




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 11 May 2017

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

Second Reading

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (12.20 pm): I move—

That the bill be now read a second time.

Firstly, I take this opportunity to thank the Education, Tourism, Innovation and Small Business Committee for its thorough examination of this bill, an important bill to better protect our children. The committee received submissions from Protect All Children Today, the Queensland Council for Civil Liberties and the Crime and Corruption Commission Queensland and I commend those organisations for contributing to the development and examination of this bill.

The committee's report was tabled on 7 March and includes eight recommendations. I am pleased to say that the government has considered all those recommendations and supports every one of them. I table the government's response to the committee report.

Tabled paper: Education, Tourism, Innovation and Small Business Committee: Report No. 28—Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016, government response [\[708\]](#).

Before I address the committee's recommendations, I also take this opportunity to commend the Crime and Corruption Commission for its extensive review of the operation of the Child Protection (Offender Prohibition Order) Act 2008. The committee has recommended that the bill be passed and I thank all members for supporting this important piece of work because, as I am sure all members of this House will agree, nothing is more important than the safety of our children.

I intend to propose a number of technical amendments during consideration in detail of the bill. They relate to the Child Protection (Offender Reporting) Act 2004 and do not alter the intent of this bill or the recommendations of the Crime and Corruption Commission. Some of these technical amendments will clarify when a person stops being a reportable offender, extend current information-sharing provisions as they relate to Queensland Health and extend the definition of 'protected witness' to include an alleged victim of the offence who was under 16 years when the offence occurred, irrespective of the victim's age when giving evidence. These amendments have been circulated in my name and are accompanied by explanatory notes.

This bill gives effect to the recommendations by the Crime and Corruption Commission and reflects the Palaszczuk government's strong commitment to child protection. The bill has a clear focus on early intervention, disruption and the prevention of recidivist child sex offending. To effectively achieve this we need to arm our police with the tools they need to swiftly respond to any risk associated with the activities or behaviours of convicted child sex offenders in our community. This bill provides our police with those tools. Police will have the capacity to request access to electronic devices such

as computers, laptops and mobile phones where there is a reasonable suspicion that a reportable offender has committed an offence under the offender reporting legislation. By reportable offender, I am talking about a person who has been convicted of a sexual or serious crime against children. That is the definition of a reportable offender—one of the worst types of offenders. Police will also be able to inspect any device in the possession of a reportable offender within three months of their release from prison or their sentence to a supervision order and where an offender has been convicted of an offence which involves child exploitation material. Offenders who present an increased risk of reoffending against a child will also be liable to have their devices inspected where an order is made by a court authorising the inspection.

Protective mechanisms for all victims of child sexual abuse have been strengthened in this legislation. The government has empowered the judiciary to declare a person a reportable offender where the court is satisfied that the facts and circumstances of a matter before the court constitute elements of a reportable offence. No longer will these people escape the classification of reportable offender simply because they pleaded guilty to a lesser offence or the charge did not particularise that the person committed, attempted or intended to commit a sexual offence against a child. Our government remains committed to holding perpetrators of these heinous crimes to account for their actions. Empowering the judiciary in this regard meets that commitment.

There are other protective mechanisms for victims of child sexual abuse. This bill will put a stop to the practice that allows perpetrators of sexual and other serious offences against children to personally cross-examine their victims during civil proceedings. It is abhorrent to think that these offenders have, in the past, been allowed to cross-examine their victims under the guise of self-representation. I am sure all members of this House would agree that we do not want child victims of sexual assault to go through any further trauma. Yes, this bill is tough, but it is only tough on those in our community who continue to prey on the most vulnerable members of our community—our children.

This bill reduces the time frames associated with travelling into and outside of Queensland for those offenders. Allowing reportable offenders to enter and leave Queensland undetected for up to seven days is unacceptable. This bill reduces that timeline to 48 hours because there is no excuse for convicted child sex offenders to be absent and unaccounted for. Nor is there any excuse for convicted child sex offenders not to report the details of any children that they are travelling with or fail to report any contact they have had with children who live outside Queensland. Reporting these details is vital to preventing and disrupting recidivist sexual offending against children. Offenders will be required to report when any of their personal particulars change and allow police to photograph anything that is required to be reported under the offender reporting legislation, such as tattoos, a new vehicle or a change in their appearance.

Amendments to the civil processes relating to offender prohibition orders will give courts more flexibility in making an order when any conduct of concern has occurred. This will help police closely monitor the behaviour and activities of offenders in the community. The bill allows civil applications for offender prohibition orders to be heard at the same time as any associated criminal matter. Adjourning applications for offender prohibition orders until the conclusion of associated criminal matters puts children at risk. This is clearly an unacceptable and draconian policy.

This bill is tough, but it is fair. It recognises that some reportable offenders are not able to meet their reporting obligations because of mental health issues or are not able to consent to prohibition orders because of a cognitive or other disability. Reportable offenders who are unable to meet their reporting obligations for these reasons are able to be suspended from their reporting obligations for a period of time, but let us be clear—and this is important—only when those people do not pose a risk to the safety of children. This suspension can be swiftly revoked if there is any indication of risk to children. There are some reportable offenders who are not able to give informed consent, and this must also be taken into consideration. Offenders who have a cognitive impairment or a significant mental illness may not understand the ramifications of consenting to an offender prohibition order. In that case a magistrate can conduct a hearing about an application if there are any concerns that an offender does not have the capacity to consent to an offender prohibition order.

Early intervention is vital to disrupting and preventing recidivist child sexual offending. An important tool in early intervention is information sharing. This bill introduces an information-sharing framework. This will ensure that everyone who requires information to manage reportable offenders in the community has that information. This includes non-government entities that provide housing and other services to convicted child sex offenders. The Police Commissioner may provide the offender's name and date of birth, the term of any order, any conduct prohibited or anything that is reasonably considered necessary to identify an offender to protect the safety of a child in the agency's care. In turn,

those agencies will be empowered to provide information to the Police Commissioner that may disrupt the offending cycle. It also enables the Police Commissioner to share information with government entities such as Queensland Health and the hospital and health services that may be involved in the care or treatment of a child.

The bill amalgamates two very important pieces of legislation into one distinct act. It streamlines processes so that important policing resources can be directed to managing the compliance of reportable offenders in the community. This bill is all about protecting our children and keeping them safe. I commend the bill to the House and I encourage all members to support it.