




Speech By  
**Deb Frecklington**

**MEMBER FOR NANANGO**

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**CRIMINAL LAW (CHILD EXPLOITATION AND DANGEROUS DRUGS)  
AMENDMENT BILL**

 **Mrs FRECKLINGTON** (Nanango—LNP) (4.40 pm): I rise to speak in support of the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012. This important bill addresses the commitment made by our government in our six-month plan, and it is pleasing to see this bill before the House. I congratulate the honourable the Attorney-General for bringing this bill so promptly before the House. I also thank the Legal Affairs and Community Safety Committee, chaired by the member for Ipswich, Mr Ian Berry. I congratulate my colleague on his thorough understanding of the law and this bill and how it stands behind our children. I congratulate the member for Ipswich for his contribution to this debate. Like the member for Ipswich, I have practised in this area of law and have dealt with cases which exemplify how this bill will make the lives of children better and the lives of predators harder, hopefully.

The outcomes of this bill will be extensive. Importantly, they are also necessary. I note the submissions made to the committee by key stakeholders—the Commission for Children and Young People and Child Guardian, Beryl Spencer of the Queensland Child Safety Legislation Action Network and Protect All Children Today—which were generally supportive of the proposed amendments contained in this bill.

I wish to comment on only some of the amendments contained in this thoroughly important bill. First, I mention the removal of the ambiguity that provides a defence in cases where an adult engages in consensual sex with their de facto partner's child who is over the age of consent—aged 16 or 17 years—but not yet an adult, being 18 years. This loophole in the current legislation was highlighted by Beryl Spencer of the Queensland Child Safety Legislation Action Network. This lady comes from my area and has been pursuing this change to legislation for the past four years. In July last year, after so many years of struggling for this change, she established her group to fight for stronger, more effective protection of children. I met Beryl at the Queensland rural women's network function in Wooroolin last year and I listened to her talk at length about the reasons she is so passionate about making this change. She told me that the current defect in the legislation means there is a failure to protect children from sexual abuse by step-parents and others in positions of trust. This is a dreadful, abhorrent situation. In a recent case, convictions for incest were set aside on the basis that the offender was lawfully entitled to be married to the 17-year-old daughter of his long-term de facto wife when he commenced a sexual relationship with the girl. This bill will amend this defence to ensure it is only available if the parties are actually married or, if not married, both parties are adults and entitled to be lawfully married—therefore, over 18 years.

Beryl Spencer was also extremely pleased to hear that we are creating a new offence of grooming. This is a vitally important aspect of the bill. The offence of grooming targets an adult who engages in conduct in relation to a child with the intention of facilitating the later procurement of the child for sexual activity or to expose the child in any indecent manner. The member for Ipswich covered this issue very well. Our children are potentially exposed via the internet minute by minute

and hour by hour. Whilst we might try with Net Nanny and other tools, it is impossible for parents to monitor every second what children are seeing and receiving on the internet. There are people out there who deserve the stronger sentences that will be passed down to them as a result of the passage of this bill if they are convicted of the offence of grooming. I do hope they are all caught.

This new offence will capture wide-ranging behaviour. It also provides the potential for police to intervene before a sexual act or a sex related activity takes place. This is so important, because in the past they had to wait to find evidence of a sex related activity. Children do not have the mind of an adult in order to understand when activity of a grooming nature is occurring or to comprehend the potential consequences of being asked to put photographs on the internet.

Unfortunately, Beryl Spencer is currently in hospital and cannot be here to see the passage of this important bill. I wish her a speedy recovery. I am glad that she continued her fight to see legislation changed. I am so pleased to be a part of this LNP government, which will make these important changes to enhance our ability to protect our children from further harm and to give harsher sentences to people brought before our courts. This will be appreciated by people, like me, who have been in the legal profession and have been put in the position of defending these people. I certainly congratulate the Attorney-General for bringing this bill before the House. It is so desperately needed and important.

Importantly, this bill seeks to amend the definition of child exploitation material to clarify that it includes animated or virtual images of children. Most importantly, it also seeks to increase the maximum penalty that can be imposed on people found guilty under this part of the act—from five years imprisonment to 14 years imprisonment. I congratulate the Attorney-General for having the common sense to bring about decent sentencing for these offenders. If I continue I will probably say something unparliamentary, so I will stop there.

I refer to the increase to the maximum penalty for the offence of using the internet to procure children under the age of 16 years to engage in a sexual act from five years imprisonment to 10 years imprisonment. This is just so important. If we do not provide a deterrence, we just will not prevent these offences occurring. I congratulate the committee for its thorough investigation of this bill and the Attorney-General for bringing this bill before the House to protect our children. I strongly commend this bill to the House.