




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

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**CRIMINAL CODE (CHILD SEXUAL OFFENCES REFORM) AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mrs GERBER** (Currumbin—LNP) (5.49 pm): I rise today to speak on the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. Although the introduction and committee consideration of this bill predates my time in this place, I had experience prosecuting child sexual offences during my career as a former federal prosecutor where I was part of a team that busted and prosecuted paedophile rings.

The key policy objective of this bill is to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual offences by implementing the key recommendations of a series of different reports—the report from the Royal Commission into Institutional Responses to Child Sexual Abuse, which made a total of 409 recommendations aimed at making institutions safer for children; the *Criminal justice report*, which contained 85 recommendations aimed at providing a fairer response to victims of child sexual abuse; and the Queensland Sentencing Advisory Council report titled *Classification of child exploitation material for sentencing purposes*, which recommended changes to sentencing guidelines.

In order to achieve the objectives, the bill amends the Queensland Criminal Code in a number of ways. It provides for retrospective application of the offence in section 229B, under ‘Maintaining a sexual relationship with a child’. It extends the grooming offence in section 218B to certain persons other than the child. It provides for retrospective application of the removal of limitation periods on prosecutions for certain child sexual offences. It creates a new offence of failure to report a belief of a child sexual offence that requires all adults to report child sexual abuse to police. It creates a new offence of failure to protect a child from a sexual offence that applies in an institutional context. It ensures that the new offences of failure to report or failure to protect apply to information or knowledge gained during, or in connection with, a religious confession.

The bill also amends the Penalties and Sentences Act to exclude good character as a mitigating factor at sentence where that good character facilitated the child sexual offending. The amendment to the Penalties and Sentences Act will also provide that, when sentencing offenders for historic child offences, the court is to sentence the offenders in accordance with the sentencing standards at the time of sentencing, not the sentencing standards at the time the offence was committed.

It is important to note that the majority of Australian jurisdictions—the ACT, Victoria, South Australia and Tasmania—have recently passed laws that criminalise the failure to report belief of a child sexual offence targeted at sexual abuse in an institutional context. Further, late last year, state and federal attorneys-general agreed to standardise laws making it mandatory for priests to report child sexual abuse revealed during a confession. On this side of the chamber, the LNP has always acknowledged that the protection of our most vulnerable should prevail over the interests of offenders. This is part of the reason I joined the LNP. During my time as a prosecutor prosecuting paedophiles, I saw firsthand how these atrocious crimes devastate the lives of children. We must do all we can to protect our vulnerable children.

The LNP will always support more laws and stronger penalties aimed at child sex offenders to send a message that these types of crimes will not be tolerated—will never be tolerated—in our communities. That is why when the LNP was last in government we instituted a number of reforms. These included the introduction of mandatory life imprisonment for repeat child sex offenders with a minimum non-parole period of 20 years—known as the two strikes policy. This meant that recidivist offenders were punished harder if they were convicted of more than one offence against a child.

The LNP increased penalties for child exploitation material offences and inserted a new offence of grooming into the Criminal Code and introduced a mandatory sentence of one-year imprisonment for a sex offender who tampers or removes their GPS monitoring bracelet. In opposition, the LNP has also fought hard to strengthen laws and penalties aimed at child sex offenders. In my community, there is overwhelming support for increased penalties for offences against children. When I was first elected, I distributed a survey that asked the community if it supports tougher measures to deal with offences against children. A whopping 95.7 per cent of the community supported stronger penalties for those who commit offences against children. That is why the LNP will continue to fight for tough laws.

The LNP has committed to introducing a public sex offender registry to allow parents to check the background of anyone who has regular unsupervised access to their children. This is an important tool that will give parents some peace of mind when it comes to their kids. I know as a mum with two young kids that I would be using this register to check the background of anyone I do not know who is having unsupervised contact with my kids without me present. The LNP has also committed to introduce Carly's Law. Carly's Law will give police the tools they need to stop sexual predators—

Mrs D'ATH: Mr Deputy Speaker, I rise to a point of order. I respect the views of the member for Currumbin, but this is not relevant to the bill and I ask that the member be brought back to the bill.

Mr DEPUTY SPEAKER (Mr Weir): Member for Currumbin, I would ask you to come back to the long title of the bill and speak to the bill.

Mrs GERBER: Thank you for your guidance. In late 2018, Labor passed changes to the Child Protection (Offender Reporting) Act to ensure child sexual offenders will continue to be monitored even after their supervision orders have expired. However, Labor's weak laws when it comes to sex offenders have meant that not one post dangerous violent or child sex offender has been ordered to wear a tracking device.

Mrs D'ATH: Mr Deputy Speaker, I rise to a point of order on relevance. The member is now referring to previous legislation before this House. It is unfortunate that she has chosen to make this debate political when others on her side have all been very respectful in the debate. I ask that the member be brought back to the bill.

Mr DEPUTY SPEAKER: Member for Currumbin, do you have anything to contribute to the long title of the bill?

Mrs GERBER: These criminals have destroyed the lives of children with their actions. We should all be doing everything in our power to keep our communities safe from them. Labor's laws are that weak that sex offenders must engage in concerning conduct—and this includes things like inviting children to their house—before the police can apply for them to wear a GPS tracking device.

Mrs D'ATH: Mr Deputy Speaker, for the third time, I rise to a point of order on relevance. The member is ignoring the ruling of the chair in relation to speaking to the bill.

Mr DEPUTY SPEAKER: Member for Currumbin, the bill is for particular purposes so I would ask you to come back to the bill.

Mrs GERBER: The LNP believes that these measures are necessary in order to crack down on sexual offenders. Only the LNP can be trusted to deliver a criminal justice system that favours victims over offenders.