




Speech By
Jennifer Howard

MEMBER FOR IPSWICH

Record of Proceedings, 11 May 2017

**CHILD PROTECTION (OFFENDER REPORTING) AND OTHER LEGISLATION
AMENDMENT BILL**

 **Ms HOWARD** (Ipswich—ALP) (4.20 pm): I rise to speak in support of the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016. One of the most valuable assets in our community are our children. As is so often said, children are the leaders of the future. Whether that entails them becoming scientists, teachers, doctors, premiers or prime ministers, it is our duty to care for and nurture their development. It is the responsibility of all of us here today to ensure that they are given the best opportunities to succeed in any life that they choose to lead. It also entails us treating their safety as paramount.

I take this opportunity to commend the Palaszczuk government and the Minister for Police on the Child Protection (Offender Reporting) and Other Legislation Amendment Bill. In Queensland, we separate offender reporting legislation into two distinct yet intrinsically linked acts—the Child Protection (Offender Reporting) Act 2004 and the Child Protection (Offender Prohibition Order) Act 2008. The CP(OR)A places an obligation on offenders who commit sexual or other particularly serious offences against children to report their personal details and whereabouts for a period of time after their release from government detention to the appropriate officials. The CP(OPO)A, on the other hand, provides for the protection of the lives and sexual safety of children by regulating the day-to-day conduct of relevant sexual offenders through the issue of offender prohibition orders, or OPOs.

The list of relevant sexual offenders are reportable offenders, previous reportable offenders and offenders who would have been reportable offenders had their sentences not been completed prior to the introduction of the offender reporting legislation. These are two very important bills, and provide guidance and assurance that we as a government are placing the highest consideration on our children's safety. While these bills have been of great use, we now seek to amalgamate them, merging the CP(OPO)A with the CP(OR)A, integrating the processes and prohibitions associated with OPOs with the monitoring process used by police to manage reportable offenders under the CP(OR)A.

This is an important step for our state to take. We must guarantee that reported offenders are held to certain levels of community expectation, and that their readmission to the community will not come at the expense of our children or their family's safety. Streamlining the administration of the offender reporting legislation to enhance current protective mechanisms for children in our community will provide the assurance parents and families desire.

I would like to highlight first the expanded police powers that will be provided for under this bill. One of these is that police will now be able to demand that a reportable offender provide access to information, such as passwords and other forms of encryption, to any electronic device or to any information that can be accessed through an electronic device where there is a reasonable suspicion that a reportable offender has committed an offence under the offender reporting legislation.

A reportable offender who fails to provide access will commit an offence and be liable to a maximum penalty of five years imprisonment or 300 penalty units. This will be beneficial to police investigations and will provide a much needed deterrent for repeat offending. In the aspiration of keeping our children and their families safe, we cannot allow these individuals to maintain secret files and databases that may incriminate them in unspeakable acts.

It is imperative when there is reasonable suspicion from police that one of these individuals has committed an offence that they be granted immediate and thorough access to any and all of these types of files. This ties directly into our duty of ensuring that our children are kept safe from such machinations, and I heartily support any proposal that will enhance their security.

Police cannot just walk into a reportable offender's home and force them to provide access, which would be a violation of their privacy. For an officer to access this information, they are required to make an application for a post approval order to a magistrate. If this post approval order is not provided, the reportable offender is not required to provide access.

It is not only police powers that were increased through this process. Previously, reportable offenders were able to spend up to seven days outside of Queensland undetected. However, the amendment has seen this time be restricted to 48 hours outside of the state. The objective of this recommendation is simple: to restrict the capacity for reportable offenders to travel outside of Queensland undetected for short periods of time. This not only means that it will be easier for these people to be located in the event that they are wanted by police; it also provides assurance to our neighbours that no persons from Queensland who could pose a risk to their children will be able to stay for extended periods of time undocumented in their state.

Finally, I would like to mention that there have been changes to reportable offences and court processes. This bill allows a court to make an offender reporting order where it is satisfied that an offence, for which an offender has been found guilty, contains elements of a reportable offence. In addition, where a court does not make an offender reporting order, a police officer will be able to make an application to a court for an offender reporting order to be made. This will enable the court, if a person's indicted offence does not or is not able to reflect the reportable offence committed or where the offender has pleaded guilty to a lesser offence, to level an appropriate offender reporting order. This will ensure that people who are potentially a risk to our children are not given free rein in the community, facilitating police to keep a more watchful eye on their activities.

The member for Mount Ommaney and I recently had the privilege of attending an international CPA conference on national security in London. We had briefings from numerous high-level organisations and we heard some very disturbing things about child exploitation worldwide. We were both very proud to hear the Queensland Police Service's Operation Argos spoken of as a world leader when it comes to tackling child exploitation. The Task Force Argos team was awarded the International Law Enforcement Cybercrime Award 2011, which is a gold award, by the Society for the Policing of Cyberspace, a Canadian based organisation committed to enhancing partnerships in order to prevent and combat crimes in cyberspace. This is yet another example of Queensland leading the way. I really take my hat off to Operation Argos and to all the police in the Ipswich area, led so ably by Ipswich's first female district superintendent of police, Charysse Pond.

As I have stated, the safety of our children is of paramount concern. It is the duty of not just us but also the courts, the police, and the community to provide basic assurances and safeguards to parents, guardians and carers that the children in their care will be protected. I commend the bill to the House.