




Speech By  
**Stephen Bennett**

**MEMBER FOR BURNETT**

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Record of Proceedings, 8 September 2020

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

 **Mr BENNETT** (Burnett—LNP) (3.12 pm): We all, including the LNP, acknowledge that the interests of the protection of our vulnerable children should prevail in making sure that legislation is reflective of those desires. The LNP will always support more laws and stronger penalties aimed at child sex offenders to send a message that these types of crimes against children will not be tolerated.

This bill is well overdue. It has taken the advocacy of survivors over a long period to get to this point in our Queensland parliament. We must applaud the continued push for a royal commission and those who participated in the royal commission. For many, the royal commission was confronting. The hearings—both public and private—research, correspondence and much more uncovered the real impacts of child sexual abuse and, importantly, the impacts of institutions involved on the victims and their families. The Royal Commission into Institutional Responses to Child Sexual Abuse made 409 recommendations aimed at making institutions safer for our children.

The royal commission recommended that all Australian jurisdictions introduce legislation to create a criminal offence for failure to report. The bill before us today seeks to improve the responsiveness of the criminal justice system to child sexual offending and the victims of child sexual abuse. Included in the formation and the drafting of the bill are key recommendations of a series of other reports: the *Criminal justice report*, which made 85 recommendations aimed at providing a fairer response to victims of child sexual abuse; and the Queensland Sentencing Advisory Council's *Classification of child exploitation material for sentencing purposes*, recommending changes to sentencing guidelines. Those guilty of child sex offences need to be convicted and punished, and we need laws to support this outcome. It is incumbent on us to move to support stricter penalties and more safeguards and accountability for all involved in protecting and caring for vulnerable children.

The bill proposes amending the Criminal Code to provide for retrospective application of the offence in section 229B; extend the grooming offence; provide for retrospective application of the removal of limitation periods on prosecutions for certain offences; create a new offence for failure to report in relation to a child sexual offence; create a new offence of failure to protect a child from sexual abuse in an institutional context; and ensure that the new failure to report and protect offences apply to information or knowledge gained during, or in connection to, a religious confession. It also amends the Penalties and Sentences Act 1992 to exclude good character as a mitigating factor and provide that, when sentencing offenders for historical child sexual offences, the court is to sentence offenders in accordance with sentencing standards.

There has been much discussion about the bill and how it affects and breaks the seal of the confessional. Submissions to the committee highlighted the concern of some that the bill interferes with the freedom of religion as it breaks the seal of the confessional. Many concerned about this important issue have contacted me; however, the royal commission did find evidence that disclosures of child sexual abuse were made in religious confessions from perpetrators and from victims. I understand the

concerns and I refer to the royal commission's reporting that there should be no exemption from reporting an offence received by the clergy during religious confessions. I feel that the right decision has been made.

Following the LNP government's introduction of the offence of child grooming in 2012, we see the current child grooming offence in the Criminal Code being extended to the grooming of parents and carers of children under 16 years of age. We welcome that inclusion. We all need to be extremely careful in using social media, sharing photos et cetera as predators are using these forums more and more. We all know how careful we have to be in our jobs when sharing pictures of kids, particularly on social media, as we know that offenders use social media in particular. Recent appalling examples of offenders using the internet to disguise their age and identity and arranging contact with children by deceit highlight why provisions such as 'Carly's Law', currently in South Australia and federally, should be considered for introduction into Queensland. We have committed to introducing 'Carly's Law' as it will give police the tools they need to stop sexual predators before they have a chance to groom children.

The first law will make it an offence for an adult to communicate with a child while claiming to be younger than they are, or another person altogether, in order to meet that child. That offence will carry a penalty of five years imprisonment. The second law will make it an offence for an adult to communicate with a child while claiming to be younger than they are, or another person altogether, with intent to commit an offence against the child. The offence will carry a penalty of 10 years imprisonment. That is why the LNP government introduced, amongst other things, life imprisonment for repeat child sex offenders with a minimum non-parole period; increased penalties for child exploitation material; and introduced a mandatory sentence of one year imprisonment for those sex offenders who tamper with or remove their GPS monitoring bracelet. In opposition we fought to strengthen the laws aimed at child sex offenders but without much support.

The LNP is also committed to introducing a public sex offender register to allow parents to check on the background of anyone who has regular unsupervised access to their children. In 2018 we saw laws passed in this place to ensure that child sex offenders were continued to be monitored even after their supervision orders had expired. We have also raised the issue of whether these policies are strong enough. That is for others to decide, but I would have thought that we need to ensure that people who are required to wear tracking devices do so and for a long time after they are released. We need to ensure that these laws apply to sex offenders engaged in 'concerning conduct'. I believe that the laws are still weak in that respect. We must get on with the job of ensuring that the laws applying to sex offenders in our community reflect community expectations.

I commend the bill to the House and I encourage all to continue the good work of the royal commission. I acknowledge the dignity that will now come to survivors of child sexual abuse in institutions.