Speech By

Tim Mander

MEMBER FOR EVERTON

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CHILD PROTECTION (OFFENDER REPORTING) AND OTHER LEGISLATION AMENDMENT BILL

Mr MANDER (Everton—LNP) (12.30 pm): I rise to address the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016, which was introduced by the police minister late last year. I think this is the first bit of legislation that the new minister introduced. I am not sure if I should be congratulating him or showing him some sympathy, considering that his predecessor may have set him up given some of the things in this bill. I note that following its review of the bill the committee strongly condemned the explanatory notes that were provided with the bill. In fact, they recommended that they be completely replaced. A specific recommendation in the committee report states—

The committee recommends that accurate, clear, precise and comprehensive explanatory notes for the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be tabled as a priority. The replacement explanatory notes should satisfy the requirements of section 23 of the *Legislative Standards Act 1992*.

The committee went on to state—

The committee does not consider that the explanatory notes were sufficiently clear to comply with section 23 of the *Legislative Standards Act 1992.*

In a Bill which proposes to amalgamate two Acts and simultaneously proposes an array of amendments to the offender reporting framework, clear and precise explanatory notes are essential. The explanatory notes should contain sufficient detail for readers to understand the purpose and intended operation of all aspects of the Bill, and should not contain descriptions of amendments that are not actually in the Bill. Accurate, clear and precise explanatory notes would greatly assist the committee, Members of Parliament, the courts and other stakeholders to understand the legislation.

I have to say that that is an extraordinary recommendation. It is the first time that I have seen that in my five years as a member of this House. It is joint government and opposition condemnation of a previous minister's shoddy work, particularly when dealing with such an important and sensitive subject as the protection of our children against serious sexual predators. I am not sure if the police minister was set up by his predecessor or his three Labor comrades on the committee, the members for Townsville, Maryborough and Pumicestone. However, I digress. I turn to the substance of the bill.

From the outset, I should advise members that the LNP will not be opposing these changes, particularly given that they emanated from an LNP commissioned review by the Crime and Corruption Commission, which started in 2013 and was finalised in 2014. I start by saying that as a government we were strongly committed to protecting vulnerable Queenslanders, particularly our most vulnerable, that is, our children, in our aim to make Queensland the safest place to live, work and raise a family. The LNP has a strong record of standing up for children and strengthening the laws against child sex offenders. We introduced mandatory life imprisonment for repeat child sex offenders, with a minimum non-parole period of 20 years. We increased penalties for child exploitation material offences and other child sex offences and inserted a new offence of grooming into the Criminal Code. We introduced a mandatory sentence of one year imprisonment for a sex offender who tampers with or removes a GPS monitoring bracelet. We introduced amendments to ensure the maximum penalty for procuring a child

or a person with mental impairment for prostitution is increased from 14 years to 20 years. We introduced amendments to allow the court to list a predator convicted of child grooming as a dangerous offender. We enforced more stringent reporting conditions for offenders under changes to the Child Protection (Offender Reporting) Act 2004. We remain strongly committed to that position. We will always stand for strong regulation and law reform that protects children from serious sexual predators in our community.

As outlined in the explanatory notes, the bill before the House implements its key objectives by introducing new powers to allow police to require access to information on electronic devices, for example passwords, where there is a reasonable suspicion that the reportable offender has committed an offence under the offender reporting legislation; introducing powers for police to take fingerprints to enrol a reportable offender in an automated reporting system and take photographs at a location other than a police station; streamlining, simplifying and strengthening processes for offender prohibition orders; extending the information-sharing network to allow government and non-government agencies to give and receive information and protect information, such as the name of the respondent or the victim; extending protection from liability for members of the community who provide information about a reportable offender to the Police Commissioner; and reducing the time frames for reporting travel into and out of Queensland by a reportable offender to clarify that reportable contact with a child extends outside Queensland, including online contact with a child from another jurisdiction.

As I referred to earlier, the genesis of this bill was a review tabled by the Crime and Corruption Commission in late 2014 under the hand of the late former chairman, Dr Ken Levy. As we debate this legislation today we should pay tribute to him, because these changes are part of his great legacy to this state. His review made a number of findings. The CCC found that over the five years the act has been in force 48 prohibition orders were made in response to concerning conduct. The number of orders is comparable to that of similar orders in other Australian jurisdictions. Offenders who received those OPOs engaged in a higher volume of and more serious concerning conduct than other reportable offenders. Collectively, those 21 offenders were convicted of over 100 sexual or other serious crimes against children in Queensland. Of those 21 offenders, seven breached their OPO and were charged with failing to comply with at least one condition of their order. The penalty imposed was usually a term of imprisonment. One offender was known to have committed a new offence against a child while an OPO was in effect.

The time taken to obtain an OPO varied from nine days to just under three years, with the police application process tending to take longer than the court process. Although delays could have put children at risk, when there was an immediate risk to a child that process occurred far more quickly. Several applications for OPOs were based solely on legal concerning conduct, for example, being in a place where children congregate, suggesting that police viewed such behaviour as possible precursor conduct. The remaining applications were based on both legal and illegal conduct, indicating that even when an offender had committed a criminal offence the police would also apply for an OPO alongside the criminal charges to prohibit subsequent legal conduct that might be a precursor to a future offence.

Overall, the CCC found that police were using the act to prohibit conduct that could be a precursor to the commission of a new offence and the OPOs were being made for offenders with a high risk of reoffending. In numerical terms, the data obtained for this review showed that the use of OPOs as a response tool was limited, with 21 offenders receiving an OPO. This might simply indicate that police were opting to use a tool other than an OPO to respond to concerning conduct. The review also found that there were some substantial delays in the OPO process, particularly at the police application stage.

Key changes put forward in this bill include merging the Child Protection (Offender Prohibition Order) Act 2008 into the Child Protection (Offender Reporting) Act 2004 to create one act dealing with reportable sex offenders; streamlining, simplifying and strengthening offender prohibition order processes, as recommended by the Crime and Corruption Commission review; amending civil court processes to prohibit a self-represented offender from cross-examining a child witness or a person who was a child when the alleged offence occurred, as recommended by the CCC review; and amending the definition of 'concerning conduct' to ensure that police can better identify when conduct is concerning, to more appropriately align with the risk the offender poses to the lives and safety of children in the community, as recommended by the CCC review.

Other key changes in the bill include: introducing an extended information-sharing framework designed to allow government and non-government agencies to give and receive information relative to a reportable offender—safeguards are in place to ensure the protection of identifying information by increasing the penalty where the information is used to harass or intimidate respondents; broadening the scope for offenders to be considered as reportable offenders; reducing the time that reportable offenders can travel into and out of Queensland without needing to notify the relevant agencies; and

introducing new powers which will allow police to require access information to electronic devices or to information which is able to be accessed through electronic devices in circumstances where there is a reasonable suspicion that the reportable offender has committed an offence and to allow police to inspect electronic devices in the possession of those reportable offenders who pose the greatest risk of reoffending. These new powers will allow police to intervene prior to the commission of an offence and to disrupt the offending cycle.

It is also worth noting that the committee which reviewed this bill made a total of eight recommendations to improve and clarify its operation. I want to thank the committee members for their thorough analysis of this bill and these important changes. We should always look at what we can do to strengthen our laws to protect our children against the worst of the worst kind of criminal—that is, sex offenders who prey on our most vulnerable Queenslanders.

I also want to thank and acknowledge those organisations that provided submissions to the committee, particularly Protect All Children Today, PACT—a not-for-profit organisation which is dedicated to enhancing the child protection system in Queensland by reducing the trauma experienced by all children and young people who are required to give evidence within the Queensland criminal justice system as victims or witnesses. As I mentioned earlier, we will not be opposing these changes.