Speech By

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MEMBER FOR NUDGEE

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CHILD PROTECTION (OFFENDER REPORTING) AND OTHER LEGISLATION AMENDMENT BILL

Ms LINARD (Nudgee—ALP) (4.35 pm): I rise to speak in support of the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016. Few areas of policy and legislation evoke stronger emotions than those related to the management of people convicted of sexual or other crimes against children. It is a deeply troubling area of policy and legislation. I am sure that, sadly, there are others in this House, like me through my own family, who know the deep wounds that are left by offences of this nature or, reciprocally, have felt the deep anger and disbelief when someone known to them is charged and convicted of such heinous offences, as has been my unfortunate experience just this past month.

We have to get this right. We must do everything within our power to protect the most innocent and vulnerable members of our society—our children. In Queensland, as has already been clearly articulated in this debate, there are several pieces of legislation that work together to monitor, control and limit the conduct of those who have been convicted of offences against children and who at some stage will return to live in the community.

Section 60 of the Child Protection (Offender Prohibition Order) Act 2008 requires the Crime and Corruption Commission to review the operation of the act five years after commencement, which was completed in December 2014. The commission's review of the act included an examination of the offender prohibition order act; particular aspects of the offender reporting act; policy and training documents; official data from the Queensland Police Service, Queensland Corrective Services and Queensland courts; interviews with key stakeholders, and public submissions.

The Crime and Corruption Commission made 17 recommendations as part of its review of the act aimed at improving the way offender prohibition orders are used to protect children from people who are the subject of the aforementioned acts. The review found that the way the prohibition order act works in conjunction with the Child Protection (Offender Reporting) Act may complicate the system for managing relevant offenders. It found further that Queensland's legal provisions as they currently stand, located in separate acts, contrast with the approach taken in a number of other Australian jurisdictions—I believe it is four jurisdictions—where both sets of provisions are found in a single act. The commission thus recommended that the two acts be combined. Other recommendations contained in the 2014 review included improved training, resources and powers available to police to monitor offenders and secure offender prohibition orders where deemed appropriate.

The bill before the House gives effect to the recommendations for legislative change recommended by the Crime and Corruption Commission review—amalgamating the two acts. By doing so, it better integrates the processes associated with monitoring and managing reportable offenders. The bill also contains important amendments to reporting obligations and the offender prohibition order application process, the introduction of an extended information-sharing framework and additional police powers.

In regard to what constitutes a reportable offence, clause 7 of the bill provides that a person will be a reportable offender if the court makes a declaration that it is satisfied the facts and circumstances surrounding the offence constitute elements of a reportable offence. Hence, the bill recognises the importance of identifying and monitoring a person who is found guilty of committing, attempting to commit or intending to commit a sexual or other particular serious offence against a child. This will effectively prevent a person charged with a reportable offence who pleads guilty to a lesser charge from avoiding categorisation as a reportable offender and hence a requirement to comply with more stringent reporting obligations under the act.

The bill provides police with additional powers under the PPRA to seize and/or inspect any device capable of storing electronic data if, in the last three months, the reportable offender has been released from detention, sentenced to a supervision order or convicted of a prescribed internet offence or if a magistrate makes a device inspection order. If such conditions are met, police will be able to access information on electronic devices, including the search history of websites, social networking sites, instant messaging and chat rooms a reportable offender may have accessed. The software is also capable of identifying image files on the device, including child exploitation material.

The proposed powers under section 21B of the PPRA, consistent with recommendation 13 of the Crime and Corruption Commission review, include a requirement to provide access information, such as PIN numbers and passwords to any device including cloud storage, to police. There will be an accompanying increase in the maximum penalty for an offence of hinder police, which will be increased from a maximum of 60 penalty units, or 12 months imprisonment, to a maximum penalty of 300 penalty units, or five years imprisonment.

These powers are significant and the increase in penalties for contravention of the proposed amendments is significant. Let us not be under any illusions. This is about the disruption and prevention of recidivist sexual offending against children. Too often police are frustrated from accessing evidence and materials in relation to internet based sexual offences against children including the possession, production or distribution of child exploitation material, online grooming and solicitation of children by the perpetrators of such offences who for the most part will do anything to avoid getting caught. I believe the additional powers proposed in this bill are proportionate and warranted.

I would like to acknowledge the work of the Education, Tourism, Innovation and Small Business Committee and particularly the committee chair, the member for Townsville, who considered the bill. I also acknowledge the Minister for Police, the member for Morayfield, who has brought these important improvements before the House. I also acknowledge the tremendous work undertaken by Task Force Argos and officers of the Queensland Police Service. I recall the minister in his introductory speech provided an estimate that the cost of sexual abuse and trauma to the Australian community is in the order of $6.8 billion annually. However, we all know that the true cost, the human cost, is immeasurable. We must do everything within our power to protect the most innocent and vulnerable members of our society: our children. Accordingly, I commend the bill to the House.