sup>

In line with existing restrictions imposed on the non-public register, the public register established under the Bill will not enable the publication or disclosure of information:

- about an offender who is under the age of 18 years, or who 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
- about an offender who is a participant in a witness protection program, or

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<sup>24</sup> Explanatory notes, p 1.

<sup>25</sup> Statement of compatibility, p 1.

<sup>26</sup> Explanatory notes, p 3.

- where a court has prohibited identification of the offender or the disclosure or publication of personal information about the offender.<sup>27</sup>

The Bill serves to build on the existing non-public register established under the CPOROPOA and existing information sharing mechanisms.<sup>28</sup>

### **2.1.1. Tier one – Missing non-compliant offender website**

Under Tier 1, the Police Commissioner will be authorised to release information to the public via a website. The website will display personal details (listed at 2.1.4) including facial images of reportable offenders who have breached their reporting obligations or contravened the conditions of a supervision order under the DPSOA, and whose whereabouts are unknown to police following attempts to locate them.<sup>29</sup> This tier achieves the Bill's purpose of increasing community awareness. By releasing certain particulars about reportable offenders—who have failed to comply with their requirements and cannot be located by police—parents, guardians or other persons who care for children will have access to relevant information to increase community awareness and mitigate potential risks to child safety.<sup>30</sup>

The Police Commissioner retains discretion about which personal details may be published for each reportable offender to ensure that only the information considered necessary to keep the community informed is published.<sup>31</sup> The Bill requires that an offender's personal details must be removed as soon as practicable once the offender is located by police.<sup>32</sup>

### **2.1.2. Tier two – Locality search for serious offenders**

Tier 2 of the public register will operate by allowing Queensland residents to apply to temporarily view facial images of reportable offenders residing in their general locality.<sup>33</sup> Photographs will be 'available for inspection by the person in a secure way designed to be accessible only by the person'.<sup>34</sup> The QPS is currently investigating a range of options to display the information temporarily in a controlled manner to minimise the risk of misuse of the supplied photograph.<sup>35</sup>

Eligibility for inclusion in Tier 2 is restricted to those reportable offenders that have lifetime reporting obligations, are subject to supervision orders under the DPSOA or are deemed to be a serious risk offender by the Police Commissioner under new section 74AG(5).<sup>36</sup> The system will be geographically sensitive and limited to the applicant's 'locality' which is

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<sup>27</sup> Explanatory notes, p 3.

<sup>28</sup> QPS, written briefing, 2 September 2025, p 4.

<sup>29</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AI); Explanatory notes, p 3.

<sup>30</sup> Explanatory notes, p 2.

<sup>31</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AF).

<sup>32</sup> Explanatory notes, p 3.

<sup>33</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AG); Explanatory notes, p 1.

<sup>34</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AG(8)).

<sup>35</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 6.

<sup>36</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AG(3)).

defined as meaning the 'general locality where the person resides in the State'.<sup>37</sup> During his introductory speech, the Minister explained how 'locality' could be applied:

*... [this] will usually be the suburb or town in metropolitan areas. Given Queensland's vast geographic distances and diverse contexts, there may be circumstances that require a different approach to be taken that encapsulates adjoining suburbs or towns to the person's residential address. For example, in regional locations not divided by suburbs or towns, a person's locality may reflect the shire within which the person resides. Therefore, the bill provides flexibility in the application of locality to accommodate likely situations that may arise and require a broader application.*<sup>38</sup>

An applicant will only receive photographs of reportable offenders they may be most likely to encounter in their daily lives so that they can stay vigilant in their local areas. This targeted approach aims to provide only relevant information about a reportable offender without unnecessarily broad exposure of personal details. It will also achieve the purpose of the Bill by empowering communities while deterring vigilantism and ensuring the register is used responsibly.<sup>39</sup>

### 2.1.3. Tier three – Parent / guardian disclosure scheme

Tier 3 of the public register will operate via a parent/guardian disclosure scheme. Parents or people with ongoing parental responsibility will be able to apply for confirmation of whether a particular person who has had, or will have, unsupervised contact with their child or children is a reportable offender under the CPOROPOA.<sup>40</sup> This tier improves community safety by enabling parents and others with parental responsibility to make safer, informed choices and a risk assessment of who their children or any children in their care spend time with.<sup>41</sup>

Applicants will be required to provide proof of address and sufficient information to satisfy the Police Commissioner that the specified person has had or will have unsupervised contact with their child.<sup>42</sup> For the purposes of the Bill, 'unsupervised contact' is defined as including any physical contact, time spent in close proximity, or any form of communication whether in person or electronically, a person has had, or will have, with a child without another adult present.<sup>43</sup>

The information provided in response to an application made under Tier 3 will align with the WA model, which is limited to the provision of a 'yes' or 'no' answer regarding whether the person is a reportable offender.<sup>44</sup> Even when a 'no' response is provided, applicants

<sup>37</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AG).

<sup>38</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,485.

<sup>39</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,486.

<sup>40</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AI); Explanatory notes, p 3.

<sup>41</sup> Explanatory notes, p 5.

<sup>42</sup> Explanatory notes, p 4.

<sup>43</sup> Explanatory notes, p 4; Bill, cl 8 (CPOROPOA, new pt 5AA, s 74AI(5)).

<sup>44</sup> QPS, written briefing, 2 September 2025, pp 4 and 6.

will still receive material that promotes the use of proactive, protective behaviours to keep children safe.<sup>45</sup>

#### **2.1.4. Information to be contained in the public register**

The meaning of 'personal details' for the purpose of the public register includes those particulars described at items 1, 2, 3 and 9 of schedule 2 of the CPOROPOA and new section 74AB of the Bill, and include:

- under the CPOROPOA:
  - the reportable offender's name (and if they are or have been known by another name, each other name and the period during which the offender was known by each other name)
  - the reportable offender's date of birth
  - details of any tattoos or permanent distinguishing marks that the reportable offender has, including details of any tattoo or mark that has been removed or changed
  - the make, model, colour and registration number of any vehicle the reportable offender owns or has driven on at least 7 days within a 1-year period
  - the make, model, colour and registration number of any caravan or trailer the reportable offender generally resides in or that was attached to a vehicle driven by the reportable offender, if the offender has driven the vehicle on at least 7 days within a 1-year period.
- under new section 74AB of the Bill:
  - a photograph or digital image of the offender
  - a description of the general locality of any premises where the offender resides or each locality where the offender can generally be found.

In making a decision regarding the provision of personal particulars, the Police Commissioner shall have regard to the following matters:

- the effect that publication, removal or provision of the identifying information might have on a victim of an offence committed by the offender
- whether the publication, removal or provision of the identifying information would be likely to prejudice a criminal proceeding in relation to the offender or an investigation by a law enforcement agency in relation to a contravention or possible contravention of a law by the offender
- whether the publication, removal or provision of the identifying information is in the public interest and consistent with the purposes of the CPOROPOA

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<sup>45</sup> QPS, written briefing, 2 September 2025, p 6.

- any other matter the Police Commissioner considers relevant.<sup>46</sup>

As previously stated, the public register will not enable the publication or disclosure of information about an offender who is under 18 years, is in a witness protection program, or where a court has prohibited identification or disclosure of the offender.<sup>47</sup>



### 2.1.5. Stakeholder Submissions and Department Advice

#### Stakeholder Submissions

Views on the establishment of a public child sex offender register in Queensland varied from being supportive and stating it was not going far enough to being opposed and suggesting it will do more harm than good to both children and offenders.

Bruce and Denise Morcombe opened the committee's public hearing and considered Daniel's Law to strike the right balance between the rights of children and offenders:

*... the three-tiered approach outlined in the Bill before the Queensland Parliament is measured in its approach and provides the tools necessary for parents and carers to improve the safety of children in their care. It assists the community to ultimately feel safer, and we believe it significantly acts as a deterrent against future offending.*<sup>48</sup>

The Principal Commissioner of the Queensland Family and Child Commission (QFCC), Mr Luke Twyford, was also supportive of the Bill and its elevation of the rights of a child, stating:

*the protection of children from harm must be the paramount consideration in all decision-making. While adult privacy and reputational rights are important, they cannot outweigh the obligation to ensure that children are safe. The harms caused to a child by sexual abuse can be lifelong, irreversible and often intergenerational. By comparison, the harm caused to an adult through disclosure of allegations can be significant but not of the same irreversible magnitude.*<sup>49</sup>

Conversely, the Bar Association of Queensland (BAQ) was not supportive of the Bill. They opposed the public register stating that it was not evidence based, unjustifiably removed opportunities for judicial review and may have the unintended consequence of deterring some individuals from pleading guilty.<sup>50</sup> The BAQ did, however, indicate that Tier 3 was the most 'readily supportable'.<sup>51</sup>

While stakeholders acknowledged the Bill's purpose and the importance of safeguarding children and their sexual safety, submitters identified key areas for further consideration and proposed various amendments to the Bill. Some of these focus areas relate to:

- the impact on victims and offenders

<sup>46</sup> Bill, cl 8 (CPOROPOA, new pt 5AA s74AH(2)).

<sup>47</sup> Explanatory notes, p 3.

<sup>48</sup> Denise Morcombe, public hearing transcript, Brisbane, 19 September 2025, p 1.

<sup>49</sup> Submission 15, p 1.

<sup>50</sup> Bar Association of Queensland (BAQ), public hearing transcript, Brisbane, 19 September 2025, p 17.

<sup>51</sup> BAQ, public hearing transcript, Brisbane, 19 September 2025, p 18.



- access to housing
- determining serious risk offenders
- expanding Tier 3 applicants
- timeframes for release of personal particulars
- provision of education and resource material
- creating a false sense of security through the register.

For example, one submitter, supportive of the public register, requested that it be expanded to enable parents to identify offenders in neighbouring areas and to provide more information on offenders, such as offence type and release date.<sup>52</sup>

Voice for Victims Foundation (VFVF) supports the Bill in principle in relation to the establishment of a public register but recommended several amendments including opt-in notifications for victims, dedicated resourcing for QPS staff to manage the register and public education campaigns to increase community awareness.<sup>53</sup> The Crime and Corruption Commission (CCC) and the Queensland Human Rights Commission (QHRC) also submitted that the Bill should be amended to allow for notifications to be made to victims and offenders prior to the release of their information in the interests of transparency.<sup>54</sup>

The Sexual Violence Research and Prevention Unit (SVRPU) raised concerns that Tier 1 will disadvantage offenders due to a number of factors, including housing. SVRPU suggested that the Bill be amended to ensure Tier 1 does not capture offenders who are non-compliant due to lack of housing.<sup>55</sup> The QHRC also raised concerns about the impact of the Bill on housing, employment and future offending behaviours.<sup>56</sup>

The Prisoners' Legal Service (PLS) recommended clause 8, new s 74AG of the Bill be amended to include a more comprehensive list of factors to be considered when determining whether someone poses a serious risk under Tier 2, to align with WA and SA legislation.<sup>57</sup> The Queensland Law Society (QLS) raised concerns about the broad discretion the Bill grants to the Police Commissioner to determine a reportable offender as a 'serious risk offender'. QLS submitted that the Bill should include a more structured and prescriptive approach with a detailed list of factors to guide the assessment of risk.<sup>58</sup> Legal Aid Queensland (LAQ) also recommended the Police Commissioner's discretion to consider a reportable offender to be 'a serious risk offender' under Tier 2 should only be exercised in exceptional circumstances and subject to clearly defined considerations.<sup>59</sup>

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<sup>52</sup> Submission 20 (name withheld), p 1.

<sup>53</sup> Submission 11, p 4.

<sup>54</sup> Submission 6, p 4; submission 16, p 21.

<sup>55</sup> Submission 14, pp 4-5.

<sup>56</sup> Submission 16, p 4.

<sup>57</sup> Submission 7, p 3.

<sup>58</sup> Submission 35, p 3.

<sup>59</sup> Submission 9, p 3.



Bravehearts recommended that consideration be given to the expansion of Tier 3 to enable non-guardian third parties to access information, noting these persons may be better placed to raise alarms or offer protections. Bravehearts also submitted that the Tier 3 portal should include information that directs such persons on how to report any concerns they may have about the safety of a child or children.<sup>60</sup>

VFVF suggested appropriate review times be implemented into the Bill or within policy to ensure applications under Tier 2 and Tier 3 are not rushed or delayed.<sup>61</sup> Bruce Morcombe also supported the implementation of some sort of indicative timeframe within the Bill to provide guidance in this regard.<sup>62</sup>

The Queensland Council of Civil Liberties (QCCL) expressed concern that the publication of sex offender names will identify victims, and that the notification laws create a false sense of security and may increase vigilantism.<sup>63</sup> This concern that the public register will invite a false sense of safety was raised by other submitters, including SVRPU, LAQ, and QLS.<sup>64</sup>

Another submitter who was not supportive of the public register suggested that it will harm families, fail to distinguish between high and low risk offenders, and undermine rehabilitation and reintegration into society.<sup>65</sup> The QHRC similarly shared its concerns that the publication of an offender's details could lead to victim identification and that this could intrude on their right to privacy.<sup>66</sup>

### **Department Advice**

Regarding decisions made by the Police Commissioner under Tier 2, the QPS responded that '[t]he Bill grants the Police Commissioner a broad discretion to release or not release information about reportable offenders'. Further, that '[i]n making such decisions, the Police Commissioner may have regard to a range of matters, including the effect the publication, removal or provision of the identifying information may have on a victim of an offence, the impact on ongoing investigations and criminal proceedings, and public interest considerations'. The QPS also explained that '[p]roviding the Police Commissioner with a broad discretion to release or not to release information under the public register is justified on the basis that it provides flexibility with respect to individual cases'.

Under Tier 2, if the Police Commissioner considers at any time that a reportable offender poses a serious risk to the lives or sexual safety of one or more children or of children generally, the Police Commissioner may deem the offender to be a 'serious risk offender'. A reportable offender will only be deemed a 'serious risk offender' for the duration of their reporting period, or until the Police Commissioner determines they are no longer a serious

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<sup>60</sup> Submission 2, p 6.

<sup>61</sup> Submission 11, p 2.

<sup>62</sup> Bruce Morcombe, public hearing transcript, Brisbane, 19 September 2025, p 4.

<sup>63</sup> Submission 13, p 1.

<sup>64</sup> Submission 14, p 5; submission 9, pp 2-3; submission 35, p 2.

<sup>65</sup> Submission 32, pp 1-2.

<sup>66</sup> QHRC, public hearing transcript, 19 September 2025, p 21.

risk, whichever is first. The Bill expressly provides that the Police Commissioner may not delegate their power to deem a reportable offender to be a 'serious risk offender'.<sup>67</sup>

Regarding calls for Tier 3 to be expanded to include non-guardian third parties, the QPS responded that the Bill recognises that other persons act as primary caregivers in addition to a parent. The term ongoing parental responsibility is used to capture broad scenarios and diverse care arrangements, including informal long-term care. The QPS noted this approach is already broader than the existing provisions operational in WA. Additionally, the website will provide support and resources for members of the community who are wanting to provide police with information about a person whom they are concerned might be a risk to a child or children.<sup>68</sup>

In response to suggested amendments to provide for notifications to be made to affected persons, the QPS affirmed there is no requirement on the Police Commissioner to notify anyone prior to the release of information to ensure the register can operate as intended. The QPS noted the high number of victims that it would be required to notify if that were the case.<sup>69</sup> At the public briefing, the QPS explained that they had considered whether to make mandatory notifications to victims, however, this was ultimately deemed to be impractical:

*Some of the people who are on our [private] register have many many victims. The practicalities of actually contacting every victim – if I had an offender who has had contact and is on the register because there are 12 or 15 previous victims, I would not delay releasing a photo because I might not be able to find all 15 victims. Then you delay preventing something happening to another child. We have explored that, and that is the challenge.*<sup>70</sup>

The QPS acknowledged that a 'yes' response to a Tier 3 application may present a risk to the applicant, associated child or children and the offender. It may therefore necessitate a notification to Child Safety on the basis that a known child sex offender is having contact with a child or children where a reasonable suspicion is formed that the child is at risk of experiencing harm and their parent or guardian is not able or willing to protect the child.<sup>71</sup> The QPS also responded that [t]he operationalisation of applications under Tier 2 and Tier 3 will be a matter for internal QPS policy'.<sup>72</sup>

In response to concerns about vigilantism, the QPS stated that the Bill 'introduces three new offences which are designed to provide a clear message to victims, offenders and communities that the public register is not a platform for retaliation or public vigilantism'.<sup>73</sup>

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<sup>67</sup> QPS, written response to submissions, 17 September 2025, pp 10-11.

<sup>68</sup> QPS, written response to submissions, 17 September 2025, p 4.

<sup>69</sup> QPS, written response to submissions, 17 September 2025, pp 8, 24, 25.

<sup>70</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 10.

<sup>71</sup> QPS, written briefing, 2 September 2025, p 6.

<sup>72</sup> QPS, written response to submissions, 17 September 2025, p 16.

<sup>73</sup> QPS, written response to submissions, 17 September 2025, p 19.

**Committee comment**

The committee acknowledges stakeholder support for Daniel's Law as well as the concerns expressed regarding the introduction of a public child sex offender register in Queensland. This includes the potential to identify victims and harm families of reportable offenders following the disclosure of personal information about child sex offenders. The committee considers the need to protect the sexual safety of children to be paramount and that the Bill's placement of this need above all else is appropriate and necessary.

It is the committee's view that the Bill does strike the right balance between child protection and offender rights, and the committee does not consider that there is an unacceptable risk that victims or families of offenders may be identified. The broad discretion afforded to the Police Commissioner to assess individual cases and determine the appropriate release of information sufficiently mitigates the risk of harm to victims and the families of reportable offenders.

The committee is encouraged by the experience of Western Australia which suggests that the risk of vigilantism and physical retribution against child sex offenders following the provision of information from the public register is very low. The committee also understands that Western Australia has not experienced any issues in relation to the identification of victims because of its public register. The committee is satisfied that the risk of vigilantism is sufficiently mitigated by the introduction of new offences, the warnings issued to applicants on the Community Protection website and on receipt of the information accessed under Tiers 2 and 3.

The committee strongly supports the intention of the QPS to continue to work with partner agencies and peak advocacy bodies to develop information and educational resources that will link to and work alongside the public register and serve to promote the continued use of proactive and protective behaviours to keep children safe.

**2.1.6. Fundamental Legislative Principles****Administrative power – decisions of the Police Commissioner**

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined.<sup>74</sup> To satisfy this requirement, legislation should generally provide criteria or factors to be considered in exercising such powers.

<sup>74</sup> See LSA, s 4(3)(a).

Insufficiently defined administrative powers are of concern in that they may be exercised arbitrarily or inconsistently.<sup>75</sup>

***Power to disclose, provide or publish information about reportable offenders***

The Bill gives the Police Commissioner wide discretion regarding whether to disclose, provide or publish information about certain reportable offenders.<sup>76</sup>

Proposed new part 5AA of the CPOROPOA makes it clear that the Police Commissioner is not required to disclose, provide or publish information about any reportable offender or other person.<sup>77</sup> However, the Police Commissioner may:

- publish all or any of the personal details<sup>78</sup> of reportable offenders who have failed to comply with any of their reporting obligations or a requirement of an order, and their whereabouts are unknown<sup>79</sup> (Tier 1: Missing non-compliant offender webpage)
- provide a person with photographs of certain reportable offenders (i.e. reportable offenders who pose the greatest risk of reoffending against children<sup>80</sup>) who reside in the locality of the person<sup>81</sup> (Tier 2: Locality search)
- disclose information to a parent/guardian about whether a specified person is a reportable offender if the Police Commissioner is satisfied that the specified person has had, or will have, any unsupervised contact with their child<sup>82</sup> (Tier 3: Parent/guardian disclosure scheme).

As set out in 2.1.4, the Bill provides matters to which the Police Commissioner may have regard when considering whether to publish, or remove, the personal details of a reportable offender or whether to provide the photograph of a reportable offender.<sup>83</sup>

In other words, there are no mandatory matters for the Police Commissioner to consider, and the Police Commissioner may consider any other matters the Police Commissioner considers relevant when making a determination.

The Police Commissioner's decisions regarding disclosure, provision or publication of information have the potential to impact reportable offenders and others. Even if the Police

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<sup>75</sup> Senate Standing Committee for the Scrutiny of Bills, Committee Guidelines (2nd edition), July 2022, p 11.

<sup>76</sup> The Police Commissioner cannot disclose, provide or publish information about particular reportable offenders, such as reportable offenders who are children or are participants in a witness protection program. Bill, cl 8 (CPOROPOA, new s 74AE).

<sup>77</sup> See Bill, cl 8 (CPOROPOA, new s 74AC).

<sup>78</sup> Personal details of a reportable offender are their name, date and place of birth, tattoos, vehicle details, photograph and general locality where the offender resides or can generally be found. See Bill, cls 8, 11 (CPOROPOA, new ss 74AB, amended sch 5).

<sup>79</sup> See Bill, cl 8 (CPOROPOA, new s 74AF).

<sup>80</sup> Explanatory notes, p 4.

<sup>81</sup> See Bill, cl 8 (CPOROPOA, new s 74AG).

<sup>82</sup> See Bill, cl 8 (CPOROPOA, new s 74AI).

<sup>83</sup> Bill, cl 8 (CPOROPOA, new s 74AH).

Commissioner, or their delegate, is acting as consistently and fairly as possible there is potential for inconsistency or arbitrariness. On the other hand, as posited in the explanatory notes, the Police Commissioner's broad discretion would enable a flexible approach in individual cases, with the intention of better outcomes.<sup>84</sup>

#### Committee comment



The committee is satisfied that the decision-making powers of the Police Commissioner have sufficient regard to the rights and liberties of individuals, such that they are consistent with fundamental legislative principles.

#### ***Power to deem a reportable offender to be a serious risk offender***

If a reportable offender is deemed a serious risk offender by the Police Commissioner, their identity and status as a reportable offender may become known through the provision of a photograph to a person.<sup>85</sup> The reportable offender may, as a result, be subject to violence or other harm.

As the Bill does not provide any factors for the Police Commissioner to take into account in determining whether a person poses a serious risk to the lives or sexual safety of one or more children or children generally, it is possible that there may be inconsistency, or possibly arbitrariness, in the Police Commissioner's decisions. However, the fact that the Bill prohibits the Police Commissioner from delegating this decision could be considered a safeguard as it means the decision must be made by Queensland's highest ranking police officer.

#### Committee comment



The committee is satisfied that the power given to the Police Commissioner to deem a reportable offender to be a serious risk offender has sufficient regard to the rights and liberties of individuals, such that the Bill is consistent with fundamental legislative principles.

#### ***Delegation of Police Commissioner's powers***

To be consistent with fundamental legislative principles, legislation should allow the delegation of administrative power only in appropriate cases and to appropriate persons.<sup>86</sup>

The *Police Service Administration Act 1990* enables the Police Commissioner to delegate their powers under that Act or any other Act, including under the proposed Bill.<sup>87</sup>

The explanatory notes address the issue of the appropriateness of the Police Commissioner delegating decisions under part 5AA:

<sup>84</sup> Explanatory notes, p 7.

<sup>85</sup> See Bill, cl 8 (CPOROPOA, new s 74AG(3)).

<sup>86</sup> LSA, s 4(3)(c).

<sup>87</sup> See Police Service Administration Act 1990, s 4.10.

*To ensure any delegation of the Police Commissioner's powers under the public register only occurs in appropriate cases and to appropriate persons, a delegation authority will be developed. It is proposed that under the delegation authority, delegation would be limited to officers of or acting in the rank of Inspector or above with respect to the disclosure of information to a parent or guardian under Tier 3, and all other decisions under the part to officers of or acting in the rank of Assistant Commissioner. Restricting the delegation of powers to these ranks is consistent with the Western Australian disclosure scheme and ensures appropriate seniority in decision-making.<sup>88</sup>*

#### Committee comment



Noting the ranks of those to whom the Police Commissioner would delegate power to make the various decisions under part 5AA, the committee is satisfied that any delegations of administrative power would be to appropriate persons and in appropriate cases and therefore have sufficient regard to the rights and liberties of individuals.

#### Retrospectivity – impact on existing reportable offenders

Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively.<sup>89</sup>

The Bill would have a retrospective effect because it provides that proposed new part 5AA applies to a person who is a reportable offender whether the person became a reportable offender before or after the commencement of part 5AA.<sup>90</sup>

If a person was a reportable offender prior to the commencement of the proposed Bill (an existing reportable offender), it could be argued that because of part 5AA, they may be subject to a harsher penalty than that available at the time they became a reportable offender. That is, their personal information may be published on a non-compliant offender webpage, their photograph provided to certain persons, and information about them being a reportable offender may be provided to certain parents or guardians.

The explanatory notes contend, however, that 'the application of the public register to existing offenders does not alter their original sentence or legal obligations'; rather, that it 'provides for the administrative release of information about reportable offenders and is not intended to have a punitive effect'.<sup>91</sup>

According to the explanatory notes, the retrospective effect on existing reportable offenders is justified having regard to 'the importance of ensuring that the public register can encompass all reportable offenders who pose a risk to children from its commencement'.<sup>92</sup>

<sup>88</sup> Explanatory notes, p 8.

<sup>89</sup> See LSA, s 4(3)(g).

<sup>90</sup> Bill, cl 10 (CPOROPOA, new s 104).

<sup>91</sup> Explanatory notes, pp 8-9.

<sup>92</sup> Explanatory notes, p 8.



**Committee comment**

After weighing the potential adverse impact on existing reportable offenders with the justification provided in the explanatory notes, the committee considers that the retrospectivity in the Bill has sufficient regard to the rights and liberties of individuals.

The committee is satisfied that the Bill's infringement on the privacy of existing reportable offenders is justified in the interests of community safety and awareness.

**2.2. Administration of the register****2.2.1. Liability for information published on or released from the register**

Ultimate authority to disclose information contained on the register will rest with the Police Commissioner and the register itself will be administratively managed by QPS staff. The QPS will also be establishing a dedicated team to support the operation of the register and \$10 million limited life funding has been committed.<sup>93</sup>

The information contained on the register which is to be obtained from the reportable offender at the beginning of the reporting period will include a photograph, their full name and year of birth. At the public briefing, Deputy Commissioner Cheryl Scanlon APM advised that a program bespoke to Queensland was being built to facilitate the release of information.<sup>94</sup> Offenders will also be given a unique 'QP Number' to allow for easy reporting of sightings to Policelink.<sup>95</sup> Once located, details will be removed by the QPS to ensure the information published remains accurate and focused on offenders who continue to pose a risk.<sup>96</sup>

New section 74AL (Protection from liability for giving or not giving information under part) will act to ensure that a person involved in the administration of the register is not liable, civilly, criminally or under an administrative process because of an act done, or omission made, honestly by the person.<sup>97</sup>

**2.2.2. Stakeholder Submissions and Department Advice****Stakeholder submissions**

Some submitters expressed concern at the level of discretion proposed to be given to the Police Commissioner for decisions pertaining to the publication of information on the

<sup>93</sup> QPS, written response to submissions, 17 September 2025, p 9.

<sup>94</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 7.

<sup>95</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,487.

<sup>96</sup> Bill, cl 8 (CPOROPOA, new pt 5AA, s74AF).

<sup>97</sup> Explanatory notes, p 16.



register.<sup>98</sup> LAQ submitted that the exercise of discretion should only be in exceptional circumstances and subject to clearly defined considerations.<sup>99</sup>

The PLS recommended that the Bill be amended to be consistent with WA and SA legislation. This would require consideration of whether the publication of the identifying information about the person has been supported or opposed by a victim of an offender and whether publication of the identifying information would increase the risk of the person committing offences.<sup>100</sup>

In terms of the roll out of the register, a number of submitters referred to the need for a public education campaign to accompany the register. For example, in its submission, Bravehearts stressed the importance of community education, specifically in relation to the limitations of the public register, noting that it pertains to identified offenders only. It submitted that broader education related to the nature of sex offending and links to support services was vital to support the public register.<sup>101</sup> In particular, Bravehearts emphasised that the public register, and any supporting communication and education materials, 'should be trauma-informed and developed in consultation with victim-survivors to limit re-traumatisation'.<sup>102</sup>

The Queensland Sexual Assault Network (QSAN) also suggested the new register be accompanied by clear education and communication about its limitations. QSAN highlighted that most child sex abuse offenders are not convicted and registered and will not be captured under the public register.<sup>103</sup>

At the public hearing, Bruce and Denise Morcombe emphasised the importance of community awareness around the register, particularly Tier 3. Denise Morcombe shared with the committee the valuable work and extensive outreach of the Daniel Morcombe Foundation in developing and marketing child safety and protection resources to parents, carers, schools and businesses. Mrs Morcombe told the committee:

*We have two million people participate just on Day for Daniel. If we put a bit of a campaign on Tier 3—what to be aware of and what to do—we would be able to get that out nationwide'.<sup>104</sup>*

### Department advice

The QPS responded that 'a discretionary power will be retained by the Police Commissioner or delegate to consider individual factors that may be relevant to the publication or release of information, including the particular circumstances of an offender'.<sup>105</sup>

<sup>98</sup> Submission 7; submission 9; submission 22; submission 28; submission 35.

<sup>99</sup> Submission 9, p 3.

<sup>100</sup> Submission 7, p 3.

<sup>101</sup> Submission 2, pp 4-5.

<sup>102</sup> Submission 2, p 5.

<sup>103</sup> Submission 8, p 2.

<sup>104</sup> Denise Morcombe, public hearing transcript, Brisbane, 19 September 2025, p 5.

<sup>105</sup> QPS, written response to submissions, 17 September 2025, p 8.

The QPS further noted that ‘the Police Commissioner’s discretion to release information under the public register is guided by a list of prescribed matters and, where appropriate, there is nothing to prevent the Police Commissioner considering the views of persons who may be impacted by a decision’.<sup>106</sup> The QPS explained that the Bill grants the Police Commissioner a broad discretion to release or not release information about reportable offenders. In making such decisions, the Police Commissioner may have regard to a range of matters, including the effect on victims, the impact on ongoing investigations and criminal proceedings, and public interest considerations. The QPS concluded that providing the Police Commissioner with a broad discretion allows for a flexible approach.<sup>107</sup>

In response to concerns regarding Tier 2, the QPS stated:

*The Bill also grants the Police Commissioner the discretion to release information under Tier 2 in relation to offenders that pose a serious risk to the lives or sexual safety of a child, or children generally, that would not otherwise be eligible for disclosure under Tier 2. A range of factors will apply to guide the Police Commissioner’s decision to publish the personal details of an offender under Tier 2. The Bill also expressly provides that the Police Commissioner may not delegate their power to deem a reportable offender to be a serious risk offender.*<sup>108</sup>

Regarding submitters concerns about adequate community education surrounding the introduction of the new register, the QPS indicated that it intends to ‘engage broadly with the community, victims and offenders through a public awareness campaign to ensure the Queensland community is informed about the public register and how it will operate’.<sup>109</sup>

Furthermore, QPS proposes to develop explanatory materials with partner agencies and peak advocacy bodies to assist the Queensland community with access to generalised information. The purpose of these materials is to assist with the understanding of ‘the public register, its purpose, how it may affect them, and how to find out more information about the public register’. This information will be available on the Queensland Community Protection and Public Child Sex Offender Register website (Queensland website).<sup>110</sup>



### 2.2.3. Fundamental Legal Principles

#### Immunity from proceedings or prosecution – individuals and the State

The Bill provides protection for a person involved in the administration of the public register from liability, whether it be civil, criminal or under an administrative process, for honest acts and omissions. It also protects the State from civil liability.<sup>111</sup>

<sup>106</sup> QPS, written response to submissions, 17 September 2025, p 8.

<sup>107</sup> QPS, written response to submissions, 17 September 2025, p 8.

<sup>108</sup> QPS, written response to submissions, 17 September 2025, p 10.

<sup>109</sup> QPS, written response to submissions, 17 September 2025, p 3.

<sup>110</sup> QPS, written response to submissions, 17 September 2025, p 3.

<sup>111</sup> Bill, cl 8 (CPOROPOA, new s 74AL).

Legislation should not confer immunity from proceedings or prosecution without adequate justification.<sup>112</sup> This is because, under the rule of law, no person is above the law, and in general, the government, and those acting on its behalf, should be subject to the same liabilities, civil and criminal, as any individual.<sup>113</sup>

Under the Bill, immunity is provided because a reportable offender whose details are published on a website, or whose photograph or details are provided to a person, could potentially sue the person who published or provided the information (or the State) (such as by making a claim for defamation or negligence).<sup>114</sup> As noted by the Minister in his introductory speech, publishing an offender's details may result in a criminal offence where identifying information about a child victim is published contrary to section 194 of the *Child Protection Act 1999*.<sup>115</sup>

The explanatory notes justify the protection for persons involved in the administration of part 5AA on the basis of the personal risk they face. The explanatory notes contend that the protection is appropriately limited as it does not apply to 'conduct that is dishonestly motivated'.<sup>116</sup> The extension of protection to the State in the Bill is also justified because of 'the need to protect the State's financial interests having regard to both potential damages claims, and the resources involved in defending litigation before the courts'.<sup>117</sup>

The Minister advised the immunity provision is consistent with the approach in WA.<sup>118</sup>

#### Committee comment



The committee acknowledges that the public child sex offender register captures a subset of offenders who are identified, convicted and are deemed reportable offenders. It fully supports QPS efforts around community awareness and education of how the public register will operate and impact those who engage with it as well as messaging related to the nature of child sex offending.

The committee is satisfied that the protections provided to persons involved in the administration of the public register, and the State, have sufficient regard to rights and liberties of individuals, such that they are consistent with fundamental legislative principles.

<sup>112</sup> See LSA, s 4(3)(h).

<sup>113</sup> Australian Law Reform Commission, *Traditional rights and freedoms—encroachments by Commonwealth laws*, report 129, 2016, pp 451-452.

<sup>114</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,488.

<sup>115</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,488.

<sup>116</sup> Explanatory notes, p 9.

<sup>117</sup> Explanatory notes, p 9.


<sup>118</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,488.

### 2.3. Judicial review

All relevant decisions to release information from the public register are final and conclusive and may not be subject to judicial review under the *Judicial Review Act 1991* save for cases of jurisdictional error. Decisions will also be ineligible for any other form of review, and may not be subject to any declaratory, injunctive or other order of a court on any ground.<sup>119</sup> This represents a potential departure from fundamental legislative principles given the inconsistency with principles of natural justice and the requirement to limit review rights to not impede the proposed register operation which has been discussed further at section 2.3.2 of this Report.<sup>120</sup>

#### 2.3.1. Stakeholder Submissions and Department Advice

##### Stakeholder submissions



The removal of natural justice in the Bill was highlighted as an issue by some submitters. For example, LAQ referred to this provision as 'unjustified'.<sup>121</sup>

QLS raised concerns around the lack of necessary statutory checks, including review mechanisms and judicial oversight, creating a significantly less balanced and accountable regime compared to the WA model. Further, QLS did not consider administrative burden as sufficient justification for the removal of judicial review and procedural rights.<sup>122</sup>

These views were reflected across stakeholder submissions with concern over the lack of review opportunity and recommendations for further consideration by the Police Commissioner of the potential impacts to those affected by the publishing of information. For example, in its submission, the QHRC recommended the Police Commissioner consider the impacts on victims and suggested notification prior to publication. The QHRC also suggested that offenders should be notified of the intention to publish their details and be provided a period of 21 days to submit a review of the intent to publish.<sup>123</sup>

##### Department advice

The QPS confirmed that the Bill provides that all decisions relating to the disclosure of information under the public register are final and conclusive. The QPS explained that the Bill had been drafted in such a way because '[i]f procedural fairness and review rights were not limited in the way proposed, there would be a significant risk that the public register could not operate as intended'. The QPS acknowledged that 'this approach excludes the principles of procedural fairness; however, the only way to achieve the policy intent is to clearly exclude the operation of the rules of natural justice in the legislation'.<sup>124</sup> This intentional exclusion operates in such a way that the Police Commissioner is not required to provide persons who may be impacted an opportunity to be heard, as

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<sup>119</sup> Bill, cl 8 (CPOROPOA, new s 74AM); Explanatory notes, pp 5, 7.

<sup>120</sup> Explanatory notes, p 7.

<sup>121</sup> Submission 9.

<sup>122</sup> Submission 35.

<sup>123</sup> Submission 16, p 21.

<sup>124</sup> QPS, written response to submissions, 17 September 2025, pp 14 and 37.

additional review processes could increase the potential for delay and reduce the efficiency and efficacy of the public register.<sup>125</sup>

### 2.3.2. Fundamental Legal Principles

#### Natural justice excluded and no avenue for review

Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation:

- is consistent with natural justice
- makes rights and liberties, or obligations, dependent on administrative power only if the power is subject to appropriate review.<sup>126</sup>

The Bill is not consistent with natural justice, and it does not provide appropriate review rights, because it excludes relevant decisions<sup>127</sup> from both procedural fairness and judicial review, except in cases of jurisdictional error.<sup>128</sup>

As discussed, given that the Bill provides immunity for persons administering part 5AA, and to the State, for acts, or omissions, made honestly by the person, there is no one against whom a person can take civil action for any loss suffered due to a decision made under new part 5AA.<sup>129</sup>

For example, it is possible that a person's personal details or photograph may be wrongly published or disclosed by the Police Commissioner. In such instances, the person involved would have no opportunity under the Bill to prevent it happening (such as providing input prior to the Police Commissioner making a decision). If the Police Commissioner is notified of an error, there is power in the Bill for the Police Commissioner to remove any or all of the personal details of a reportable offender from the website.<sup>130</sup> However, the person whose details were wrongly published or disclosed would be unable to require the Police Commissioner to amend the website or to seek compensation.<sup>131</sup>

If a person suffers property damage or has violence or some other act perpetrated against them because a person has identified (or misidentified) them through a photograph or through a disclosure that the person is a reportable offender, there is no recourse available to them in part 5AA (apart from the person possibly being charged with an offence).

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<sup>125</sup> Explanatory notes, p 7; QPS, public briefing transcript, Brisbane, 19 September 2025, p 2.

<sup>126</sup> See LSA, s 4(3)(a), (b).

<sup>127</sup> 'Relevant decision' is defined in proposed section 74AM as follows:

- (a) means a decision or purported decision of an administrative character for the disclosure, provision or publication of information under new part 5AA, and
- (b) includes a decision or conduct leading up to or forming part of the process of making a decision mentioned in paragraph (a).

<sup>128</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,489. See also, Bill, cl 8 (CPOROPOA, new s 74AM).

<sup>129</sup> Bill, cl 8 (CPOROPOA, new s 74AL).

<sup>130</sup> See Bill, cl 8 (CPOROPOA, new s 74AF(2)).

<sup>131</sup> See Bill, cl 8 (CPOROPOA, new s 74AL).

The explanatory notes assert, however, that it is necessary for the Bill to be inconsistent with natural justice and to limit review rights due to practicality and timeliness:

*If procedural fairness and review rights were not limited in the way proposed, there would be a significant risk that the public register could not operate as intended. Having regard to the number of offenders who may be eligible for the public register and other persons potentially impacted by the release of information about reportable offenders, it is important that the Police Commissioner is not required to identify and locate all persons who may be impacted and provide them with the opportunity to be heard. Additional review processes would compound the potential for delays in releasing information and significantly reduce the effective operation of the public register.<sup>132</sup>*

#### Committee comment



The committee considers on balance, that the provisions excluding natural justice and avenues for review (apart from decisions affected by jurisdictional error) are necessary to assist the QPS to operate the public register effectively, and have sufficient regard to rights and liberties of individuals, such that they are consistent with fundamental legislative principles.

## 2.4. Protection against vigilantism

Recipients of information through the public register must treat the information provided as confidential and ensure they do not share it with others.<sup>133</sup> To mitigate against the risk of misuse of the information, new and targeted offences are introduced in Division 3 of the Bill as follows:

- an offence carrying a maximum penalty of 10 years targeting conduct intending to, or inciting others to, intimidate or harass another person they believe, or suspect is an identified offender,
- an offence carrying a maximum penalty of 3 years targeting conduct that is likely to, or likely to incite others to, intimidate or harass another person they believe, or suspect is an identified offender, and
- an additional offence carrying a maximum penalty of 3 years for the unauthorised sharing of information obtained through the public register.<sup>134</sup>

These offences achieve one of the purposes of the Bill which is to protect against the potential misuse of information about offenders and potential harm to offenders, by targeting a broad range of vigilante style conduct. According to the explanatory notes, these offences are not intended to target the sharing of information between parents of a

<sup>132</sup> Explanatory notes, pp 7-8.

<sup>133</sup> Explanatory notes, p 5.

<sup>134</sup> Explanatory notes, p 5.



child in the same household where that information is shared with the intent to protect the child.<sup>135</sup>



## 2.4.1. Stakeholder Submissions and Department Advice

### Stakeholder submissions

Most submitters support the new offences contained in the Bill.<sup>136</sup> The Office of the Information Commissioner (OIC) suggested that the offences pertaining to vigilantism be extended to criminalise conduct providing false and misleading information, using information for another purpose and unauthorised possession or copy of information (for example, screenshotting).<sup>137</sup> The QHRC also suggested that the offences pertaining to vigilantism be extended to criminalise conduct which incites or may incite harassment or intimidation to the family or acquaintances of an offender.<sup>138</sup> While the LAQ also supported the new offences contained in the Bill, they still remain concerned about the propensity for vigilantism.<sup>139</sup>

In relation to the new offences created by the Bill, the PLS noted the new offences only apply to an identified offender and will not protect other parties that may be targeted following disclosure, for example an offender's family and friends. The PLS submitted that similar to SA legislation, the Bill should be expanded to conduct directed towards persons associated with an identified offender.<sup>140</sup>

### Department advice

The QPS responded that the Bill introduces three new offences which are designed to provide a clear message to victims, offenders and communities that the public register is not a platform for retaliation or public vigilantism. The public register has been designed to minimise unintended impacts on family members of offenders. The QPS noted impacted family members of an offender will be able to direct any queries or concerns about the public register to a contact email on the website.<sup>141</sup>

The three new offences carry strong penalties, making clear that vigilantism will not be tolerated. In addition to new offences, educational resources around misuse of information and vigilantism will be provided. The QPS explained that the new offence provisions will form part of existing criminal law and sit alongside other existing criminal offences. Depending on the nature of the conduct, other offences may be applicable, including unlawful stalking, intimidation, harassment or abuse (s 359E of the Criminal Code).<sup>142</sup>

<sup>135</sup> Explanatory notes, p 5.

<sup>136</sup> Submission 9, p 4; submission 10, p 3; submission 14, p 6.

<sup>137</sup> Submission 10, p 3.

<sup>138</sup> Submission 16, p 5.

<sup>139</sup> Submission 9, p 4.

<sup>140</sup> Submission 7, p 5.

<sup>141</sup> QPS, written response to submissions, 17 September 2025, pp 5-6.

<sup>142</sup> QPS, written response to submissions, 17 September 2025, pp 11 and 15.





## 2.4.2. Fundamental Legal Principles

### General rights and liberties of individuals – penalties

To have sufficient regard to the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, penalties should be proportionate to the offence, and penalties within legislation should be consistent with each other.<sup>143</sup>

Under the Bill, maximum penalties of 3 years imprisonment would apply to:

- the unauthorised display, distribution or publication of identifying information (i.e. the published personal details, or a photograph, of a reportable offender, or information about whether a person is a reportable offender)<sup>144</sup>
- engaging, by a public act, in conduct that is likely to:
  - intimidate or harass another person believed or suspected to be an identified offender (i.e. a person whose personal details have been published or their photograph provided or about whom a disclosure has been made as to whether they are a reportable offender), or
  - incite other persons to intimidate or harass another person believed or suspected to be an identified offender.<sup>145</sup>

There is a maximum penalty of 10 years imprisonment for the offence of engaging, by a public act, in conduct by which the person intends to:

- intimidate or harass another person they believe, or suspect is an identified offender, or
- incite other persons to intimidate or harass another person they believe, or suspect is an identified offender.<sup>146</sup>

According to the Minister, the proposed new offences are consistent with models in WA and SA.<sup>147</sup>

The explanatory notes set out the rationale for the offences and their penalties:

*The offence provisions recognise the significant harm that may be caused both to individuals who are the subject of intimidation and harassment, as well as to the harm that may be caused to the community as a whole should these acts spark public disorder and fear. In such situations the flow-on implications resulting from the diversion of frontline services required to respond to instances of community unrest is also a relevant consideration.*<sup>148</sup>

<sup>143</sup> See for example, Justice, Integrity and Community Safety Committee, *Making Queensland Safer Bill 2024*, report no. 1, 58<sup>th</sup> Parliament, December 2024, p 36. See also LSA, s 4(2)(a).

<sup>144</sup> Bill, cl 8 (CPOROPOA, new s 74AK(1), (2)).

<sup>145</sup> Bill, cl 8 (CPOROPOA, new s 74AJ(3)).

<sup>146</sup> Bill, cl 8 (CPOROPOA, new s 74AJ(1)).

<sup>147</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,488.

<sup>148</sup> Explanatory notes, pp 6-7.

**Committee comment**

The committee considers the deterrent offered by the imprisonment penalties is appropriate and therefore the new offences have sufficient regard to the rights and liberties of individuals, and as such are consistent with fundamental legislative principles.

**2.5. Statutory review**

The Bill requires a statutory review of the public register to occur as soon as practicable following 5 years of operation. A report on the outcomes of this review is to be tabled in the Legislative Assembly.<sup>149</sup>

**2.5.1. Stakeholder Submissions and Department Advice****Stakeholder submissions**

While most submitters did not raise any objection to the proposal to have a statutory review, a number of submitters suggested different time frames for the review to occur. For example, Soroptimist International Brisbane Inc proposed the Bill be subject to an independent review and oversight, including a mid-term review to ensure issues are addressed early.<sup>150</sup>

The CCC recommended a 12-month interim evaluation, in addition to the statutory five-year review.<sup>151</sup> VFVF suggested that an independent evaluation within 18 to 24 months of commencement of the Bill be implemented in addition to the proposed five-year review to focus on victim impacts, police workload, community outcomes and offender compliance.<sup>152</sup> The QHRC also suggested that the Government should establish mechanisms to collect information around impacts to victims as a result of the Bill through a review.<sup>153</sup>

The OIC recommended that a statutory review address the following:

- privacy impacts and unintended consequences associated with the public register
- effectiveness and treatment of access to information under the RTI Act, and
- effectiveness of the offence provisions.<sup>154</sup>

PeakCare recommended a mandated earlier staged review at two years post implementation as well as annual public reporting of outcomes, consequences and impacts.<sup>155</sup>

<sup>149</sup> Explanatory notes, p 5.

<sup>150</sup> Submission 3, p 3.

<sup>151</sup> Submission 6, p 4.

<sup>152</sup> Submission 11, p 4.

<sup>153</sup> Submission 16, p 5.

<sup>154</sup> Submission 10, p 4.

<sup>155</sup> Submission 12, p 16.

## Department advice

The QPS responded that the Bill includes a statutory review requirement of the efficacy of the public register, to occur as soon as practicable following five years of operation, providing opportunity to make any necessary adjustments to the public register. The QPS explained that the Bill provides that the review must be carried out by an independent and appropriately qualified person and that any data obtained during the early establishment and implementation of the public register will be used to inform evaluation findings. The QPS advised that the terms of reference for the review will be decided by the Minister. The QPS will work with other government agencies to monitor any unintended consequences and take action to address these issues where required.<sup>156</sup>

## 2.6. National approaches

All states and territories in Australia have non-public registries where convicted sex offenders are monitored by law enforcement agencies. The Bill's amendments are broadly consistent with existing laws in Western Australia<sup>157</sup> and South Australia<sup>158</sup> which have legislative frameworks for public child sex offender registers.

### 2.6.1. Western Australia

Western Australia is the only Australian jurisdiction to have an operational public child sex offender register. Under the WA scheme, only information at Tier 1 in relation to missing offenders is accessible to the public without an application. Information at Tiers 2 and 3 require provision of personal details of the applicant including residential address to ensure the information disclosed is appropriately targeted.<sup>159</sup> The Police Commissioner's power to provide information in relation to Tier 3 is to '...inform parents or guardians ... whether a specific person who has had a single instance of reportable contact with their child or children from the 12-month period prior, is a reportable offender'.<sup>160</sup>

In 2018, a statutory review of the operation and effectiveness of the WA scheme was conducted by the WA Police Force. The review made 12 findings and 10 recommendations. The primary finding was that the scheme met the purpose for which it was developed—to make information publicly available to the community.<sup>161</sup> Interviews conducted as part of the review revealed a public perception that the scheme continued to be beneficial and remained an important tool in protection of children and vulnerable people.<sup>162</sup>

<sup>156</sup> QPS, written response to submissions, 17 September 2025, pp 6, 9 and 15.

<sup>157</sup> Established under part 5A of the Community Protection (Offender Reporting) Act 2004 (WA).

<sup>158</sup> Established under Child Sex Offenders Registration (Public Register) Amendment Act 2024 (SA).

<sup>159</sup> See Community Protection Western Australia website, <https://www.communityprotection.wa.gov.au>.

<sup>160</sup> QPS, written briefing, 2 September 2025, p 3.

<sup>161</sup> Western Australia Police Force, Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004, 17 April 2018, p 18.

<sup>162</sup> Western Australia Police Force, Review of the operation and effectiveness of the public notification scheme established by Part 5A Community Protection (Offender Reporting) Act 2004, 17 April 2018, p 17.

### **2.6.1.1. Study visit**

The committee's consultations in Perth offered valuable insights into the introduction of a public child sex offender register in Queensland. Issues discussed during the committee's meetings with WA stakeholders included:

- Effectiveness and value of a public child sex offender register
- Operation and administration of the scheme, including managing reportable offenders and the decision-making processes at each of the three tiers
- Community awareness, accessibility of the community protection website and the type of information available through the register
- Impact of the register on victims of child sexual abuse, extended family, and communities more broadly
- Prevalence of unintended consequences for offenders and their families such as vigilantism, physical retribution, isolation and exclusion or other forms of targeting related to identification of reportable offenders.
- Linking the website to community safety and child protection education and information, services to support victims and vulnerable offenders, and other useful resources to assist parents, carers and community.
- Approaches in other jurisdictions and the feasibility of a national register.

The committee was encouraged by the positive experience of the WA public notification scheme and Community Protection website, and its applicability to Queensland.

### **2.6.2. South Australia**

South Australia recently passed legislation to introduce a public child sex offender register which is expected to be operational at the end of this year. The public register is similar to WA with some variations. Under Tier 3, in addition to notifying an applicant if a registrable offender has regular unsupervised contact with their child, the Police Commissioner has discretion to inform the applicant of the offences that led to the person being a registrable offender and other relevant information. For Tiers 2 and 3, an applicant is required to pay a prescribed fee.<sup>163</sup>

### **2.6.3. National register**

There was some appetite amongst submitters for a national public register. At the public hearing on 19 September 2025, Denise Morcombe expressed her hope that the register will one day operate nationally.<sup>164</sup> Bruce Morcombe relayed to the committee their

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<sup>163</sup> Explanatory notes, p 10; See South Australia Wanted Child Sex Offenders Website <https://www.police.sa.gov.au/your-safety/child-safety/wanted-child-sex-offenders>.

<sup>164</sup> Denise Morcombe, public hearing transcript, Brisbane, 19 September 2025, p 1.

engagement with Premiers and Police Ministers across Australia regarding the introduction of public registers, describing this as 'gathering momentum'.<sup>165</sup>

Melissa Halliday suggested there be '... a review of the current resources and financial budget over the two-year term to implement this register at a national level'.<sup>166</sup> Ms Halliday's submission also canvassed the progress of discussions held between the states and territories respective Police and Justice Ministers about establishing a national register.<sup>167</sup> The Craic On Foundation said national consistency needs to be across the board, including in respect of the Blue Card system to ensure offenders are truly prevented from accessing child-related employment and volunteer roles.<sup>168</sup>

#### Committee comment



The committee acknowledges concerns from some submitters that for a register to achieve community wide effectiveness it should ideally operate on a national basis. While the committee is satisfied the Bill achieves its purpose for Queensland children, it strongly supports the introduction of a consistent national framework and moves by other states and territories to establish public child sex offender registers. A national framework would strengthen the protection of children through the provision of information across the country and ensure that child sex offenders do not seek refuge in jurisdictions that do not publicly release information to parents and carers.



### 3. Human rights considerations

This section discusses the key human rights issues arising from the Bill, the statement of compatibility, override declaration and the statement about exceptional circumstances which was tabled with the Bill. Where a reference is made to human rights in this section of the report, this refers to human rights as defined in the HRA.

#### 3.1. Nature of human rights

The Bill proposes amendments to the CPOROPOA that would limit a number of human rights, particularly for those classified as reportable offenders.<sup>169</sup> For reportable offenders, the release of personal information<sup>170</sup> and their status as a reportable offender would significantly limit their right to privacy and reputation.<sup>171</sup> While there are legislative schemes where an individual must disclose personal information (such as criminal history information) to apply for certain jobs or roles in the community, this is usually with the

<sup>165</sup> Bruce Morcombe, public hearing transcript, Brisbane, 19 September 2025, p 1.

<sup>166</sup> Submission 33, p 9.

<sup>167</sup> Submission 33, pp 14-15.

<sup>168</sup> Submission 17, p 2.

<sup>169</sup> See CPOROPOA, s 5 for definition of reportable offender.

<sup>170</sup> Such as their name, date of birth, place of birth, details of any tattoos or permanent distinguishing marks, photograph and their locality. Bill, cl 8 (CPOROPOA, new s 74AB) and CPOROPOA, sch 2.

<sup>171</sup> HRA, s 25. A person has the right — (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (b) not to have the person's reputation unlawfully attacked.

individual's consent.<sup>172</sup> Under the register, a reportable offender is not providing consent and may be unaware who has access to their information.

In addition to the impact that this may have on a reportable offender's privacy, there is potential for this limitation on privacy to extend to family and associates of reportable offenders.<sup>173</sup> There is also the risk that an unrelated individual is misidentified in a locality as a reportable offender, impacting on their privacy or the privacy of their family or associates.

While the Bill contains offence provisions for 'vigilantism', there remains a risk that reportable offenders (and potentially their family and associates) would be subject to intimidation, harassment or violence due to the release of information from the register.<sup>174</sup> This may further limit their right to privacy<sup>175</sup> and potentially also their right to life,<sup>176</sup> right to security of person<sup>177</sup> and right to protection of their families and children.<sup>178</sup> It may also limit their right to move and live freely in their community.<sup>179</sup> To the extent that intimidation or harassment leads to damage to property, or blocking the entrance to that person's property, the property rights of a reportable offender may also be limited.<sup>180</sup>

The amendments also limit rights relating to natural justice and procedural fairness, due to the lack of review of decisions releasing personal information and the inability of a reportable offender to make a submission as part of the process.<sup>181</sup> This limits these individuals' right to a fair hearing,<sup>182</sup> and potentially even their freedom of expression.<sup>183</sup>

<sup>172</sup> For example, when applying for a blue card under the *Working with Children (Risk Management and Screening) Act 2000* and the *Working with Children (Risk Management and Screening) Regulation 2020*. There are other public registers, such as the Australian Health Practitioner Regulation Agency's register of practitioners, whereby a health practitioner's registration status is publicly available (together with details of any reprimand or condition). However, arguably there is still a level of implied consent involved in partaking in the registration scheme. There is also procedural fairness leading up to any reprimand or condition.

<sup>173</sup> Statement of compatibility, p 5.

<sup>174</sup> Statement of compatibility, p 5.

<sup>175</sup> The right to privacy also protects against interference with physical and mental integrity. Queensland Government, *Guide: nature and scope of the human rights protected in the Human Rights Act 2019*, version 3, June 2025, p 85.

<sup>176</sup> HRA, s 16. Every person has the right to life and has the right not to be arbitrarily deprived of life.

<sup>177</sup> HRA, s 29(1). Every person has the right to liberty and security.

<sup>178</sup> HRA, s 26. (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State. (2) Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.

<sup>179</sup> HRA, s 19. Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.

<sup>180</sup> HRA, s 24(2). A person must not be arbitrarily deprived of the person's property.

<sup>181</sup> Bill, cl 8 (CPOROPOA, new s 74AM).

<sup>182</sup> HRA, s 31(1). A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

<sup>183</sup> HRA, s 21(2). Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether: (a) orally; or (b) in writing; or (c) in print; or (d) by way of art; or (e) in another medium chosen by the person.



### 3.2. Purpose of limitation on human rights

According to the statement of compatibility, the purpose of the limitation on human rights 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.*<sup>184</sup>

The protection of families and children is a legitimate and important purpose, and it supports the right of every child to the protection that is needed by the child because of being a child.<sup>185</sup>

### 3.3. Relationship between limitation and its purpose

While the protection of families and children is a legitimate purpose, to justify limitations on the human rights of reportable offenders and other members of the community, there must be a rational connection between the measures employed in the amendments and advancing that purpose. In the statement of compatibility, the Minister considers that 'the rational connection is made out'.<sup>186</sup>

It is feasible that the Bill will go some way towards achieving its purpose – for example, a reportable offender whose whereabouts are unknown might be located because of the publication of personal details under Tier 1 of the register. Or a parent might find out through a Tier 3 application that a person who has unsupervised contact with their child is a reportable offender and the parent may cease this unsupervised contact.

### 3.4. Other approaches to achieve purpose

Under the HRA, it is necessary to show if a less rights restrictive approach could be taken to achieve the same purpose. The statement of compatibility acknowledges the presence of existing mechanisms under the *Police Powers and Responsibilities Act 2000* and the CPOROPOA, which provide avenues for information about reportable offenders to be given to parents or guardians or to locate individuals who have failed to comply with their obligations. However, the statement of compatibility also argues this would not provide the same level of information as a public register.<sup>187</sup>

### 3.5. Balancing human rights and limitation

The overarching question to be considered is whether the Bill strikes a fair balance between the rights being limited and the purpose of the limitation. As discussed at 3.1, the Bill limits a number of human rights for reportable offenders and their families due to the release of personal information about reportable offenders, the absence of a review of decisions, and the inability of a reportable offender to make a submission as part of the process.

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<sup>184</sup> Statement of compatibility, p 6.

<sup>185</sup> HRA, s 26(2).

<sup>186</sup> Statement of compatibility, p 6.

<sup>187</sup> Statement of compatibility, pp 6-7.



### 3.6. Override declaration and statement of exceptional circumstances

The statement of compatibility concludes that the Bill may be incompatible with human rights.<sup>188</sup> However, the HRA provides that Parliament may expressly declare a provision of an Act has effect despite being incompatible with one or more human rights through an 'override declaration'.<sup>189</sup> The effect of an override declaration is that the HRA does not apply to the provision and the provision has effect despite its limitations on human rights.<sup>190</sup>

Clause 8 of the Bill<sup>191</sup> contains an override declaration. As required by the HRA,<sup>192</sup> the Minister made a statement about exceptional circumstances to the Assembly when introducing the Bill and tabled the statement.<sup>193</sup> The statement provides:

*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. This is a serious issue for Queensland and there is an urgent need for Government to do more to protect children.*<sup>194</sup>

#### 3.6.1. Stakeholder Submissions and Department Advice

##### Stakeholder submissions

Various stakeholders expressed concern about the human rights aspects of the Bill. For example, the QCCL does not support the override of human rights within various sections of the Bill.<sup>195</sup> PeakCare requested a public statement of reasons for the override. PeakCare also recommended introducing periodic reporting on the human rights impacts and replacing the blanket five-year review period with a staged or earlier review linked to evaluation milestones.<sup>196</sup>

##### Department advice

In its response to submissions, the QPS acknowledged that the Bill's human rights implications have been considered by the Government and that to enable the public register to operate lawfully, a human rights override declaration has been made.<sup>197</sup> The QPS elaborated as follows:

*The required statement about exceptional circumstances for the override refers to the child safety crisis gripping our communities in the light of horrific abuse allegations as symptomatic of the urgent need for Governments to do more to protect children and thereby justifying the override of human rights. The proposed five-year statutory review of Daniel's Law will coincide with the expiration of the override declaration under the HR Act, providing an*

<sup>188</sup> Statement of compatibility, p 7.

<sup>189</sup> HRA, s 43(1).

<sup>190</sup> HRA, s 45(1).

<sup>191</sup> Clause 8 proposes new s 74N of the CPOROPOA.

<sup>192</sup> HRA, s 44.

<sup>193</sup> Hon D Purdie, Minister for Police and Emergency Services, Queensland Parliament, Record of Proceedings, 27 August 2025, p 2,489.

<sup>194</sup> Statement of exceptional circumstances, p 1.

<sup>195</sup> Submission 13, p 5.

<sup>196</sup> Submission 12, p 6.

<sup>197</sup> QPS, written response to submissions, 17 September 2025, p 28.

*opportunity for the override to be reassessed in light of the review of the operation and effectiveness of the new public register.*<sup>198</sup>

At the public briefing, the QPS described the current situation regarding child abuse cases in Queensland. Deputy Commissioner Scanlon told the Committee:

*In terms of current reporting of child abuse cases, there is no dramatic spike. That said, in terms of some of the child offending online, some of those online offences that we see, are a constant battle to us.*<sup>199</sup>

Deputy Commissioner Scanlon drew on her extensive experience working in child protection to highlight the value of a public child sex offender register in Queensland, stating:

*If I had potentially had a register available to parents of children I have seen over the years where they could have checked on those things or individuals they have become involved with in a relationship or left their child with, potentially if they had known this information, their child would not have been abused. Anything that we can do to protect a child in Queensland in my view to prevent further sexual abuse has to be a good thing for the Queensland community and the children of this community.*<sup>200</sup>

The QPS provided data to the committee on the preferred charges and unique offender counts, from 1 July 2020 to 31 August 2025, for offences set out in the Schedule 1 of the CPOROPRO 2004. A copy of the data can be found on the committee's website.

#### Committee comment



The committee notes that the Bill meets the requirements of the HRA by providing an override declaration outlining the exceptional circumstances which address the identified limitations on some of the human rights as defined within the HRA. The committee is satisfied that the override declaration is justified and necessary to achieve the aims of the Bill and to ensure the effective operation of the proposed new public child sex offender register for Queensland. Every incident of child sex abuse is one incident too many. It is the committee's view that having a public child sex offender register that equips parents and carers with information to help them protect children far outweighs the limitations to human rights under the HRA as they apply to people who sexually abuse children. The protection and safety of children must be prioritised over the rights of child sex offenders.

<sup>198</sup> QPS, written response to submissions, 17 September 2025, p 17.

<sup>199</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 4.

<sup>200</sup> QPS, public briefing transcript, Brisbane, 19 September 2025, p 4.

## Appendix A – Submitters

<i>Sub No.</i>	<i>Name / Organisation</i>
1	Bruce and Denise Morcombe
2	Bravehearts
3	Soroptimist International Brisbane Inc
4	Queensland Nurses and Midwives' Union
5	Office of the Public Guardian
6	Crime and Corruption Commission
7	Prisoners' Legal Service
8	The Queensland Sexual Assault Network
9	Legal Aid Queensland
10	Office of the Information Commissioner
11	Voice for Victims Foundation
12	PeakCare
13	Queensland Council for Civil Liberties
14	Sexual Violence Research and Prevention Unit
15	Queensland Family and Child Commission
16	Queensland Human Rights Commission
17	Craic on Foundation Ltd
18	Name Withheld
19	Elly Steinback
20	Name withheld
21	Kris Clark
22	Name withheld
23	Name withheld
24	Confidential
25	Duncan Logie
26	Samantha Justice
27	Name withheld
28	Name withheld
29	Tanya Thomson

- 30** Confidential
- 31** Name withheld
- 32** Name withheld
- 33** Melissa Halliday
- 34** Frank Drew
- 35** Queensland Law Society
- 36** Sean Ryan
- 37** Name withheld
- 38** Dr Michael Williams

## **Appendix B – Public Briefing, 19 September 2025**

### **Queensland Police Service**

Deputy Commissioner Cheryl Scanlon APM	Specialist Operations
Detective Acting Superintendent Stephen Blanchfield	Child Abuse and Sexual Crime Group
Ms Andrea Joseph	Acting Director, Strategic Policy and Legislation Branch
Ms Hannah Murphy	Acting Program Manager, Child Abuse and Sexual Crime Group

## **Appendix C – Witnesses at Public Hearing, 19 September 2025**

### Individuals

Bruce and Denise Morcombe

### Organisations

#### **Bar Association of Queensland**

Ms Laura Reece	Deputy Chair, Criminal Law Committee
Ms Charlotte Smith	Member, Criminal Law Committee

#### **Bravehearts**

Ms Carol Ronken	Director of Research
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#### **PeakCare**

Mr Thomas Allsop	Chief Executive Officer
Ms Tayla Collier	Senior Program Analyst

#### **Queensland Law Society**

Ms Genevieve Dee	President
Mr Adam Moschella	Member, Criminal Law Committee

#### **Queensland Human Rights Commission**

Ms Brenna Booth-Marxson	Acting Deputy Commissioner
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#### **Voice for Victims Foundation**

Ms Natalie Merlehan	Director
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## Statement of Reservation





**MICHAEL BERKMAN MP**

*Member for Maiwar* ▲

16 October 2025

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

I want to acknowledge at the outset the overriding importance of protecting all children from any harm or deprivation, and especially the unspeakable and irreparable harm caused by sexual violence. Bruce and Denise Morcombe deserve our gratitude and admiration for their decades of tireless advocacy, and for the careful, constructive way they contributed to this inquiry.

Like all Queenslanders, I have no sympathy for child sex offenders and understand the persistent drive to take any and all steps to prevent any single incidence of offending. But this imperative isn't justification to pursue legislation without proper regard to its likely efficacy or the risk of unintended consequences.

The Committee's report pays bare minimum lip-service to some of the most concerning potential unintended consequences raised by submitters, which deserve a more detailed consideration. For example, concerns about the public register creating a false sense of security, and the risk of identifying victim/survivors.

On the first of these issues, the Committee heard the following evidence at the public hearing from Ms Carol Ronken, Director of Research at Bravehearts:

I think the biggest limitation is the concern around the false sense of security that communities and families may feel. ... For example, we know that the majority of child sex offenders are people who are known, loved and trusted by the child and/or their family. There is still that myth out there that it is strangers we need to be aware of, and we know that is not the case. ... The reality is that most offenders are known and we need to be able to protect our children from everybody.

This is not to say that a comprehensive public education campaign and other means might go some way to address this issue, as Ms Ronkin suggested, but the Committee report should at very least have given this concern further consideration, and the supposed efficacy of "information and education resources" in addressing this issue warrants more than a single, fleeting reference in the report.

Moreover, the report doesn't even acknowledge the well understood and established fact that most child sex offenders are known to the victim and their family, or the myth that strangers in the community present the greatest risk of child sexual abuse. To ignore even this basic reality severely undermines the credibility of the Committee's report and its single, completely unqualified recommendation. It deprives the report, and consequently the Parliament, of any meaningful consideration of the risk that the proposed public register might identify victim/survivors in such circumstances - a concern raised by submitters including the Queensland Human Rights Commission, the Queensland Council of Civil Liberties, and PeakCare.

Further, and despite PeakCare supporting the Bill overall, CEO Tom Allsop “fully acknowledge[d]” there is “absolutely” a risk that the possibility of self-identification by a victim or their families could deter them from coming forward and reporting. Mr Allsop emphasised the critical importance of operational guidelines and protocols in ensuring that victims’ identities are protected. But, once again, the Committee’s report doesn’t even touch on this potential unintended consequence or the possible means of addressing it, which would be of clear benefit to the Parliament.

Perhaps the most egregious omission from the Committee’s report relates to the dearth of evidence that a public reporting scheme, like that proposed in the Bill, will protect children or families, or have any deterrent effect on offending behaviour. The Committee should, as a bare minimum, inform the Parliament that it was provided no reliable, verifiable evidence to this effect - not from the Parliamentary Technical Scrutiny Secretariat or even from those submitters who ardently support the Bill. Instead, the report glosses over this issue and minimises its significance, stating that it’s “feasible” that the Bill will go some way to achieving its stated purpose. I consider it cause for grave concern that the “feasibility” of a particular outcome is all this Government requires to decide on policy and legislation.

And finally, I want to express my ongoing concern at both the Government’s and the Committee’s approach to the Human Rights implications of this Bill, and the continuing use of the override provisions of the HRA without adequate justification. Related to the general lack of evidence of the proposed scheme’s efficacy, the Minister has failed to demonstrate either the necessary relationship between the limitation of human rights and the purpose of such limitation, or the exceptional circumstances relied on as the basis for an override declaration.

Again, and contrary to the Minister’s assertion that a “rational connection is made out”, the Committee was provided no reliable evidence as to how the Bill would lead to the protection of families and children. Consequently, the Committee could only refer to the flimsy and unconvincing assertion about the ‘feasibility’ of such a link, which cannot be treated as an acceptable baseline for this Government to override Queenslanders’ human rights.

As for the supposed ‘exceptional circumstances’, the Minister’s farcical statement of exceptional circumstances resorts to ignoring the actual circumstances and relying instead on the “Government’s view” about a supposed crisis gripping Queensland. This “view” is not supported by the evidence from QPS Deputy Commissioner Scanlon at the public briefing - that there is “no dramatic spike” in child abuse cases - or the last 5 years of QPS data on charges related to the existing child sex offender reporting regime (see Attachment A).



Michael Berkman MP

**Justice, Integrity and Community Safety Committee**  
**Public Briefing on the Community Protection and Public Child Sex Offender**  
**Register (Daniel's Law) Bill 2025**

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**QUEENSLAND POLICE SERVICE RESPONSES TO QUESTIONS TAKEN ON NOTICE AT  
THE DEPARTMENTAL BRIEFING ON 19 SEPTEMBER 2025**

**Question 1:**

Mr Michael Berkman, Member for Maiwar

*In respect of those serious sexual offences that trigger the operation of this legislation, are you able to provide us with some historical data, say, over the last five years, with the number of instances of each of those specific types of offences?*

**QPS Response:**

Please find the attached tables outlining the preferred charges and unique offender counts, from 1 July 2020 to 31 August 2025, broken down year by year, for offences set out in the Schedule 1 of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

**Criminal Code 1899**

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 210 - Indecent treatment of children under 16</i>	3,399	3,078	3,924	4,079	3,612	676	868	874	902	930	859	152
<i>s 213 - Owner etc. permitting abuse of children on premises</i>	-	4	1	5	5	-	-	2	1	3	4	-
<i>s 215 - Engaging in penile intercourse with child under 16</i>	203	154	198	235	234	61	100	97	88	93	91	19
<i>s 218A - Using internet etc. to procure children under 16</i>	103	67	109	89	156	16	50	47	54	61	74	12
<i>s 218B - Grooming child under 16 years or parent or carer of child under 16 years</i>	148	124	151	215	192	22	67	84	102	106	123	19
<i>s 219 - Taking child for immoral purposes</i>	15	18	10	39	49	1	10	9	7	9	16	1
<i>s 228A - Involving child in making child exploitation material</i>	94	33	186	133	86	98	17	21	22	35	31	5
<i>s 228B - Making child exploitation material</i>	424	612	502	810	437	66	202	249	262	244	177	25
<i>s 228C - Distributing child exploitation material</i>	523	542	597	764	661	71	300	304	329	333	264	40
<i>s 228D - Possessing child exploitation material</i>	692	731	754	807	705	129	419	454	462	528	485	92
<i>s 228DA - Administering child exploitation material website</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 228DB - Encouraging use of child exploitation material website</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 228DC - Distributing information about avoiding detection</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 228I - Producing or supplying child abuse object</i>	-	1	-	-	-	2	-	1	-	-	-	1
<i>s 228J - Possessing child abuse object</i>	1	1	5	1	2	2	1	1	5	1	2	1
<i>s 229B - Repeated sexual conduct with a child</i>	2	8	14	9	12	2	2	8	10	7	10	2

**Criminal Code 1899 – Select Charges Where the Victim was a Child**

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 221 - Conspiracy to defile</i>	-	-	-	-	1	-	-	-	-	-	1	-
<i>s 229H - Knowingly participating in provision of prostitution</i>	1	-	-	-	-	-	1	-	-	-	-	-
<i>s 229I - Persons found in places reasonably suspected of being used for prostitution etc</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 229L - Permitting young person etc. to be at place used for prostitution</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 217 - Procuring young person etc. for penile intercourse</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 217A - Obtaining commercial sexual services from person who is not an adult</i>	-	-	-	-	1	2	-	-	-	-	1	2
<i>s 217B - Allowing person who is not an adult to take part in commercial sexual services</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 217C - Conduct relating to provision of commercial sexual services by person who is not an adult</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 229G - Procuring engagement in prostitution</i>	-	1	1	1	-	-	-	1	1	1	-	-
<i>s 351 - Assault with intent to commit rape</i>	43	9	9	12	4	-	11	8	9	9	4	-
<i>s 216 - Abuse of persons with an impairment of the mind</i>	-	16	10	13	7	5	-	4	7	3	2	2
<i>s 350 - Attempt to commit rape</i>	15	53	36	33	21	5	11	29	26	25	16	5
<i>s 222 - Incest</i>	15	31	44	12	17	2	8	6	20	10	9	2
<i>s 218 - Procuring sexual acts by coercion etc.</i>	114	156	141	177	242	23	68	101	99	116	127	21
<i>s 352 - Sexual assaults</i>	122	119	152	137	123	20	81	62	90	82	83	14
<i>s 228 - Obscene publications and exhibitions</i>	361	353	506	510	474	135	109	149	144	184	148	19
<i>s 300 - Unlawful homicide in circumstances that amount to murder</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 349 - Rape</i>	820	1,001	1,288	829	793	152	316	374	323	317	310	66

**Commonwealth Criminal Code 1995**

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 271.4 - Offence of trafficking in children</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 271.7 - Offence of domestic trafficking in children</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.8 - Sexual intercourse with child outside Australia</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.9 - Sexual activity (other than sexual intercourse) with child outside Australia</i>	-	-	-	2	1	-	-	-	-	2	1	-
<i>s 272.10 - Aggravated offence—child with mental impairment or under care, supervision or authority of defendant</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.11 - Persistent sexual abuse of child outside Australia</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.12 - Sexual intercourse with young person outside Australia—defendant in position of trust or authority</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.13 - Sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority</i>	-	-	3	-	-	-	-	-	1	-	-	-
<i>s 272.14 - Procuring child to engage in sexual activity outside Australia</i>	1	8	1	1	-	-	1	1	1	1	-	-
<i>s 272.15 - “Grooming” child to engage in sexual activity outside Australia</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.15A - “Grooming” person to make it easier to engage in sexual activity with a child outside Australia</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.18 - Benefiting from offence against this Division</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 272.19 - Encouraging offence against this Division</i>	-	1	-	-	-	-	-	1	-	-	-	-
<i>s 272.20 - Preparing for or planning offence against this Division</i>	-	-	-	1	-	-	-	-	-	1	-	-
<i>s 273.5 - Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia</i>	5	-	-	-	-	-	1	-	-	-	-	-
<i>s 273.6 - Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia</i>	2	-	-	1	1	-	1	-	-	1	1	-
<i>s 273.7 - Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 273A.1 - Possession of child-like sex dolls etc.</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.16 - Using a postal or similar service for child pornography material</i>	-	-	-	1	-	-	-	-	-	1	-	-
<i>s 471.17 - Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.19 - Using a postal or similar service for child abuse material</i>	-	-	-	-	-	-	-	-	-	-	-	-

**Commonwealth Criminal Code 1995**

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 471.20 - Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.22 - Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.24 - Using a postal or similar service to procure persons under 16</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.25 - Using a postal or similar service to “groom” persons under 16</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.25A - Using a postal or similar service to “groom” another person to make it easier to procure persons under 16</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 471.26 - Using a postal or similar service to send indecent material to person under 16</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 474.19 - Using a carriage service for child pornography material</i>	17	15	2	-	3	2	12	6	1	-	3	2
<i>s 474.20 - Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service</i>	-	1	-	-	-	-	-	1	-	-	-	-
<i>s 474.22 - Using a carriage service for child abuse material</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 474.22A - Possessing or controlling child abuse material obtained or accessed using a carriage service</i>	-	1	22	45	77	7	-	1	12	29	42	5
<i>s 474.23 - Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 474.23A - Conduct for the purposes of electronic service used for child abuse material</i>	-	-	1	3	2	-	-	-	1	3	1	-
<i>s 474.24A - Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people</i>	2	1	3	2	2	-	2	1	3	2	2	-
<i>s 474.25A - Using a carriage service for sexual activity with person under 16 years of age</i>	-	6	-	1	5	3	-	3	-	1	2	1
<i>s 474.25B - Aggravated offence—child with mental impairment or under care, supervision or authority of defendant</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 474.25C - Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16</i>	5	3	3	8	8	1	3	3	3	1	2	1
<i>s 474.26 - Using a carriage service to procure persons under 16 years of age</i>	2	8	7	10	7	3	1	6	1	6	4	2
<i>s 474.27 - Using a carriage service to “groom” persons under 16 years of age</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 474.27AA - Using a carriage service to “groom” another person to make it easier to procure persons under 16 years of age</i>	-	1	-	-	1	-	-	1	-	-	1	-



### Commonwealth Criminal Code 1995

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 474.27A - Using a carriage service to transmit indecent communication to person under 16 years of age</i>	-	-	-	-	-	-	-	-	-	-	-	-

### Computer Games and Images Act 1995

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 26(3) - Possession of objectionable computer game</i>	-	1	-	-	-	-	-	1	-	-	-	-
<i>s 27(3) or (4) - Making objectionable computer game</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 28 - Obtaining minor for objectionable computer game</i>	-	-	-	-	-	-	-	-	-	-	-	-

### Classification of Films Act 1991

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 41(3) - Possession of objectionable film</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 42(3) or (4)- Making objectionable film</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 43 - Procurement of minor for objectionable film</i>	-	-	-	-	-	-	-	-	-	-	-	-

### Customs Act 1901

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 233BAB - Intentionally import tier 2 goods without approval</i>	-	-	-	-	1	-	-	-	-	-	1	-

**Computer Games and Images Act 1995**

Section & Charge	Charges preferred						Unique persons charged					
	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
<i>s 12 - Sale etc. of prohibited publication, if the offence involves a child abuse publication</i>	-	-	1	-	-	-	-	-	1	-	-	-
<i>s 13 - Possession of prohibited publication, if the offence involves a child abuse publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 14 - Possession of child abuse publication</i>	-	2	-	-	-	-	-	1	-	-	-	-
<i>s 15 - Exhibition or display of prohibited publication, if the offence involves a child abuse publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 16 - Leaving prohibited publication in or on public place, if the offence involves a child abuse publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 17(1) or (2) - Producing prohibited publication, if the offence involves a child abuse publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 17(3) or (4) - Producing prohibited publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 18 - Procurement of minor for RC publication, if the offence involves a child abuse publication</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>s 20 - Leaving prohibited publication in or on private premises, if the offence involves a child abuse publication.</i>	-	-	-	-	-	-	-	-	-	-	-	-