

**Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation  
Amendment Bill 2022**

**Submission No:** 6  
**Submitted by:** Queensland Family & Child Commission  
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**Submitter Comments:**

# Queensland Family & Child Commission



Telephone: 07 3900 6000  
Reference: GRCS – TF22/917

Committee Secretary  
Community Support and Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Committee Secretary

Thank you for providing the Queensland Family and Child Commission (QFCC) with the opportunity to make a submission on the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (the Bill).

The QFCC understands the main objectives of the Bill are to ensure the provisions of the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (the Act) reflects changing offending patterns and behaviours, and to enhance the ability of legislation to protect children's lives and sexual safety.

The QFCC supports these objectives. Through our *Out of the Dark* program, we collaborated with key agencies including Queensland Police Services' Task Force Argos, the Department of Education, the Office of the eSafety Commissioner, yourtown and Bravehearts to amplify messages that aim to educate children, young people and their parents about how to recognise, prevent and respond to online child sexual grooming.

On 28 May 2022, the QFCC held an *Amplify* forum, designed by young people, to identify solutions to improve online safety for children and young people. On 18 August 2022, Principal Commissioner Luke Twyford spoke at the Daniel Morcombe Foundation's *Changing Futures* forum, supporting this valuable work to provide frontline staff with the knowledge, skills, and confidence in identifying, responding and providing early intervention to pre-teens displaying harmful sexual behaviours.

Reducing risk to the lives and sexual safety of children is important. The Act provides a system whereby those people who offend sexually against children are required to keep police informed of their whereabouts, and report their contact with children to reduce the likelihood of reoffending.

It is pleasing to see the Queensland Government continue to enhance measures to protect children from the risk of sexual harm.

The Bill proposes changes to the Act that would make child exploitation material offences 'device inspection offences', requiring a reportable offender to provide all their relevant digital devices to police four times per year for inspection. The Bill also proposes to allow police to enter a residence in order to inspect devices.

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Under section 5 of the Act, children can be made reportable offenders if they have been sentenced for a reportable offence or made subject to an offender reporting order. Prescribed offences in schedule 1 of the Act include making, distributing, and possessing child exploitation material. The QFCC understands some children may be subject to these laws after producing and sharing intimate images in the context of their own relationships, where they may not present further risk of harm to the community.

The Queensland Sentencing Advisory Council has reported that between 2006 and 2016, 1,470 children had been in contact with police for child exploitation material offences, and 28 children were sentenced in court. In addition, in 2017 the eSafety Commission reported nearly one in three children aged 14-17 years in Australia had some experiencing with 'sexting' in the previous 12 months.<sup>1</sup>

Legislation must allow and support police to exercise discretion where children are producing intimate images, to ensure responses are proportionate to a child's actions and situation.

In addition, the Bill proposes changes to the Act to allow the Police Commissioner to require a reportable offender to report the details of a premise they are staying for three or more consecutive days. Further support may be required for children covered by this clause with unstable living arrangements, including children experiencing homelessness or living in out-of-home care, as they may move residence regularly.

If you or your officers have any queries in relation to this matter they may contact Ms Jaime Blackburn, Executive Director, Government Relations and Corporate Services, on [REDACTED] or [REDACTED]

Yours sincerely

[REDACTED]

**Luke Twyford**  
Principal Commissioner  
Queensland Family and Child Commission

20 / 11 / 2022

[REDACTED]

**Natalie Lewis**  
Commissioner  
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20 / 11 / 2022

<sup>1</sup> UK Safer Internet Centre, University of Plymouth, Netsafe & Office of the eSafety Commissioner 2017, *Young people and sexting – attitudes and behaviours: research findings from the United Kingdom, New Zealand and Australia*, [https://www.esafety.gov.au/research/young\\_people\\_sexting](https://www.esafety.gov.au/research/young_people_sexting), accessed 4 November 2022, p. 14.

