




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 24 August 2023

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

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (5.10 pm), in reply: I would like to thank all members who made a contribution to the debate on the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022. All children deserve to grow up in safety and to be protected from sexual predators. As technological advances continue to rapidly enhance the ways these sexual predators gain access to vulnerable children, the fight to keep our kids safe gets harder. However, the Palaszczuk government is committed to this fight and has a clear history of implementing the toughest laws in the nation targeting child sex offenders, and this bill is no exception.

This bill strengthens the ability of the Queensland Police Service, including the specialist child sexual abuse team, Task Force Argos, to combat the new ways these predators are engaging with and grooming vulnerable children. Task Force Argos continues to do incredible work in keeping our children safe and tackling dark web forums that share and distribute child exploitation material. Their work has led to the arrest of some of the worst offenders imaginable, including perpetrators based overseas who use online forums to target Queensland's most vulnerable children. This government is committed to ensuring the Queensland Police Service and Task Force Argos have all the tools they require to target child sex offenders who utilise technological advancements and sophisticated software for such nefarious and criminal purposes. This bill clearly demonstrates how technology is used by child sexual offenders across the world to procure children for sexual gratification and is then used to hide this offending.

Technology removes the global barriers associated with in-person contact offending against children, allowing offenders to undertake their perverse activities from the comfort and privacy of their homes. By directly targeting technology as a tool for offending, this bill not only provides greater oversight of those reportable offenders who live in the community, but also enhances the safety for children regardless of where they live.

As referenced in my second reading speech for the bill, I will move a series of amendments during consideration in detail of this bill. I reiterate that these amendments address a number of technical matters that have been recently identified and require urgent legislative amendment or address matters that have been the subject of extensive examination and consideration by the Community Support and Services Committee, the Women's Safety and Justice Taskforce or the Queensland Law Reform Commission.

Opposition members, along with the member for Maiwar, have raised issues with the amendments I intend to move shortly. Amendments moved during consideration in detail are not uncommon and are justified where there are emergent legislative matters identified by the government of the day. In fact, during the Newman government, the LNP passed: 68 pages of amendments during consideration in detail to the Mineral and Energy Resources (Common Provisions) Bill 2014; 56 pages

of amendments to the Safe Night Out Legislation Amendment Bill 2014; 58 pages of amendments to the Sustainable Planning (Infrastructure Changes) and Other Legislation Amendment Bill 2014; 52 pages of amendments to the Water Reform and Other Legislation Amendment Bill 2014; and 78 pages of amendments moved by the member for Kawana to the Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Bill 2013, which had already been declared an urgent bill. In fact, from a quick review of *Hansard*, the member for Kawana himself sought to declare seven bills urgent in 2013 alone.

The amendments I intend to move shortly include amendments to the Police Service Administration Act 2000 to retrospectively validate police disciplinary referrals affected by a technical error. This amendment is necessary to uphold public and officer confidence in the disciplinary framework of the Queensland Police Service. The amendments also support the excellent work of Task Force Argos by providing essential legal clarity regarding authorisation of controlled operations targeting child sex offenders. This amendment ensures police officers can continue their undercover operations to identify and locate child sex offenders. It ensures our legislation keeps pace with the rapidly developing advancements in technology. Such crucial amendments cannot be delayed. The amendments also enhance the wellbeing of vulnerable and marginalised Queenslanders and have been the subject of extensive examination and consideration.

I am proud to be able to introduce an amendment to decriminalise the offence of begging. As was made clear in the Community Support and Services Committee's report No. 23, there is strong public support for this amendment. Submissions made to the committee in the development of this report noted: there is clear and consistent evidence of a nexus between begging and severe hardship, including those who experience mental illness, homelessness and substance dependency issues; and begging is the product of poverty that does not warrant criminalisation, nor is criminalisation effective or appropriate.

I am also proud to introduce an amendment to decriminalise the offence of public intoxication. Queensland is the only jurisdiction in the nation that has yet to legislate to decriminalise this offence, after such action was formally recommended by the Royal Commission into Aboriginal Deaths in Custody over 30 years ago. In making the recommendation to decriminalise this offence, the Community Support and Services Committee noted this offence has a disproportionate impact on disadvantaged and vulnerable people within our community and contributes to the over-representation of First Nations peoples in the criminal justice system.

This government is working hard towards meeting our commitment to Closing the Gap and supports this amendment, which will also give effect to a key recommendation of the Royal Commission into Aboriginal Deaths in Custody. This issue has also been extensively considered by the Women's Safety and Justice Taskforce which recommended the offences of public intoxication and begging be repealed as soon as possible, due to the disproportionate impact the offences have on women and girls. However, as I have previously stated, police will retain the ability to appropriately respond to intoxicated people in a public place as the amendments introduce new police powers that enable the transportation and detention of these people, when necessary, without criminalising the behaviour, including, for example, to secure the safety and wellbeing of the intoxicated person or others.

These individuals need our support and compassion. These amendments have already been recommended by a parliamentary committee and the committee's report and recommendations have already been debated by this parliament. In fact, the members for Mansfield, Burnett, Cook, South Brisbane, Nicklin, Oodgeroo, Bundamba, Macalister and Toohey contributed previously to that debate in this House.

I will now address the issues raised by members during the debate. In relation to the Mineral Resources Act amendments, concerns have been raised during this debate that amendments to the Mineral Resources Act to legislatively grant a mining lease for a temporary workers camp for the Byerwen mine may not see the town of Glenden survive. I can assure you, that these balanced amendments will not only support the town of Glenden and its people but also will ensure the Byerwen mine, which has seen a billion dollars invested in its operation, continue to operate and support hundreds of jobs.

In relation to the member for Condamine's contribution concerning the Byerwen Coal amendments, I note that the member tried to compare apples and oranges of different mines having worker camps. What Byerwen does not have, nor ever had, is the support of Isaac Regional Council to put a camp there, no development approval for a permanent camp and no broader support. It appears from the member's contribution that, as the shadow minister, he does not support saving the town of Glenden.

In relation to police banning notices, the member for Burdekin asked whether the amendments to be moved during consideration in detail will cease police issuing police banning notices. The bill does not repeal the existing police banning notice framework. A police banning notice has effect for a period of up to one month and can be extended for a further three months. The bill does not amend this framework. The amendments relating to police banning notices are minor and consequential in that they: clarify the methods of service available for police banning notices; and they remove reference to the offence of being intoxicated in a public place from the list of legislative examples of what constitutes 'disorderly, offensive, threatening or violent behaviour' when considering issuing a police banning notice to a respondent. Removing reference to the offence of public intoxication is a necessary and consequential amendment following the decriminalisation of this offence. However, it does not change the test that must be applied in issuing a police banning notice, given the reference to public intoxication is only contained within the list of legislative examples regarding the types of behaviour which may warrant police issuing a banning notice. A police officer will still, therefore, be able to issue a police banning notice if the criteria is otherwise satisfied.

Throughout the debate a number of members have raised the issue of community safety. The reason for the amendments to the Youth Justice Act and the Police Powers and Responsibilities Act is to ensure community safety as well as the safety of children in custody, detention centre staff and watch house staff. The Youth Justice Act requires a child to be refused bail if the court or police officer is satisfied there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person. Those words are very clear. When a child is in custody, we need to keep them safe.

The member for Maiwar stated that the Supreme Court recently found that children were being unlawfully detained. To be clear, the directions to deliver the children were made only because there were deficiencies in the remand orders made by the magistrates in respect of three children who were the subject of the writ. The remand orders did not contain the mandatory order that the Police Commissioner must deliver the child to the chief executive of the department. The matter highlighted that error in the orders and raised the need for government to validate and clarify 30 years of custom and practice that Queensland has used to hold young people in watch houses. The amendments will make this process automatic and remove the need to make the additional mandatory order. The government's responsibilities are unchanged and the safety of young people, the community and staff remain paramount.

The government is proposing these amendments to address the legal technicality that came to light through the Supreme Court proceedings to ensure the safety of young people, staff and visitors to detention centres and watch houses as well as the community. Other members have said watch houses are not places for children, and we agree. However, in circumstances where young people are waiting for a court appearance or waiting for a place in a youth detention centre it is necessary to keep some in a watch house for their safety and the safety of the community. The government will continue to ensure that children spend the least amount of time possible in watch houses.

We are building two new therapeutic youth detention centres at Woodford and in Far North Queensland to further increase capacity. The human rights override that will allow the establishment of a detention centre at a police watch house or part of a corrective services facility will only be used in extraordinary circumstances. It is timed to expire upon the completion of the two new youth detention centres.

A lot has been said in this debate and I would like to acknowledge the contributions of all members to the debate. I would also like to acknowledge the efforts of the parliamentary committees, those that previously considered the Summary Offences Act proposals and also the committee that considered the bill before the House.

I want to also take the opportunity to thank the police and corrective services officers, youth detention centre workers and youth justice workers who go to work every day with a determination to help make Queensland a safer place. I would like to particularly also thank those who work in our watch houses: the assistant watch house keepers, police officers and other staff as well as those visiting practitioners, personnel and community organisations.

I acknowledge the outstanding efforts of the Premier and my ministerial colleagues including the Attorney-General, the Minister for Youth Justice and the Minister for Resources for the collaborative way we tackle these very difficult, complex and challenging issues. I acknowledge and thank the Queensland Police Service Legislation and Strategic Policy Branch for their work on this bill and the amendments, in particular, Senior Sergeant Andrea Reeves, Michael Shears, Jess Mudryk, Karen Messori and Jamie Impson. Thanks also to the officers from the Department of Youth Justice, Employment, Small Business and Training; the Department of Justice and Attorney-General; the Department of Resources; and the Department of the Premier and Cabinet.

I also wish to acknowledge Commissioner Katarina Carroll; the Director-General of the Department of Youth Justice, Employment, Small Business and Training Bob Gee; Acting Deputy Commissioner Mark Wheeler; Youth Crime Taskforce Commander George Marchesini; Acting Assistant Commissioner Chris Stream; Detective Superintendent Denzil Clark; Detective Inspector Glen Donaldson; Detective Inspector Julie Duncan; and Senior Sergeant Sarah Aitken.

I cannot predict how changing technology will impact child sexual offending in the future, but I can assure the people of Queensland that I will continue to advocate in this House for the protection of all children by holding those who seek to harm them accountable for their behaviour. Taken as a whole, this comprehensive legislative package supports the community. Elements within this legislation support a safer community. Elements within this legislation support a fairer community. Elements within this legislation support a more compassionate community. Elements within this legislation support stronger communities. Elements within this legislation support communities, full stop—communities like Glenden. All of these elements contained within this comprehensive legislative package are commonsense responses to the issues they address. This is what governing is about: putting in place sensible, evidence-based legislation to support the community.

I commend the bill to the House. I encourage all members to support the bill and the associated amendments.