

Police Powers and Responsibilities and Other Legislation Amendment Bill 2022

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee

Thank you for providing the Queensland Family and Child Commission (QFCC) the opportunity to make a submission on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 (the Bill).

The Bill seeks to increase the periods for which relevant offenders are required to report under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (the Act). It also seeks to make certain offences, including sexual offences, relevant for controlled operations and surveillance device warrants, along with provisions to investigate organised crime and deter hooning.

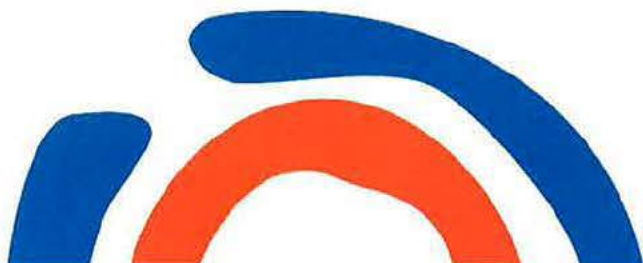
The QFCC welcomes additional safeguards for children. As the online environment presents new challenges, it is important to make sure we have strong provisions in place so that children maintain the right to grow and develop safely.

There are 1.4 million children in Queensland. The Daniel Morcombe Foundation has estimated one in four girls, and one in six boys will experience sexual abuse, in many cases perpetrated by an adult known to the child.¹

The Australian Bureau of Statistics has reported that in 2020, just under half of all sexual assaults recorded in Queensland featured victims aged under 15 years – a shocking total of 2,400 in that age cohort.² Across Australia, the Australian Centre to Counter Child Exploitation received more than 36,000 reports of child sexual exploitation in the 2021-2022 financial year.³

For these reasons, it is important to make sure legislation across Australia is appropriate and consistent to prevent the risk of child sexual offending in our communities.

While these safeguards are crucial, it is also important to make sure these provisions are applied proportionately where children and young people are sentenced to a reportable offence. On 20 November 2022, the QFCC made a submission to the Community Support and Services Committee on the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022, which seeks to introduce additional reforms to offender reporting provisions.⁴ With respect to both that Bill and the current Bill, there is a need to make sure that, where children are sentenced for



relevant offences, provisions are applied reasonably. 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.⁵ 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. 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.⁶ 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.

Legislation should allow and support police to exercise discretion where children are producing intimate images in the context of their own relationships, to ensure responses and reporting periods are appropriate and proportionate to a child's actions and situation.

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

Yours sincerely

[REDACTED]

Luke Twyford
Principal Commissioner
Queensland Family and Child Commission

23/12/22

¹ Daniel Morcombe Foundation, *Frequently asked questions*, <https://danielmorcombe.com.au/frequently-asked-questions/>, accessed 22 December 2022.

² Australian Bureau of Statistics 2021, *Recorded crime – victims*, <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/2020#queensland>, accessed 22 December 2022.

³ Australian Centre to Counter Child Exploitation, *Research & Statistics*, <https://www.accce.gov.au/resources/research-and-statistics>, accessed 22 December 2022.

⁴ Queensland Family and Child Commission 2022, *Submission: Child Protection (Offender Reporting and Offender Prohibition Order) Bill 2022*, <https://documents.parliament.qld.gov.au/com/CSSC-0A12/CPOROPoola-D611/submissions/00000006.pdf>, accessed 22 December 2022.

⁵ *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

⁶ 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>, accessed 4 November 2022, p. 14.

