




Speech By  
**Robert Skelton**

**MEMBER FOR NICKLIN**

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

 **Mr SKELTON** (Nicklin—ALP) (6.17 pm): I rise to support the Palaszczuk government's Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022. Before I do, I express my gratitude—and probably the gratitude of all Queenslanders—for the ongoing advocacy and education of the Morcombe Foundation when talking about online predatory habits and keeping our children safe online. I think the member for Cook referred to this earlier.

This bill seeks to modernise the framework underpinning the existing child protection scheme by enhancing the Child Protection (Offender Reporting and Offender Prohibition Order) Act and the Police Powers and Responsibilities Act. By targeting emerging technologies that are used as a means of offending against our children and by increasing reporting obligations for high-risk offenders, this bill represents the Palaszczuk government's commitment to protecting Queensland children.

The act was passed by the Beattie Labor government in 2004, establishing the child protection register. This act: introduced the requirement for reportable offenders to provide and update specified personal details for inclusion in the register; mandated periodic reporting and reporting of any travel outside of Queensland by reportable offenders; imposed reporting obligations for prescribed periods, depending on the number and severity of offences committed and other relevant factors; allowed for the recognition of reporting obligations under foreign laws; and allowed orders to be made against particular offenders who commit other particularly serious offences against children or engage in concerning conduct.

The Queensland Police Service regularly review the act to ensure that the law is modernised and continues to be fit for purpose. This amendment bill is the result of these reviews, as the QPS has identified advances in technology that can be exploited by offenders, changes in how offending is occurring as a consequence of the COVID-19 pandemic and opportunities to enhance the protection of children through the child protection registry scheme.

Recent advances in technology, spurred by the COVID-19 pandemic, have provided new ways for offenders to target and groom children without even leaving the house. Other advances, such as masking applications or virtual private networks, VPNs, enable people to anonymise themselves online, freely accessing, disseminating and receiving information without their personal information being revealed to others. Whilst it obviously goes without saying that these advances in technology have revolutionised internet privacy and freedom for users, this technology can be and is exploited by convicted child offenders to hide further offending and disrupt police monitoring of their activity.

The use of anonymising software also directly impedes early intervention strategies by preventing police from identifying at-risk offenders in a timely manner. Early intervention and diversion, such as referral to a specialist external agency or increased monitoring or reporting, are crucial in preventing reoffending. Our laws must remain modernised in order to facilitate this.

Consequently, the bill includes that offenders subject to reporting requirements must disclose the possession or use of any anonymising software under schedule 2 of the act. End-to-end encryption services such as iMessage or WhatsApp are not considered to be anonymising software. However, they are reportable applications under schedule 2 of act. 'Incognito' web browsers and antivirus software, which do not include a built-in VPN, are not considered to be anonymising software as they do not sanitise information in the same way.

Vault and black hole applications are designed to hide sensitive information downloaded from an electronic communications platform such as the internet or cloud storage and/or held on a digital device. Vault applications are designed to look like a common desktop icon such as a calculator. By comparison, black hole applications hide other sensitive applications, such as a vault application, from view. These types of applications can provide an additional layer of security for members of the community who are legitimately storing sensitive information on a digital device. However, they also allow child sexual offenders to secrete child exploitation material or other child related sexual offending on their digital devices without detection by a casual observer.

The bill targets the use of vault and black hole applications by requiring reportable offenders to report the details of their possession and use of these applications. Items 14 and 15 of schedule 2 require a reportable offender to provide information about the social networking sites, chat rooms and email addresses they use, as well as the details of internet usernames and passcodes or passwords to social networking sites.

Police currently have some capacity to interrogate digital devices in the possession of reportable offenders. However, this is currently limited to an initial three-month period when a reportable offender has been released from government detention or sentenced to a community-based supervision order and then four times per year if a reportable offender has been convicted of a prescribed internet offence under the Police Powers and Responsibilities Act. Offenders who use an online platform or a digital device to engage in child exploitation or other sexual offences that are not prescribed internet offences can only be monitored in the same way if a court makes issues an order or warrant for a device once it is satisfied the reportable offender poses an increased risk to the lives or sexual safety of children.

Section 21B of the PPRA prescribes offences that trigger a device inspection for reportable offenders. These offences are specific to internet offending. Where police are concerned there is an elevated risk of reoffending in connection with offences that are not prescribed under this section, they must apply to a magistrate for either a device inspection order or a search warrant. A search warrant is far more intrusive as it allows police to undertake a complete search of a residence or place including part of the residence or place used by a person other than the reportable offender. A search warrant also allows police to seize devices for a forensic inspection.

Device inspections allow police to be proactive in identifying change in an offender's risk profile such as viewing or downloading child related data. It can also identify the presence of child exploitation material on the device which provides police with an opportunity to disrupt and prevent offending behaviour.

The application of the new offences as prescribed offences will operate retrospectively to ensure the current cohort of offenders convicted of these offences are subject to the higher level of monitoring by police. All offences prescribed under PPRA section 21B will operate regardless of whether the offending material was accessed or disseminated through a network, such as the internet, or is held on a standalone device such as a USB or hard drive.

Currently, the Child Protection (Offender Reporting and Offender Prohibition Order) Act only recognises corresponding reportable offenders from within Australia. This allows overseas offenders to relocate to Australia with no reciprocal reporting obligations. To resolve this, the act will be amended to recognise international child offender reporting schemes as corresponding schemes for Queensland, ensuring consistent monitoring of offenders who commit sexual or particular other serious offences against children, regardless of where the offence was committed.

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. These new laws will continue this government's strong record when it comes to targeting child sex offenders in our state.

Our government and the community's message to child sex offenders is: you are not welcome in Queensland. Do not come here. Do not offend here. Our laws are the toughest in the nation, and our Queensland Police Service is one of the best in the world. I commend this bill to the House.