INDEPENDENTS, 2—Cunningham, Wellington.

NOES, 8:

ALP, 8—Byrne, D'Ath, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

Resolved in the affirmative.

Debate, on motion of Mrs Miller, adjourned.

CHILD PROTECTION (OFFENDER REPORTING) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (12.29 pm): I present a bill for an act to amend the Child Protection (Offender Reporting) Act 2004 for particular purposes and to make related minor and consequential amendments to the acts mentioned in schedule 1. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2014.

Tabled paper: Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2014, explanatory notes.

I am pleased to introduce the Child Protection (Offender Reporting) and Other Legislation Amendment Bill. This bill amends the Child Protection (Offender Reporting) Act 2004, CPORA, and the Police Powers and Responsibilities Act 2000, PPRA, to give effect to the government's commitment to introduce more stringent monitoring of sex offenders and impose tougher conditions for offenders on the national child offender system. The bill strengthens the current reporting regime for child sex offenders by increasing the number of times convicted child sex offenders will be required to report their details to police from once each year to four times each year. Those offenders who pose a significant risk of re-offending will be required to report more frequently than the mandated reporting requirements. The number of times and the way in which these high-risk offenders will be required to report will be determined by the police commissioner, depending upon the level of risk an individual offender poses at any given time.

019 The commissioner already has the power to alert the public about registered sex offenders who are missing. This government's policy is that a sex offender who is missing for more than three months will be considered a danger to the community and regarded as deliberately evading police. The commissioner can take this into account in deciding when to release information to the public.

Child sex offenders will no longer have seven days in which to make their initial report to police after they receive a notice of their reporting obligations; rather, offenders will be required to make an initial report to police at the time of receiving a notice for their reporting obligations. However, a sense of reasonableness must still prevail when requiring any person to attend the police station for any matter. Accordingly, if an offender cannot reasonably comply with this reporting requirement, up to seven days leeway to make an initial report is allowed for in the bill. Offenders who are not in Queensland when an initial report must be made will be required to make that report within seven days of returning to Queensland.

Seven days is a consistent theme in this bill. The time frame associated with reporting changes for personal details and plans to travel outside of Queensland has reduced from 14 days to seven days. Interstate offenders who have been in Queensland for seven consecutive days, either on holiday or for work, must report to police within seven days. There is no longer any requirement for offenders to be advised of this obligation in their home state. This government will not tolerate the migration of child sex offenders to Queensland. The types of personal information that are required to be reported to police have been extended to take into account the prolific increase in social networking sites marketing specifically to young people. In this regard, offenders will be required to report any social networking sites they are using or intend to use, including passwords used to access those sites.

Offenders will also have to report when they no longer live at a particular address. This amendment closes a gap in the legislation that only requires offenders to report a change in their residence when they take up a new residence, allowing them to avoid reporting if they move from place to place.

Reporting contact with children is limited under the current legislation to unsupervised contact; however, what constitutes 'unsupervised contact' is subjective and difficult to define. The legislation has no requirement on the offender to report the personal details of a child with whom contact occurs. The bill addresses this by requiring all child sex offenders to report any contact with a child within 24 hours of that contact occurring other than where that contact is incidental. An example may be where the offender is served by a child at McDonald's or another food outlet. This is in line with the recommendations made by the Victorian Law Reform Commission's 2011 review of Victoria's reportable offender legislation.

The bill also increases the capacity for police to monitor juvenile sex offenders by removing section 210 of the Criminal Code—indecent dealing with a child under 16—as an exclusionary offence. Indecently dealing with a child differs from the remaining exclusionary provisions, which relate to the making, possession and distribution of child exploitation material, in that it requires direct physical contact with a child. While this amendment has the capacity to increase the number of juvenile offenders on the Child Protection Register, the Police Commissioner will have the power to automatically suspend any reporting obligations placed on juveniles where they do not pose a risk to children in the community.

As well as suspending the reporting obligations of juveniles, the bill would also allow the Police Commissioner to suspend reporting periods for offenders who have significant physical or cognitive impairment that prevents them from reporting; for example, advanced dementia or Alzheimer's disease. The suspension of reporting obligations is only used when the offender does not pose a risk to children and can be revoked by the Police Commissioner if it becomes evident that a risk to children exists or that the impairment no longer prevents the offender meeting his or her reporting obligations.

An automatic suspension will also apply to those offenders who are simultaneously reporting under the Dangerous Prisoners (Sexual Offenders) Act 2003. Offenders who are required to report under the Dangerous Prisoners (Sexual Offenders) Act 2003, while assessed as having the highest risk of reoffending, also have the most stringent reporting and prohibitive restrictions placed on any child sex offender within the community. It is therefore more relevant that those reporting obligations take precedence to those under the Child Protection (Offender Reporting) Act 2004. At the conclusion of the reporting order under the Dangerous Prisoners (Sexual Offenders) Act 2003, an offender will be required to meet their remaining reporting obligations under the Child Protection (Offender Reporting) Act 2004.

The bill also streamlines current reporting processes and reduces red tape by allowing offender information given to the Police Commissioner by the chief executive of corrective services to be considered an initial report for the purposes of commencing a registration on the National Child Offender System. Once released, the offender will be required to report the rest of his or her personal details to police.

The bill standardises the current reporting periods under the Child Protection (Offender Reporting) Act 2004 to five years for an initial offence, 10 years for a subsequent offence and life for any future offending, directly targeting recidivist offending. Whilst these times are slightly lower than the current periods, contemporary research indicates that sex offenders are at the greatest risk of reoffending within the first three to five years of their release into the community.

The new periods of reporting are coupled with more intensive reporting obligations and increased powers of police to investigate child sex offences and effectively manage child sex offenders in the community. In this regard, the bill introduces a new power for police to enter the Child Protection (Offender Reporting) Act 2004 is correct; for example, whether an offender is having unreported contact with children. Some child sex offenders go to extraordinary lengths to establish decoy lives that can withstand scrutiny. This vital power will assist police to determine the accuracy of the information provided.

DNA provisions are enhanced under the bill. Police will be able to take DNA from any child sex offender where a DNA sample is not held under the Police Powers and Responsibilities Act 2000 and retain that DNA after an offender has completed a period of reporting.

020 The time frames for police to apply to a court for a reporting order will be extended under the bill to within six months after the time of sentencing. Currently, a reporting order must be made simultaneous to the time of sentencing. It is not always apparent to police at that time whether a person will pose an ongoing risk to children. This amendment allows police time to collect and provide the requisite information to the court. Finally, the bill will allow some reportable offences to apply to

where the offender mistakenly thought the victim was a child. There is no additional penalty associated with this. However, it does allow the Child Protection (Offender Reporting) Act 2004 to apply to a specific group of offenders who are actively seeking to target children. The bill ensures that Queensland will certainly have the toughest reporting conditions for child sex offenders in this nation. This government is committed to making Queensland a safe state and to protecting those in our community who are most vulnerable—our children. The Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2014 enhances the capacity for this government to do just that. I commend this bill to the House.

First Reading

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (12.40 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

~~COMMUNITIES LEGISLATION (FUNDING RED TAPE REDUCTION) AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 19 March (see p. 735), on motion of Ms Davis—~~

~~That the bill be now read a second time.~~

~~**Mr HATHAWAY** (Townsville—LNP) (12.40 pm), continuing: I will continue from where I left off but, given that there has been such a lengthy interlude in that period—~~

~~**Mr Rickuss:** Just start again.~~

~~**Mr HATHAWAY:** I will not necessarily start again but will highlight some of the points I made in my previous iteration. First of all, I was absolutely gobsmacked by the shadow spokesperson in that during their speech they indicated that the opposition was going to support the bill but then they went off track. It was pretty much like the urgency motion that was debated earlier today. By way of summary, words like `verbosity', `monotonous' and `political grandstanding' come to mind. They also levelled accusations at the committee with regard to a lack of consultation. I reminded the House that there was consultation. There has been significant consultation on this bill and also in its previous guise in the previous parliament. From that consultation we wrote to 28 stakeholder groups and received five submissions. We also invited those same 28 stakeholder groups to come along to the public hearing, although none of them wanted to participate in the public hearing. So consultation on this bill has been lengthy, ongoing and has actually been across two parliaments. Levelling those accusations after the report has been tabled is, frankly, disingenuous. Despite the opposition indicating its support for the bill, that does not stop it from trying to make as much political mileage as it can and kick the can down the road. Having said that, I also remind the House that at no stage was there any statement of reservation or objections or indeed any negative discussion during the committee's review of the bill, so I question it carrying on like it does.~~

~~I will now turn to the actual bill. The objective of this bill is to safeguard funding for the provision of services and products to the community, to reduce red tape and to have more consistent funding arrangements across social service agencies. The Queensland government continues to significantly invest in non-government agencies and indeed, as we heard from the minister's second reading speech, in excess of about $1.5 billion goes into not-for-profit organisations, local governments and other entities to deliver child safety, disability and community services—a significant portion of this government's budget as it stands. Under the current laws, the department administers funding in service delivery across three separate acts—the Community Services Act 2007, the Disability~~