

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

Explanatory Notes

Short title

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

Policy objectives and the reasons for them

The Queensland Government is committed to protecting the lives and sexual safety of children. The Bill delivers on the Government's election commitment to further strengthen sex offender laws with the establishment of a new, three-tiered community protection and public child sex offender register (the public register) to protect Queensland children and put the rights of parents and families ahead of sexual predators. This commitment recognises the advocacy of the Daniel Morcombe Foundation, which has championed the establishment of a register allowing greater public access to information about child sex offenders in the community. This Bill is named as Daniel's Law, in honour of Daniel Morcombe.

Under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (the CPOROPOA), the Queensland Police Service (QPS) administers the existing non-public child protection register. The stated purposes of the CPOROPOA are to provide for the protection of the lives of children and their sexual safety, to reduce the likelihood that an offender will reoffend and facilitate the investigation and prosecution of any future offences that the offender may commit.

The existing non-public register contains a range of personal details about child sex offenders and particular offenders who pose a risk to the lives of children (referred to as reportable offenders). Reportable offenders are required to keep police informed of their whereabouts and personal details for a set period of time. Following a comprehensive initial report where a reportable offender is required to specify all relevant personal details, a reportable offender is generally required to make periodic reports on a quarterly basis confirming their personal details until the end of their reporting period. Periodic reporting is the minimum ongoing requirement for reportable offenders. A reportable offender must also report any changes to their personal details within certain timeframes between periodic reports. Failure to comply with these reporting obligations without reasonable excuse is an offence under the CPOROPOA.

The QPS has powers under the CPOROPOA and the *Police Powers and Responsibilities Act 2000* (the PPRA) to monitor compliance and engage in investigative and enforcement strategies, where necessary.

The CPOROPOA permits information about a reportable offender to be provided to a person, including a parent or guardian of a child, if it is reasonably necessary and appropriate to reduce a risk to the lives or sexual safety of one or more children or of children generally. This power may be utilised in circumstances where police become aware of changes to a reportable offender's contact with a child or children, for example if the offender reports that they have moved into accommodation where children are living.

In certain cases, a reportable offender may also be subject to an order made by a court under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (the DPSOA). The DPSOA provides for the continued detention in custody or supervised release of a particular class of dangerous prisoner to ensure the adequate protection of the community and to facilitate their rehabilitation. Under a supervision order, an offender's release into the community is subject to strict monitoring and supervision requirements. For example, an order may require a person to wear an electronic monitoring device and comply with directions regarding approved residential addresses, curfews, movement restrictions, and contact with certain individuals. Queensland Corrective Services (QCS) works together with police in responding to alleged contraventions of a condition of a supervision order, which may result in further legal action, including possible return to custody.

While subject to a supervision order made under the DPSOA, a reportable offender is generally restricted from having unsupervised contact with a child without prior written permission from an authorised QCS officer. An authorised QCS officer can give information about a person subject to a supervision order to a parent, guardian or caregiver. Every reportable offender who has ever been subject to a supervision order (referred to as a post-DPSOA reportable offender) must comply with reporting obligations under the CPOROPOA for the remainder of their life.

The Bill is designed to build on the existing non-public register and existing information sharing mechanisms. While recognising that any risk to the lives or sexual safety of children is unacceptable and that everything must be done to safeguard children against these risks, the Government also acknowledges that the public release of information about certain offenders must be undertaken in a measured way.

The overarching policy objective of the Bill is to establish a framework for a three-tiered public register broadly modelled on the limited public notification scheme operating in Western Australia (WA),¹ and which follows the passage of similar laws in South Australia (SA) in 2024.² The new 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 under a three-tiered 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 as a result, for example, arising from acts of vigilante violence.

¹ Established under part 5A of the *Community Protection (Offender Reporting) Act 2004* (WA).

² See *Child Sex Offenders Registration (Public Register) Amendment Act 2024* (SA).

Achievement of policy objectives

The Bill will insert a new part 5AA into the CPOROPOA, providing for the release of particular information about certain reportable offenders via:

- **Tier 1: Missing non-compliant offender website** – a public website displaying facial images and particular personal details of reportable offenders who have breached their obligations and whose whereabouts are unknown to police.
- **Tier 2: Locality search** – a local area search, allowing Queensland residents to apply to temporarily view facial images of particular reportable offenders (including reportable offenders who the Police Commissioner considers pose a serious risk to the lives or sexual safety of a child or children generally) residing in their general locality.
- **Tier 3: Parent/guardian disclosure scheme** – an application-based scheme enabling parents or people with ongoing parental responsibility for a child to apply for confirmation about whether a particular person who has had, or will have, unsupervised contact with their child is a reportable offender.

However, in line with existing restrictions, the public register 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
- where a court has prohibited identification of the offender or the disclosure or publication of personal information about the offender.

Section 8 of the CPOROPOA outlines when a person stops being a reportable offender. The Police Commissioner must not disclose information where a person is no longer a reportable offender.

Information will be made available through the Queensland Community Protection and Public Child Sex Offender Register website (the website), to be established by the QPS.

Tier 1: Missing non-compliant offender webpage

A reportable offender who fails to comply with their requirements and cannot be located by police presents a risk to community safety.

Under Tier 1, the Police Commissioner may publish particular personal details, including photographs, of reportable offenders who have failed to comply with their reporting obligations, or contravened the conditions of a supervision order under the DPSOA, and whose whereabouts are unknown to police following investigations to locate the offender.

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

Tier 1 applies to all reportable offenders (including reportable offenders on DPSOA supervision orders), subject to the general restrictions applying to the public register (as outlined above).

Tier 2: Locality search

Tier 2 allows the Police Commissioner, upon application by a person, to provide the photograph of particular reportable offenders who live in the applicant's general locality.

Tier 2 is limited to reportable offenders who pose the greatest risk of reoffending against children comprising those reportable offenders who:

- commit a further reportable offence after receiving notice of their reporting obligations (that is, the reportable offenders who are repeat offenders);
- have reporting obligations imposed for the remainder of the offender's life;
- are subject to a supervision order under the DPSOA; or
- the Police Commissioner deems to be a serious risk offender (that is, an offender who poses a serious risk to the lives, or sexual safety of a child or of children generally).

The Bill defines the term locality broadly with respect to the general locality where a person resides, which is usually their suburb or town, however is not prescriptive in order to enable locality to include adjoining suburbs or towns of the person's residential address, unless circumstances dictate a different approach. This means that a person applying under Tier 2 will only be provided with images of relevant reportable offenders residing within their locality.

The general restrictions applying to the public register (as outlined above) also apply to Tier 2.

A range of factors will apply to guide the Police Commissioner's decision to publish the personal details of reportable offenders under Tier 1 or to provide the photographs of relevant reportable offenders to an applicant under Tier 2.

Tier 3: Parent/guardian disclosure scheme

Tier 3 allows a parent, guardian or person with ongoing parental responsibility of a child to apply to be informed about whether a person specified in the application (the *specified person*) is a reportable offender. Tier 3 applies to all reportable offenders, subject to the general restrictions applying to the public register (as outlined above).

The Bill stipulates that an application must be made in a way approved by the Police Commissioner and must be accompanied by any documents or information required by the Police Commissioner.

The Police Commissioner may disclose whether the specified person is a reportable offender if satisfied that the specified person has had or will have unsupervised contact with the child. *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.

Vigilantism offences

Any information accessed or received through the public register must be treated as confidential. This means that recipients cannot share it with others.

The Bill creates new offences prohibiting misuse of information accessed or obtained using the public register:

- 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.

The purpose of these offences is to target a broad range of vigilante-style conduct or conduct that could give rise to intimidation or harassment, including conduct that occurs online, but does not include communication between the parents of a child made in person in a private capacity for the purposes of safeguarding the child.

Other matters

In order to ensure the effective operation of the public register the Bill provides that all relevant decisions to release information are final and conclusive, may not subject to judicial review under the *Judicial Review Act 1991* (except in the case of jurisdictional error) or any other form of review, and may not be subject to any declaratory, injunctive or other order of a court on any ground.

The Bill also provides a broad protection from liability to persons involved in the administration of the new public register. These persons will be protected for acts done, or omissions made, honestly. Protection from liability is extended to the State.

The Bill requires a statutory review of the public register to occur as soon as practicable following five years of operation. A report about the outcomes of this review is to be tabled in the Legislative Assembly.

Alternative ways of achieving policy objectives

There are no alternative ways of delivering Government's commitment to establish the public register other than by legislation. Existing information sharing mechanisms are limited and would not enable the three tiers of the public register to be operationalised in the way Government intends. A new legislative framework is required.

Estimated cost for government implementation

Government committed \$10 million to support the establishment of the public register.

The Government may incur additional costs in delivering the public register on an ongoing basis. Any funding required beyond existing agency resources will be subject to normal budget processes.

Consistency with fundamental legislative principles

The Bill has been prepared having regard to the fundamental legislative principles (FLPs) outlined in the *Legislative Standards Act 1992* (LSA).

Legislation has sufficient regard to the rights and liberties of individuals – LSA, section 4(2)(a)

Release of information relating to reportable offenders

The Bill establishes a legislative framework for a public register that expands upon existing information sharing mechanisms. The release of this information under the public register has the potential to impact the rights and liberties of a range individuals (section 4(2)(a) of the LSA). For example, the release of information under the public register may infringe upon a person's privacy if they are identified or misidentified under the public register.

The introduction of the public register is designed to make certain information about offenders who pose a risk to the lives and sexual safety of children more accessible, to increase vigilance and awareness within the community about sex offenders and provide another tool for parents and guardians to take steps to keep their children safe. Therefore, to the extent that the release of information under the public register may impact on the rights and liberties of individuals, it is considered justified having regard to the paramount importance of safeguarding the lives and sexual safety of children. In addition, the new offences in the Bill are aimed at deterring conduct directed towards the intimidation or harassment of identified offenders as well as the misuse of information obtained from the public register.

New offences

The amendments to introduce new offences for intimidating or harassing persons believed or suspected to be identified offenders or inciting others to do so, and unlawful disclosure of identifying information obtained under the public register, represent potential departures from the FLP that legislation should have regard to the rights and liberties of individuals (section 4(2)(a) of the LSA), in particular individual rights to freedom of speech; and that any consequences imposed by legislation should be proportionate and relevant to the actions for which the consequences are applied. Persons who receive identifying information under the public register will be prevented from disclosing this information to others except in limited circumstances with significant penalties applying.

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.

Information disclosed through the public register is intended only to educate and support parents and guardians and the broader community to take informed, proactive measures to keep

children safe. Inclusion of offences to guard against particular disclosure of this information, including significant penalties where this information is used to intimidate or harass individuals, provides a clear message that the public register is not a platform for retaliation or vigilantism. Any limitation on individual rights and liberties arising from the new offence provisions is considered justified.

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review – LSA, section 4(3)(a), is unambiguous and drafted in a sufficiently clear way – LSA, section 4(3)(k), and consistent with principles of natural justice – LSA, section 4(3)(b)

Scope of administrative discretion

The Bill represents a potential departure from FLPs by adopting a non-prescriptive approach in respect of several aspects of the public register. For example, the release of information remains at the discretion of the Police Commissioner who is not bound by any obligation to disseminate or not disseminate information through the public register.

The information that may be provided under these powers may adversely impact a range of persons. The Bill prescribes a range of matters to guide the Police Commissioner's decisions in considering whether or not to release information about a reportable offender under Tiers 1 or 2. These include the effect that publication, removal or provision of information might have on a victim, ongoing criminal proceedings relating to the offender, investigations by law enforcement and whether the release of the information is in the public interest and consistent with the purposes of the CPOROPA.

Providing the Police Commissioner with a broad discretion to release or not to release information under the public register is justified on the basis of ensuring that a flexible approach can be taken with respect to individual cases. For example, under Tier 2, the Police Commissioner could refuse an applicant's request for photographs of reportable offenders in their locality if the applicant has a known history of violent offending and lives in a boarding house and providing the photographs would reveal the identities of reportable offenders also living in the boarding house.

Administrative decisions final

The Bill provides that all decisions for the disclosure, provision or publication of information under the public register are final and conclusive and not subject to challenge or appeal under the *Judicial Review Act 1991*, except to the extent that the decision is affected by jurisdictional error. This also means there is no requirement on the Police Commissioner to notify any person likely to be affected by such decisions and provide them with the opportunity to put information or submissions to the Police Commissioner. In this respect the Bill is inconsistent with the principles of natural justice.

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.

As above, the Police Commissioner's discretion to release information under the public register is guided by a range 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. There are also significant penalties that apply for misuse of information released under the public register and the Bill expressly recognises the ability to apply to the Supreme Court on the ground of jurisdictional error.

The exclusion of review rights and natural justice is justified. The Government has made a firm commitment to deliver the public register in order to place the rights of children to be protected, and of their families to be able to protect them, ahead of the rights of the persons who would perpetrate this harm against children. The discretion of the Police Commissioner to release information under the public register is appropriate to achieve the intended purpose in a way that has regard to the impacts on all persons who may be affected and the broader public interest.

The Bill mandates an independent review of the efficacy of the public register to be conducted as soon as practicable after five years from the commencement. Outcomes of this review are to be tabled by the Minister for Police and Emergency Services (the Minister) in the Legislative Assembly.

Delegation of administrative power should only be made in appropriate cases to appropriate persons – LSA, section 4(3)(c)

Section 4.10 of the *Police Service Administration Act 1990* provides authority for the Police Commissioner to delegate responsibilities under the CPOROPOA. Once the Bill's amendments to the CPOROPOA are in force, this delegation power will apply to the new public register.

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.

Further, the Bill expressly provides that the Police Commissioner may not delegate their power to deem a reportable offender to be a serious risk offender for the purposes of Tier 2.

Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively – LSA, section 4(3)(g)

Existing reportable offenders' rights will be affected by the introduction of the public register as they may be eligible to have their personal details disclosed through any of the three tiers due to their offending history. This 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. Further, the application of the public register to existing offenders does not

alter their original sentence or legal obligations. It provides for the administrative release of information about reportable offenders and is not intended to have a punitive effect.

Legislation should not confer immunity from proceeding or prosecution without adequate justification – LSA, section 4(3)(h)

The public release of information relating to reportable offenders potentially exposes the individuals administering the public register to a range of civil or criminal liability. The Bill provides specific legislative immunity to ensure the protection of the Police Commissioner or delegate where acting honestly. The provision is in addition to the existing protection already provided to police officers for engaging in conduct in an official capacity and for people who, acting honestly, give information under the CPOROPA.

Individuals who administer the public register are at personal risk without an appropriate immunity provision. The provision of immunity under the Bill is justified and is appropriately limited so that it does not extend to immunise conduct that is dishonestly motivated. The extension of protection of liability to the State is justified on the basis 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.

Consultation

Targeted external stakeholders were provided with an information paper about the proposed public register and invited to attend an information session. Stakeholders who attended an information session were able to provide verbal feedback and all stakeholders had the opportunity to provide written feedback on technical and operational aspects of the public register. All feedback received was considered in the development of the Bill.

Subject to passage of the Bill, key stakeholders will be further consulted on the development of educational materials to support implementation of the public register.

Consistency with legislation of other jurisdictions

The Bill is specific to the legislative framework of the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

The Bill's amendments are broadly consistent with existing laws in Western Australia and South Australia which establish legislative frameworks for public child sex offender registers in those States.

Since 2012, Western Australia has operated a three-tiered scheme, established under the *Community Protection (Offender Reporting) Act 2004* (WA), and administered via the Community Protection Western Australia (CPWA) website. The legislative framework provides the Western Australia Police Commissioner with power:

- in relation to Tier 1, to publish the personal details (including a photograph) of reportable offenders who have failed to comply with their reporting obligations and whose whereabouts are not known to police. The CPWA maintains a missing offenders register.

- in relation to Tier 2, to publish the photograph and locality of certain serious and high risk offenders which include high risk serious sexual offenders, serious repeat reportable offenders and other persons whose details have been authorised for publication by the Minister for Police on the application of the Commissioner of Police. This Tier is operationalised via a local search application on the CPWA and applicants are provided access to photographs of offenders who live in their locality.
- in relation to Tier 3, to inform parents or guardians who make an application to the Commissioner whether a specific person who has had reportable contact with their child or children in the 12 month period prior, is a reportable offender. Applicants can download an application form from the CPWA and provide their full details, the child's or children's details, the identity of the person of interest and the level of contact that person has with the child or children.

The *Child Sex Offenders Registration (Public Register) Amendment Act 2024* (SA), which received assent on 24 October 2024, provides a legislative framework for a three-tiered disclosure scheme similar to the Western Australian scheme with some variations. Under Tier 3 of the South Australian scheme the South Australia Police Commissioner has discretion, in addition to informing an applicant whether a specified person who has regular unsupervised contact with their child or children is a registrable offender, to disclose information about the offences that resulted in a person becoming a registrable offender and any other relevant information. For both Tiers 2 and 3, an applicant is required to pay a prescribed fee.

Notes On Provisions

Clause 1 states the Bill, if passed, may be cited as the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Act 2025* (the Act).

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 states the Act amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

Clause 4 amends section 3 (Purposes of this Act) by inserting new sections 3(1A)(c) and 3(2)(g).

Section 3(1A)(c) provides that a purpose of the Act is to protect the community by facilitating the release of information relating to particular offenders in particular circumstances to the public.

Section 3(2)(g) provides the Act allows for the disclosure or publication of information relating to particular reportable offenders in particular circumstances through the operation of a public child sex offender register.

Clause 5 amends section 13A (Application) by omitting section 13A(3). This is a consequential amendment. (Clause 11 inserts the definition of 'concerning conduct' in schedule 5 (dictionary))

Clause 6 amends section 69 (Access to the register to be restricted) by inserting the words 'or published' after the word 'disclosed' in section 69(1)(b) and replacing section 69(2).

New section 69(2) states the Police Commissioner must develop guidelines about the access to, and disclosure or publication of, personal information in the register that attempt to ensure that access to the personal information in the register is restricted in a way that does not interfere with the purposes of the Act.

Clause 7 amends section 70 (Confidentiality) by inserting the words 'or publish' after the word disclose' in section 70(1), inserting new section 70(1)(aa), and renumbering sections 70(1)(aa) and (b) to 70(1)(b) and (c).

Section 70(1)(aa) provides that a person authorised to have access to the register or any part of the register must not disclose any personal information in the register, unless the person is involved in the administration of part 5AA and discloses or publishes the information under that part.

Clause 8 inserts, after part 5, a new part 5AA titled 'Daniel's Law—Publication and disclosure of information about child sex offenders'. Part 5AA comprises Divisions 1 to 4.

Division 1 (Preliminary) contains new sections 74AA to 74AE.

Section 74AA (Definition for part) defines the terms 'personal details' for the purposes of the part.

'Personal details', of a reportable offender, has the meaning given by section 74AB.

Section 74AB (Meaning of *personal details* of reportable offenders) provides the 'personal details' of a reportable offender are the details mentioned in schedule 2, items 1, 2, 3 and 9 for the offender. It further provides the 'personal details' of a reportable offender also include:

- a photograph or digital image of the offender; and
- a description of the general locality of any premises where the offender resides or, if the offender does not general reside at particular premises, each locality where the offender can generally be found.

Section 74AC (Police Commissioner not required to disclose, provide or publish information) states that nothing in this part requires the Police Commissioner to disclose, provide or publish information about any reportable offender or other person.

Section 74AD (Interaction with other provisions and laws relating to disclosure of information) states that this part does not limit a power or obligation under this Act, or another Act or law, to disclose information relating to a reportable offender.

Section 74AE (Restriction on information about particular reportable offenders) states that noting in this part authorises the Police Commissioner to disclose, provide or publish information about any of the following reportable offenders:

- a reportable offender who is a child;
- a reportable offender who committed a reportable offence as a child but as an adult has not committed a reportable offence, been subject to an offender reporting order for an offence committed as an adult, been subject to an offender prohibition order for concerning conduct

engaged in as an adult, or been subject to a division 3 order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*;

- a reportable offender to whom part 4, division 9 applies;
- a reportable offender who is subject to an order of a court that prohibits the identification of the offender, or the disclosure or publication of the offenders whereabouts or other personal details.

Division 2 (Police Commissioner may disclose, provide or publish information relating to reportable offenders) contains new sections 74AF to 74AI.

Section 74AF (Police Commissioner may publish personal details of particular reportable offenders) provides the Police Commissioner may publish any or all of the personal details of a reportable offender if (section 74AF(1)):

- the Police Commissioner is satisfied that the reportable offender has failed to comply with any of their reporting obligations, or is subject to a relevant supervision order and has failed to comply with a requirement of the order; and
- the reportable offender's whereabouts are not known to the Police Commissioner.

Section 74AF(2) states the Police Commissioner may at any time remove any or all of the personal details of a reportable offender from the website on which they are published under subsection (1).

Section 74AF(3) states that subsection (4) applies if the Police Commissioner has published any personal details of a reportable offender under subsection (1) and after the reportable offender's details are published, the Police Commissioner becomes aware of the offender's whereabouts.

Section 74AF(4) states the Police Commissioner must, as soon as is practicable, remove all of the personal details of the reportable offender from the website on which the details are published.

Section 74AF(5) defines the terms 'publish' and 'relevant supervision order' for the purposes of the section.

'Publish' means make available for inspection by members of the public on a website maintained by the Police Commissioner.

'Relevant supervision order' means a supervision order or an interim supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

Section 74AG (Police Commissioner may provide photographs of particular reportable offenders) states that a person, other than a reportable offender, may ask the Police Commissioner to provide to the person a photograph of each reportable offender who resides in the locality of the person (section 74AG(1)).

Under section 74AG(2), the request must be made in a way approved by the Police Commissioner and accompanied by any documents or information as required by the Police Commissioner.

Section 74AG(3) provides that subject to this section, the Police Commissioner may decide to provide to the person the photograph of a reportable offender who resides in the locality of the person if:

- the offender is required to comply with reporting obligations for a period under section 37(2), 38(3) or 39(1);
- the offender is subject to reporting obligations imposed on the offender under part 4 for the remainder of the offender's life;
- the offender is subject to a supervision order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; or
- the Police Commissioner deems the offender to be a serious risk offender under subsection (5).

Section 74AG(4) states the Police Commissioner must, before a photograph of a reportable offender mentioned in subsection 3(c) is provided for the first time, give the chief executive (corrective services) notice and consider any submission made by the chief executive (corrective services).

Section 74AG(5) states 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.

Section 74AG(6) states that a reportable offender deemed to be a serious risk offender under subsection (5), is a serious risk offender until the Police Commissioner deems the offender is not a serious risk offender, or the offender stops being a reportable offender, whichever happens earlier.

Section 74AG(7) states the Police Commissioner must not delegate the power to deem a reportable offender to be a serious risk offender under subsection (5) and to deem a reportable offender not to be a serious risk offender under subsection (6)(a).

Section 74AG(8) defines the terms 'locality', 'photograph' and 'provide' for the purposes of the section.

'Locality', of a person, means the general locality where the person resides in the State.

'Photograph' includes a digital image.

'Provide', a photograph to a person, means make the photograph available for inspection by the person in a secure way designed to be accessible only by the person.

Section 74AH (Police Commissioner may have regard to particular matters) applies in relation to the Police Commissioner when deciding whether to publish, or remove, the personal details of a reportable offender under section 74AF (the *identifying information*); or to provide the photograph or a reportable offender under section 74AG (also the *identifying information*) (section 74AH(1)).

Section 74AH(2) provides the Police Commissioner may have regard to any of the following matters:

- the effect that the 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 the Queensland Police Service or other law enforcement agency of a State or the Commonwealth 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 this Act; and
- any other matter the Police Commissioner considers relevant.

Section 74AI (Police Commissioner may disclose whether specified person is a reportable offender) applies to a person who is a parent of a child, or someone else having or exercising parental responsibility, other than on a temporary basis, for the child (section 74AI(1)).

Section 74AI(2) provides the person may apply to the Police Commissioner for disclosure about whether another person specified in the application (the *specified person*) is a reportable offender.

Section 74AI(3) states the application must be made in a way approved by the Police Commissioner and accompanied by any documents or information as required by the Police Commissioner.

Section 74AI(4)) provides the Police Commissioner Police Commissioner may disclose information to the person about whether the specified person is a reportable offender if the Police Commissioner Police Commissioner is satisfied that the specified person had had, or will have, any unsupervised contact with the child.

Section 74AI(5) defines the term 'unsupervised contact', in relation to a person and a child, for the purposes of the section, to include:

- any physical contact the person has had, or will have, with the child without another adult present;
- any time the person and child have been together, or will be together, in close proximity without another adult present; and
- any form of communication, whether in person or by electronic means, the person has had, or will have, with the child without another adult present.

Division 3 (Offences) contains new sections 74AJ to 74AK.

Section 74AJ (Intimidation or harassment of identified offenders) states that a person must not, by a public act, engage 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; and provides for a maximum penalty of 10 years imprisonment (section 74AK(1)).

Section 74AJ(2) states that an offence against subsection (1) is a misdemeanour.

Section 74AJ(3) states that a person must not, by a public act, engage in conduct that is likely 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; and provides for a maximum penalty of 3 years imprisonment.

Section 74AJ(4) defines the terms 'identified offender', 'intimidate or harass', 'public act' and 'public place', for the purposes of the section.

An 'identified offender' means a person whose details have been published under section 74AF, whose photograph has been provided under section 74AG, or in relation to whom a disclosure has been made as to whether the person is a reportable offender under section 74AI.

'Intimidate or harass' includes intimidate or harass whether on one, or more than one, occasion; and vilify, persecute, victimise and engage in any act of vigilantism.

'Public act' includes:

- any form of communication to, or accessible by, the public or a part of the public, whether made in person or by electronic means; and
- actions, gestures, displays of signs or any other form of conduct that is in, or in view of, a public place.

'Public place' has the meaning given in section 74AK(2).

Section 74AK (Display, distribution or publication of identifying information) states that a person must not, without the written approval of the Police Commissioner, display, distribute or publish any identifying information, and provides for a maximum penalty of 3 years imprisonment (section 74AK(1)).

Section 74AK(2) defines the terms 'display', 'distribute', 'identifying information', 'publish' and 'public place', for the purposes of the section.

'Display' means display in, or within view of, a public place.

'Distribute' means distribute to the public or a part of the public.

'Identifying information' means any information that is identifiable as:

- the personal details of a person published by the Police Commissioner under section 74AF;

- the photograph of a person provided by the Police Commissioner under section 74AG; or
- information disclosed by the Police Commissioner in relation to whether a person is a reportable offender under section 74AI.

‘Public place’ includes:

- any place that the public is entitled to use, is open to the public, or is used by the public, whether on payment or otherwise; and
- a school, university or other place of education, other than any part of a school, university or other place of education that is not open to, or used by, the public.

‘Publish’ means publish to the public or a part of the public.

Division 4 (Other matters) contains new sections 74AL to 74AN.

Section 74AL (Protection from liability for giving or not giving information under part) provides that a person involved in the administration of this part is not liable, civilly, criminally or under an administrative process, because of an act done, or omission made, honestly by the person.

applies in relation to a decision for the disclosure, provision or publication of information under this part (section 74AL(1)).

Section 74AL(2) further provides that a person can not, because of the act done, or omission made, by the person be held to have breached any code of professional etiquette or ethics or departed from accepted standards of professional conduct.

Section 74AL(3) provides the State is not civilly liable because of the act done, or omission made, by the person.

Section 74AM (Relevant decisions are final) provides that unless the Supreme Court decides a relevant decision is affected by jurisdictional error, the decision (section 74AM(1)):

- is final and conclusive;
- can not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- is not subject to any declaratory injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

Section 74AM(2) provides the *Judicial Review Act 1991*, part 4 does not apply to a relevant decision.

Section 74AM(3) provides the *Judicial Review Act 1991*, part 5 applies to a relevant decision only to the extent it is affected by jurisdictional error.

Section 74AM(4) defines the term ‘relevant decision’, for the purposes of the section, to mean a decision or purported decision of an administrative character for the disclosure, provision or

publication of information under this part (section 74AM(4)(a)); and to include conduct leading up to or forming part of the process of making a decision mentioned in paragraph (a).

Section 74AN (Override declaration for particular provisions) states that for the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that part 5AA, other than division 3 and this section, has effect despite being incompatible with human rights and despite anything else in the *Human Rights Act 2019*. Under the *Human Rights Act 2019*. Under the *Human Rights Act 2019*, section 45(2), this section expires 5 years after the commencement.

Clause 9 replaces section 74C (Review of the Act).

New section 74C (Review of provisions under part 5AA—Daniel's Law) states the Minister must ensure the operation of part 5AA is reviewed as soon as practicable after the day that is five years after the commencement (section 74C(1)).

The review must be carried out by an independent and appropriately qualified person (section 74C(2)) and the terms of reference for the review are the terms decided by the Minister (section 74C(3)).

Section 74C(4) states that as soon as practicable after the review is finished, the Minister must table a report about the outcome of the review in the Legislative Assembly.

Clause 10 inserts new division 8 (Transitional provision for Community Protection and Public Child Sex Offender Register (Daniel's Law) Act 2025) into part 7, comprising new section 104.

Section 104 (Application of particular provisions under part 5AA—Daniel's Law) provides that part 5AA applies to a person who is a reportable offender whether the person became a reportable offender before or after the commencement of that part.

Clause 11 (Amendment of sch 5 (Dictionary)) replaces the definition of 'personal details' in schedule 5. 'Personal details', of a reportable offender, has the meaning given by section 10A (generally) or section 74AB (for part 5AA).

Clause 11 also inserts definitions for the terms 'concerning conduct' and 'relevant supervision order', in schedule 5.

'Concerning conduct' means an act or omission, or course of conduct, the nature or pattern of which poses a risk to the safety or wellbeing of one or more children, or of children generally, and may include conduct that constitutes a single offence; and/or conduct that is a single act or omission.