

EDUCATION, TOURISM, INNOVATION AND SMALL BUSINESS COMMITTEE

Report No. 28 on the

Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 29 November 2016, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services introduced into Parliament the *Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016* (the Bill).

The Bill was subsequently referred to the Education, Tourism, Innovation and Small Business Committee.

The Committee invited submissions from interested stakeholders and the following three submissions were received:

Submission Number	Submitter Name
1	Protect All Children Today Inc.
2	Queensland Council for Civil Liberties
3	Crime and Corruption Commission

On 1 December 2016, the Committee held a briefing with respect to the Bill where officials from the Queensland Police Service appeared to assist the committee.

On 7 March 2017, the Committee tabled Report No. 28 in relation to the *Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016* (the Report).

The Queensland Government response to the Committee's recommendations is provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1

The committee recommends that the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be passed.

The Queensland Government thanks the Committee for its timely consideration of the Bill and appreciates the Committee's recommendation that the Bill be passed.

Recommendation 2

The committee recommends that proposed section 77B of the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be amended to ensure that a self-represented offender may not cross-examine a person who is 16 or older at the time of the court proceeding but who was a child under 16 when the concerning conduct occurred.

- Queensland Government response: **Supported.**

The Government notes the Committee's recommendation and reviewed the application of Part 2, Division 6 of the *Evidence Act 1977* and considered section 77B of the Bill may not provide adequate protection to all witnesses who were child victims of sexual or particular other offences. As such, an amendment during consideration in detail has been prepared to amend section 77B to clarify that a protected witness includes a person who is 16 years or older at the time of the court proceeding but who was under 16 years at the time the alleged offence was committed.

Recommendation 3

The committee notes that the Bill enables the police commissioner to direct any entity or individual, other than a health entity, to provide information about a reportable offender, and to disclose information to any entity or individual, other than a health entity.

The committee recommends that during the second reading debate the Minister clarify the intended operation of proposed sections 74D and 74E of the proposed Act, regarding who must give information about a reportable offender to the police commissioner, and to whom the commissioner may disclose information.

- Queensland Government response: **Supported.**

The Government notes the Committee's request and the Minister for Police, Fire and Emergency Service and Minister for Corrective Services will clarify the intended operation of section 74D and 74E of the proposed Act, as they apply to the giving and receiving of information about a reportable offender.

Recommendation 4

The committee recommends that the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be amended to allow the commissioner to give information about reportable offenders to Queensland Health and Hospital and Health Services, if it is necessary to ensure the safety of a child or the offender.

Queensland Government response: **Supported.**

The Government notes the Committee's request and an amendment during consideration in detail will be progressed to amend section 74E to enable the police commissioner to give information about a reportable offender to the Chief Executive of the department in which the Hospital and Health Boards Act 2011 is administered and a Hospital and Health Service under that Act. Section 74I also enables the police commissioner to give information about an order to other particular persons.

Recommendation 5

The committee recommends that the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be amended to ensure that the Youth Justice Act 1992 is a relevant Act for the chief executive (communities), and that the Corrective Services Act 2006 is a relevant Act for the chief executive (corrective services).

Queensland Government response: **Supported.**

An amendment during consideration in detail will be progressed to amend section 74F. The amendment will remove the references to particular prescribed entities and relevant Acts to allow any government or non-government entity who receives information about a reportable offender to provide that information to another person for the purpose of a function or service undertaken

by the person. For example, information provided to the chief executive officer of a non-government entity can be given to a person who is directly performing a function or a service in relation to the particular offender. This change aligns with the policy intent of the information sharing framework.

Recommendation 6

The committee recommends that Schedule 1 of the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be amended to replace 'an offender reporting' disqualification order in items 1, 2 and 5 of the amendments to the Working with Children Act with 'an offender prohibition' disqualification order.

Queensland Government response: **Supported.**

The Government notes the Committee's recommendation and an amendment during consideration in detail will be progressed to amend Schedule 1 'Amendments of other Acts' of the Bill to address the drafting error in the consequential amendment to the *Working with Children (Risk Management and Screening) Act 2000*.

Recommendation 7

The committee recommends that Schedule 1 of the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be amended to remove the consequential amendment to the Mental Health Act 2000, as this Act was repealed on 5 March 2017.

Queensland Government response: **Supported.**

The Government notes the Committee's recommendation and an amendment during consideration in detail will be progressed to amend the Bill to remove references to the *Mental Health Act 2000* and replace with the *Mental Health Act 2016*.

Recommendation 8

The committee recommends that accurate, clear, precise and comprehensive explanatory notes for the Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016 be tabled as a priority. The replacement explanatory notes should satisfy the requirements of section 23 of the Legislative Standards Act 1992.

Queensland Government response: **Supported.**

The explanatory notes have been reviewed and replacement explanatory notes which satisfy the requirements of Section 23 of the *Legislative Standards Act 1992* have been progressed to address minor amendments and include clarifying information as requested by the Committee and these will be tabled as a matter of priority.