



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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Record of Proceedings, 26 October 2022

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

### **Introduction**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.15 am): I present a bill for an act to amend the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015, and the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Community Support and Services Committee to consider the bill.

*Tabled paper:* Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 [1749](#).

*Tabled paper:* Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022, explanatory notes [1750](#).

*Tabled paper:* Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [1751](#).

This bill modernises the framework that underpins the child protection registry scheme by enhancing the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 and the Police Powers and Responsibilities Act 2000 with the objective of protecting the safety of children. I am not alone when I say that all children in Queensland have the right to be safe and to feel safe, whether in their homes, at school, at play or engaging with friends online. This bill enhances child safety by targeting the use of technology as a means of offending against our children and by increasing reporting for offenders who present the greatest risk to children in the community. These initiatives represent an Australian first and are indicative of the Palaszczuk government's ongoing commitment to protecting Queensland children.

Since the commencement of the COVID-19 global pandemic, child sexual offenders have moved towards technology as a means of targeting children. Through the use of anonymising software, such as virtual privacy networks and hidden phone applications such as vault and black hole applications, child sex offenders are able to remain invisible online and hide evidence of their offending in plain sight. This bill intends to disrupt this trend by requiring all reportable offenders to report the details of any anonymising software or hidden applications they possess or use during their reporting period. Failure to report this information will be a crime and carries a maximum penalty of up to five years imprisonment.

The bill also strengthens the digital device inspection framework under the Police Powers and Responsibilities Act by allowing police to enter the residence of certain reportable offenders to undertake an inspection of every digital device in their possession or to which they have access. This new entry provision is supported by a requirement for reportable offenders to report the media access

control address, or MAC address, of the devices they possess or that are attached to any vehicle they own or usually drive. The media access control address is a unique hexadecimal number that allows a network to identify the device and provide access to that network. Access cannot be given if the media access control address is not visible to the network. Police will be able to use the media access control address of the reported digital devices as a checklist to ensure reportable offenders are presenting all devices during a digital device inspection.

The bill also extends the offences that trigger a digital device inspection to include the making, distribution and possession of child exploitation material within and outside of Australia, grooming a child under 16 or a parent or carer of the child, maintaining a sexual relationship with a child and trafficking in children. These new offences operate retrospectively to capture the current reportable offender cohort, ensuring the continued safety of children in our community.

Risk-based monitoring is an important theme of this bill. In particular, offenders who are considered to pose the greatest risk of offending against children will be required to report the details of every premises or location they stay or can be located for a maximum of three consecutive days within 24 hours of that change happening. This new provision targets reportable offenders who engage in short stays while maintaining a permanent residence in another location. This is a first in Australia and shows Queensland as a leader in the offender reporting space.

Risk to children in our community is not limited to sexual offending. The Child Protection (Offender Reporting and Offender Prohibition Order) Act also captures offenders who perpetrate significant harm on children. Offender reporting orders operate to protect children who have been the victim of significant harm, such as torture, or manslaughter. These orders can be made by the court where it is satisfied the offender poses a risk to children.

This bill restructures the offender reporting order framework to require the courts to consider additional information about an offender and about the child victim before deciding whether an order should be made. It is my hope that this small change will ensure those offenders who commit violent acts against children will be required to report to police in the same way as child sex offenders, to reduce ongoing harm to children in Queensland.

Overseas reportable offenders are also captured under these hard-hitting legislative reforms. The bill will recognise any international scheme where an offender is required to report to a registrar because of the offences they have committed against children. These offenders will be required to comply with the provisions of the Child Protection (Offender Reporting and Offender Prohibition Order) Act when they enter Queensland. The message to anyone who enters this state from another country with nefarious intent towards our children is: Queensland is not a safe haven for you.

The bill will allow Queensland Corrective Services to request information from a reportable offender about a place they will be residing or a locality they can be found when they are discharged from custody. Reportable offenders will also be required to give information when they are convicted of failing to report their details under the new legislation. In particular, they will be required to report the details subject of their conviction within seven days of receiving a notice to report the information or within seven days of their release from custody. This will ensure that the national child offender system has a complete repository of information regarding the activities of each reportable offender in Australia.

While information disclosure is generally limited under the current provisions of the Child Protection (Offender Reporting and Offender Prohibition Order) Act, this does not extend to the personal information of any child with whom a reportable offender has reported contact. In fact, currently, if a reportable offender requests a copy of that information, the Police Commissioner must provide it. I consider this to be counterintuitive to the work done by the staff of the Child Protection Offender Registry to prevent ongoing offending against children. Accordingly, this bill makes it absolutely clear that personal information about children will not be included in any report given to a reportable offender. While I accept that every person has the right to access information, I do not accept that child sex offenders should be provided with the address, telephone number or email address of children they have previously had contact with.

Finally, the bill makes minor administrative amendments which streamline the operation of the Child Protection (Offender Reporting and Offender Prohibition Order) Act and regulation. These new laws will continue this government's strong record when it comes to targeting child sex offenders in our state. The message to child sex offenders from this government is: do not come to Queensland, do not offend in Queensland. Our laws are the toughest, strongest laws in the nation and our authorities like the Queensland Police Service are amongst the best in the world. Wherever you might be, our authorities will hunt you down. I commend the bill to the House.

### **First Reading**

**Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.24 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Community Support and Services Committee**

**Mr DEPUTY SPEAKER** (Mr Krause): In accordance with standing order 131, the bill is now referred to the Community Support and Services Committee.