




Speech By
Trevor Watts

MEMBER FOR TOOWOOMBA NORTH

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

 **Mr WATTS** (Toowoomba North—LNP) (12.08 pm): Today I rise to speak in support of the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill. In doing so, I thank the Attorney-General for pursuing our objective of making Queensland the safest state in which to raise a child. A commitment was made by this government to amend laws to address synthetic drug penalties and child pornography and some child sex offences, including a new offence of child grooming. This bill moves to do those things. The bill will amend the Criminal Code Act 1899, the Drugs Misuse Act 1986, the Evidence Act 1977, the Commission for Children and Young People and Child Guardian Act 2000 and the Disability Services Act 2006.

I will address first that significant part of the bill that is aimed at protecting our children from being exploited, which is those amendments that significantly strengthen our Criminal Code. As society evolves, technology, wi-fi and other things are developing at a fast pace and it is very important that legislation keeps up. This legislation captures animation and virtual images in the definition of child exploitation material. I think this is all about ensuring that Queensland keeps pace with technology and the changes that are happening. This bill amends the definition of child exploitation material in section 207A of the act to ensure that animated and virtual images of children are caught by that definition. I congratulate the Attorney-General on ensuring that the Criminal Code is up to date and modern and has the ability to serve its purpose.

The bill also inserts new circumstances of aggravation in section 208 for unlawful sodomy; section 210, the indecent treatment of children under 16; and section 215, carnal knowledge with or of children under 16. I have included what those sections stand for so people understand exactly what we are talking about. A circumstance of aggravation will allow for a more severe penalty if this offence is committed. That will allow for a greater punishment of those who would prey on our most vulnerable, and that is when such an offence is committed against a child with an impairment of mind. I think it is very important that we introduce such a circumstance of aggravation to protect children. Children are always vulnerable, but a child with an impairment of the mind is obviously as vulnerable as anybody in our community can get. This bill ensures that punishments are severe and are appropriately in line with the expectations of the community.

This bill also provides a new offence of grooming. Again, given technological developments, the internet and other things are being used to groom children. By ensuring that this particular offence is now captured, police will be allowed to intervene before sexual activity takes place. Again, that protects the child before their innocence is taken from them by this most heinous of crimes. This bill will also increase the maximum penalty of five years imprisonment or 10 years if the child is under 12 to target adults who engage in any conduct in relation to a child under 16 years or a person the adult believes to be under the age of 16 years. This new grooming offence is important, because police, in their investigations, need to be able to use techniques that keep pace with those predators who are out there in our community. This amendment ensures that police are able to do that so that somebody

who believes that they are dealing with a person under the age of 16 are, in fact, dealing with a police officer. I commend the Attorney-General for ensuring that we are able to conduct those kinds of investigations to protect our community.

The bill also increases the maximum penalty for the offence of possession of child exploitation material, which is section 228D of the act, from five years to 14 years imprisonment; 10 years to 14 years imprisonment for the offence of involving a child in making child exploitation material, which is section 228A of the act; making child exploitation material, which is section 228B; and distributing child exploitation material, which is section 228C. I think those penalties need to be increased. Again, I support absolutely the government's objective to ensure that Queensland is the safest place in which to bring up a child and that people in the community and predators understand that the Queensland government cannot be more serious about ensuring that the appropriate penalty is implemented if someone is found guilty of such offences. The bill also increases the maximum penalty for the offence of using the internet to procure children under the age of 16 to engage in a sexual act from five years to 10 years and increases the maximum penalty for an aggravated form of the offence—that is of a child under the age of 12—from 10 years to 14 years imprisonment and creates new circumstances of aggravation where the procuring conduct involves the offender meeting a child or travelling with the intention to meet a child. Again, these are all amendments that allow our Police Service to be armed and capable of dealing with these predators as they become more sophisticated in taking away the innocence of our youth.

Unfortunately, because of the changing dynamics of families a loophole in our Criminal Code has evolved whereby a father in a de facto relationship would not be captured under the existing incest laws. There has been a case here in Queensland where that has happened. A de facto groomed his long-term partner's daughter to have sex with him after she reached the age of 16 or 17. A father is supposed to be a role model. He is supposed to be protective and provide an environment of safety. For someone to hide behind the structure of families that exist in Queensland today and to suggest that this is not an incestuous relationship is just plain offensive. I am pleased that the Attorney-General has included that circumstance in the legislation.

This bill deals with another area of importance and that relates to drug dealers, which are a scourge upon our society. They bring great personal and family pain and their only objective is their own profit. This legislation closes a loophole by amending the Drugs Misuse Act 1986 to create a new offence of trafficking in precursors. I think it is very important that definitions in legislation are up to date and are able to be used by police. This bill amends the definition of a dangerous drug to include the synthetic drugs that are available in our community. The current definition of a dangerous drug encompasses analogues of scheduled substances. The definition of a substance is amended to include an analogue of a scheduled substance if it has similar chemical structures or a similar pharmaceutical effect to the scheduled substance. So in plain language we are trying to say that if people were dealing in drugs that have a similar structure or a similar effect—

Mr Rickuss: If it looks like a duck, it is a duck.

Mr WATTS: That is exactly right. If it looks like a duck, it is a duck. I take that interjection. There are people who have been hiding behind the technical sophistication of chemical compositions to try to get away with what we know they are doing, which is dealing in drugs and putting our youth and others in the community in danger. I think those amendments are very important parts of the legislation. I congratulate the Attorney-General on taking forward the suggestion put forward by the committee to include drugs of a similar nature in those precursor schedules, because there are drugs out there that of themselves may not be dangerous but they are the precursors to making dangerous drugs. Again, people are hiding behind the technical sophistication of chemical compositions to try to get away with what we know they are doing, which is trafficking in precursors with the intent to manufacture dangerous drugs so that they can exploit our youth and others in our community for their own financial gain. They should be punished accordingly under the Criminal Code. Again, I thank the Attorney-General for doing that.

As someone who has been involved in the hospitality industry and seen up close and personal the effects that these drugs have on our community and have had to deal with people and been witness against people who have dealt in these drugs and tried to take advantage of our youth, I can only commend the Attorney-General for giving the police the legislation to enable them to prosecute and hold accountable the people who are out there to take advantage of technical aspects of the law.

I thank my colleagues on the Legal Affairs and Community Safety Committee and, of course, the secretariat who always do a lot of work for us in preparing the reports. I most of all would like to thank the Attorney-General for bringing this bill forward, closing some of these loopholes and providing Queensland an opportunity to become the safest state in Australia to raise a child. I commend the bill to the House.