

Proclamation – Community Protection and Public Child Sex Offender Register (Daniel's Law) Act 2025

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Dan Purdie MP, Minister for Police and Emergency Services provide this human rights certificate with respect to the Proclamation made under the *Community Protection and Public Child Sex Offender Register (Daniel's Law) Act 2025* (the Act).

In my opinion, the Proclamation as tabled in the Legislative Assembly, operates despite being incompatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Proclamation is to fix a commencement date of 31 December 2025 for all provisions of the Act.

The Proclamation commences the legislative framework for a three-tiered community protection and public child sex offender register, under new part 5AA of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

An Override Declaration has been made on the basis that exceptional circumstances exist and justify the limitation on the relevant rights.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Human Rights Certificate identifies that the provisions proclaimed to commence are not compatible with human rights due to the operation of the Override Declaration.

Conclusion

I consider that the Override Declaration sets aside the requirement for compatibility in exceptional circumstances and enables the Act to take effect notwithstanding the identified limitations.

DAN PURDIE MP
MINISTER FOR POLICE AND EMERGENCY SERVICES

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