




Speech By
Shane Knuth

MEMBER FOR DALRYMPLE

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

 **Mr KNUTH** (Dalrymple—KAP) (3.01 pm): The Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 seeks to amend the definition of child exploitation material to include animated and virtual images; add circumstances of aggravation to the offences of unlawful sodomy, indecent treatment or carnal knowledge of a child under 16 with an impairment of mind; provide a new offence of grooming and make sentencing provisions for this offence; increase the maximum penalties for child exploitation material offences such as the production and distribution of such material; increase maximum penalties for using the internet to procure children for engagement in a sexual act; remove the 'right to marry' defence to incest by a de facto partner; and allow charges for multiple offences relating to child exploitation material to be joined.

The bill also amends the Drugs Misuse Act 1986, the DMA, to create a new offence of trafficking in precursors to enable persons who engage in selling large quantities of substances used to create illegal drugs to be charged; amend the definition of 'dangerous drug' to tighten the control of synthetic substances that have similar effects and composition to illegal substances; make other minor changes relating to the forfeiture of proceeds relating to the production, trafficking and sale of illegal drugs; and tighten controls on the failure to dispose of hypodermic needles safely, irrespective of their use. The legislation also tightens controls on the issue and management of yellow and blue cards in Queensland.

I will not speak too much on the changes to the Drugs Misuse Act, except to say that in the initial reading of the bill the changes appear to be sensible and achieve their stated policy objectives. I commend the government and the Attorney-General for the strong stance taken with regard to the issue of child exploitation and child sex abuse.

I am pleased to support the changes that the Attorney-General has introduced in this bill. I believe that community expectations relating to the sentencing of people who engage in exploiting children sexually have not been upheld by our judiciary and these steps provide the judiciary with a means to meet higher community expectations of stronger sentences for child sex offenders. However, legislative changes to maximum sentences are only half the solution.

Those responsible for applying those maximum sentences must be mindful and aware that they have a duty to consider community expectations when determining what is an acceptable sentence for a given offence. I believe that the government has done its part with the introduction of this bill to give the judiciary the means to meet community expectations, but it is concerning to me that the Queensland Law Society expressed in its submission that the increased maximum sentence for unlawful sodomy of a child under 16 with an intellectual impairment was 'excessive'. I fully support the government's strong stance on increased maximum sentences, but I am alarmed that the Queensland Law Society believes it will make no practical difference.

As an organisation that represents the judiciary, the Queensland Law Society indicates in its submission that those responsible for applying these changes will not choose to take advantage of

increased sentences to send a clear message that this behaviour is abhorrent and unacceptable in our community. The Queensland Law Society's statement reflects a judiciary that has become detached from the feelings of the broader community on these types of offences. There are no quick solutions to the alarming increase of child pornography and child sex offences, but I believe there needs to be greater cooperation between the executive and the judiciary to apply community expectations when sentencing and dealing with this important issue.

I commend the minister for the strong position that he has taken with regard to this issue and indeed other issues such as the greater punishment regime put in place to protect police officers from assaults from criminals. I also commend the minister for his previous bill to introduce boot camps. That is a great initiative. There were many issues in relation to the criteria in implementing these boot camps, and one that was brought up on the weekend in the *Townsville Bulletin* was Youfla, which is a camp that already teaches skills in relation to preparing young kids who offend in terms of getting them ready for the workforce. I know that the member for Townsville is very supportive of that. I commend the minister for the position that he has taken on this bill and his position on crime. I commend this bill to the House.