

Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022

Statement of Compatibility

Prepared in accordance with Part 3 of the HRA 2019

In accordance with section 38 of the *Human Rights Act 2019* (HRA), I Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services make this statement of compatibility with respect to the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022.

In my opinion, the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (the Bill) is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (CPOROPO Act), the *Police Powers and Responsibilities Act 2000* (PPRA) and the *Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015* (CPOROPO Regulation) to ensure these Acts remain contemporary to changing offending patterns and behaviours of reportable offenders and continue to provide for the protection of the lives of children and their sexual safety.

Advances in technology have provided new ways for child sexual offenders to engage, groom and offend against children without leaving their home. This has become more prevalent since the commencement of the COVID-19 pandemic. Further, technological advances have been used to hide offending behaviour. While these advances may provide an elevated level of cyber safety for the general community, anonymising software, and hidden applications such as vault and blackhole applications may be misused to hide a person's online presence and conceal illicit information, such as child exploitation material downloaded from the internet or stored on a digital device.

The Bill addresses these advances by imposing greater restrictions around digital applications that hide information held on a device such as vault/black hole applications and anonymising software which removes an offender's location and activities.

The Bill will also target online and digital offending by expanding the range of offences that trigger device inspections for section 21B of the PPRA. The new offences will operate retrospectively and require reportable offenders who use the online environment or a digital device to groom children and/or their parents, engage in child exploitation/pornography or traffic in children to allow police to undertake an inspection of all digital devices four times in each year the reportable offender is required to report.

The Bill also supports the current device inspections provisions under the PPRA by amending section 21A to provide police with a distinct power to enter the residence of a reportable offender to undertake a device inspection. The amendment operates in the same way as an entry to verify personal particulars. Other changes to assist device inspections and improve visibility of reportable offender activities include requiring the media access control (MAC) address attached to each digital device in the possession of a reportable offender, or a vehicle usually driven by a reportable offender.

The collection and sharing of reportable offender information is extended to require reportable offenders who are convicted of an offence under section 50 (Failure to comply with reporting obligations) of the CPOROPO Act to make a report of the information that was the subject of a conviction under that section. This amendment aims to correct an information deficit on the child protection register.

While disclosure of the information held on the National Child Offender System is regulated under the CPOROPO Act, it is recognised that giving and receiving information needs to change from time to time to allow the CPOROPO Act to remain contemporary. Accordingly, the Bill allows the Police Commissioner to give information about a reportable offender to the Australian Federal Police, Australian Border Force and Australian Department of Home Affairs for a law enforcement purpose.

A number of minor proposals in the Bill aim to streamline reporting processes by requiring any postal reports be made to the Officer in Charge, Child Protection Offender Registry and requesting reportable offenders provide updated address/locality information to the Chief Executive (corrective services) within seven days from discharge from custody.

Furthermore, the Bill provides greater guidance in relation to what a court must consider when making an order under part 3 (Offender reporting orders) of the CPOROPO Act. Minor changes and restructuring aim to support the courts and the prosecution when considering an offender reporting order.

To achieve this the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 amends the CPOROPO Act, the PPRA and the CPOROPO Regulation by:

In relation to the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004

- restructuring part 3 of the CPOROPO Act and prescribing the criteria a court must consider before making an offender reporting order, similar to the matters the court must consider before making an offender prohibition order;
- allowing Queensland Corrective Services (QCS), to collect information from a reportable offender about their general residence or localities within seven days prior to their discharge from custody to enhance intelligence in instances where a reportable offender is discharged from custody without parole;
- allowing the Police Commissioner to give a written notice to a reportable offender requiring a report be made of the details of a premises or locality, other than a general residence, where the reportable offender stays for a maximum of three consecutive days, within 24 hours after the change occurs, to reduce the likelihood of re-offending;

- modernising and standardising requirements around where and how reportable offenders make reports to reflect changes in technology and to ensure the timely receipt of this information by the Queensland Police Service Child Protection Offender Registry (QPS Registry);
- allowing a statement or affidavit that a reportable offender was given a notice of reporting obligations to be evidence in a proceeding;
- requiring reportable offenders who are convicted of failing to comply with reporting obligations under section 50 of the CPOROPO Act to make a report of the personal details that were the subject of the conviction;
- allowing the Police Commissioner to give information on the child protection register to the Department of Home Affairs, Australian Border Force and the Australian Federal Police, where the information is for a law enforcement purpose;
- removing identifying information about a child from a report of information given to a reportable offender under section 73 of the CPOROPO Act;
- requiring a reportable offender to report the possession and/or use of anonymising software, to prevent them from encrypting or sanitising digital activities and to disrupt their ability to offend in ways that are untraceable and undetectable by police;
- requiring a reportable offender to report the possession/use of all vault applications and the MAC address of each device in their possession or in a vehicle usually driven by the reportable offenders; and
- making other minor and technical amendments.

In relation to the Police Powers and Responsibilities Act 2000

- extending the existing power provided to police to enter a reportable offender's residence to verify personal details to the inspection of digital devices to prevent reportable offenders denying entry to police for this purpose;
- clarifying that a reportable offender subject to digital device inspections must present all digital devices in their possession for inspection by police;
- expanding the list of prescribed offences that, when committed online or through a digital device, automatically subject the reportable offender to digital device inspections by police for the duration of their reporting period; and
- creating an offence to contravene a requirement to produce a digital device for inspection.

In relation to the Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2016

- ensure that offenders in other jurisdictions are only considered corresponding reportable offenders in Queensland for offences committed against or in respect of a child;
- recognise all overseas jurisdictions with comparable child offender reporting schemes as corresponding reporting schemes in Queensland;
- amend how reports are to be received; and
- allow a notice of reporting obligations to be served by the chief executive of the department that administers the Migration Act 1958 (Cwlth).

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 HRA)

- Section 15 ‘Recognition and equality before the law’ HRA is relevant to the following clauses:
 - clause 3 which prescribes additional information a court must consider when deciding an application for or the making of an offender reporting order under new section 12D of the CPOROPO Act;
 - clause 39 which requires a reportable offender to report the details of any vault or black hole applications and the media access control address of each digital device in the possession of a reportable offender or part of any vehicle regularly driven under schedule 2 of the CPOROPO Act;
 - clause 43 which considers an offender, who is required to report to a corresponding registrar in an overseas jurisdiction for an offence committed against or in respect to a child, a corresponding reportable offender under the CPOROPO Act while in Queensland;
 - clause 46 which recognises the law of a jurisdiction outside Australia which requires a person to report to corresponding registrar because they were convicted of an offence in respect of a child or a person the offender believed was a child; and
 - clause 49 which introduces new triggering offences for device inspections for section 21B of the PPRA.
- Section 19 ‘Freedom of movement’ HRA is relevant to the following clauses:
 - clause 3 which prescribes additional information a court must consider when deciding an application for or the making of an offender reporting order under new section 12D of the CPOROPO Act;
 - clause 11 which allows the Police Commissioner to issue a written notice requiring a reportable offender to report the details of a place or locality at which they stay for a period of three or more consecutive days;
 - clause 39 which requires a reportable offender to report the details of any vault or black hole application and the media access control address of each digital device in the possession of a reportable offender or part of any vehicle regularly driven under schedule 2 of the CPOROPO Act;
 - clause 43 which considers an offender, who is required to report to a corresponding registrar in an overseas jurisdiction for an offence committed against or in respect to a child, a corresponding reportable offender under the CPOROPO Act while in Queensland; and
 - clause 46 which recognises the law of a jurisdiction outside Australia which requires a person to report to corresponding registrar because they were convicted of an offence in respect of a child or a person the offender believed was a child.
- Section 21 ‘Freedom of expression’ HRA is relevant to clause 39 which requires a reportable offender to report the possession or use of anonymising software under Schedule 2 of the CPOROPO Act.

- Section 22 ‘Peaceful assembly and freedom of association’ HRA is relevant to the following clauses:
 - clause 3 which prescribes additional information a court must consider when deciding an application for or the making of an offender reporting order under new section 12D of the CPOROPO Act;
 - clause 39 which requires a reportable offender to report the details of any vault or black hole applications and the media access control address of each digital device in the possession of a reportable offender or part of any vehicle regularly driven under schedule 2 of the CPOROPO Act;
 - clause 43 which considers an offender, who is required to report to a corresponding registrar in an overseas jurisdiction for an offence committed against or in respect to a child, a corresponding reportable offender under the CPOROPO Act while in Queensland;
 - clause 46 which recognises the law of a jurisdiction outside Australia which requires a person to report to corresponding registrar because they were convicted of an offence in respect of a child or a person the offender believed was a child; and
 - clause 39 which requires a reportable offender to report possession or use of anonymising software under Schedule 2 of the CPOROPO Act.
- Section 23 ‘Taking part in public life’ HRA is relevant to:
 - clause 3 which prescribes additional information a court may consider when deciding an application for or the making of an offender reporting order under new section 12D of the CPOROPO Act;
 - clause 43 which considers an offender, who is required to report to a corresponding registrar in an overseas jurisdiction for an offence committed against or in respect to a child, a corresponding reportable offender under the CPOROPO Act while in Queensland; and
 - clause 46 which recognises the law of a jurisdiction outside Australia which requires a person to report to corresponding registrar because they were convicted of an offence in respect of a child or a person the offender believed was a child.
- Section 25 ‘Privacy and reputation’ HRA is relevant to the following clauses:
 - Clause 32 which removes the personal information of a child with whom a reportable offender had contact from the reportable information given to a reportable offender under section 73 of the CPOROPO Act;
 - clause 39 which requires a reportable offender to report the details of any vault or black hole applications and the media access control address of each digital device in the possession of a reportable offender or part of any vehicle regularly driven under schedule 2 of the CPOROPO Act;
 - clause 43 which considers an offender, who is required to report to a corresponding registrar in an overseas jurisdiction for an offence committed against or in respect to a child, a corresponding reportable offender under the CPOROPO Act while in Queensland;

- clause 46 which recognises the law of a jurisdiction outside Australia which requires a person to report to corresponding registrar because they were convicted of an offence in respect of a child or a person the offender believed was a child;
- clause 48 which prescribes an express power for police to enter the residence of a reportable offender for the purposes of a device inspection under section 21A of the PPRA.
- Section 26 ‘Protection of families and children’ HRA relevant to clause 3 which prescribes additional information a court may consider before making of an offender reporting order.
- Section 27 ‘Cultural rights - generally’ HRA relevant to clause 3 which prescribes additional information a court must consider before making of an offender reporting order.
- Section 28 ‘Cultural rights - Aboriginal peoples and Torres Strait Islander peoples’ HRA relevant to clause 3 which prescribes additional information a court must consider before making of an offender reporting order.
- Section 49 ‘Right to liberty and security of person’ HRA relevant to clause 49 which retrospectively applies additional prescribed offences for a device inspection under section 21B of the PPRA.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 HRA)

Amendments in relation to the CPOROPO Act and the CPOROPO Regulation

Restructure part 3 of the CPOROPO Act and prescribe criteria a court must consider when making an offender reporting order.

Amendments to part 3 (Offender reporting orders) potentially limit the following human rights:

- Section 15 ‘Recognition and equality before the law’ HRA;
- Section 19 ‘Freedom of movement’ HRA;
- Section 22 ‘Peaceful assembly and freedom of association’ HRA;
- Section 23 ‘Taking part in public life’ HRA;
- Section 26 ‘Protection of families and children’ HRA;
- Section 27 ‘Cultural rights - generally’ HRA; and
- Section 28 ‘Cultural rights – Aboriginal peoples and Torres Strait Islander peoples’ HRA.

(a) the nature of the right

Section 15 of the HRA reflects the essence of human rights: that every person holds the same human rights by virtue of being human and not because of some particular characteristic or membership of a particular social group. Discrimination includes (but is not limited to) direct and indirect discrimination as defined in the *Anti-Discrimination Act 1991* (for example on the basis of age, impairment, political belief or activity, race, /religious belief or religious activity, sex and sexuality). Subclause (2) provides that every person has the right to enjoy their human rights without discrimination. This provision is modelled on article 26 of the International Covenant on Civil and Political Rights.

This right may potentially be limited by prescribing additional information a court must consider before making an offender reporting order for offenders who are convicted of offences that are not prescribed under schedule 1 of the CPOROPO Act, or the court has made a forensic order in relation to an offender and the court is satisfied the offender poses a risk to the lives or the sexual safety of one or more children or of children generally.

The information a court must consider is extended in the Bill to include:

- when the offence subject of the proposed offender reporting order happened;
- the nature and seriousness of the offending;
- the age of the offender and the child victim at the time the offence was committed and the differences in their ages;
- the relationship between the offender and the child victim;
- the offender's criminal history, including the seriousness of the criminal history;
- the offender's circumstances including access to children through employment and the offender's needs in relation to accommodation, employment, health and mental health;
- anything else the court considers relevant.

Section 19 of the HRA is based on article 12 of the International Covenant on Civil and Political Rights (ICCPR) and gives each person in Queensland the right to move freely without being arbitrarily forced to remain in, or move to or from, a particular place. The right includes freedom from physical and procedural barriers, like requiring permission before entering a public park or participating in a public demonstration in a public place.

This right may be limited by declaring a person who has not committed a prescribed offence under the CROROPO Act a reportable offender. Although the CPOROPO Act does not specifically restrict a reportable offender's right to move throughout Queensland, sections 19A – 23 require reportable offenders to report any change of residential address or any travel outside of Queensland.

Section 22 of the HRA is based on articles 21 and 22 of the ICCPR with ensures every person has the right of peaceful assembly and freedom of association with others. This right protects not only the right to meet but to join or form a group with like-minded people.

This right may be limited by requiring an offender who is subject to an offender reporting order under part 3 of the CPOROPO Act to report any contact with children within 24 hours after the contact happened. The consequences of an offender reporting order also include prohibiting the issue of a working with children card under the *Working with Children (Risk Management and Screening) Act 2000* or joining child focussed groups where the offender is not a parent of a child in that group. The implications may also extend to offenders being assessed as posing an unacceptable risk of harm to people with a disability under the *Disability Service Act 2006* where a disability worker screening check results in the offender being issued an exclusion notice from working with people with a disability.

Section 23 of the HRA is based on General Comment No. 25(5) of the United Nations Human Rights Committee, which is part of the ICCPR and provides that every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

This right may be limited by requiring the courts to consider certain information about an offender before making an offender reporting order. While it does not directly prevent a person from entering public affairs, it may inhibit their capacity to work in some areas of government or the public service such as educational roles involving children.

Section 26 of the HRA is based on articles 23(1) and 24(1) of the ICCPR and acts to ensure that families are entitled to be protected by society and the State; and every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.

These rights are supported by international accords and covenants that extend to the protection of children of Aboriginal peoples and Torres Strait Islander peoples through the United Nations Declaration on the Rights of Indigenous Peoples and children with disabilities through the United Nations Convention on the Rights of People with Disabilities.

This right may potentially be limited by imposing reporting obligations and formal care restrictions on parents or caregivers who are convicted of and sentenced for particular other serious offences against children in their care and the court is satisfied the offender poses a risk to the lives or sexual safety of children.

Section 27 of the HRA is based on article 27 of the ICCPR and states that all persons with a particular cultural, religion, racial and linguistic backgrounds have a right to enjoy their culture, declare and practice their religion, and use their language.

The proposal potentially limits this right by allowing a court to apply a period of reporting under the CPOROPO Act where a person is convicted of an offence against a child and the court is satisfied, based on that offending, that the person poses a risk to the lives or sexual safety of children.

Section 28 of the HRA is based on two international instruments. One is article 27 of the ICCPR and the other is articles 8, 25, 29 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples.

This right may be limited where a court makes an offender reporting order based on the information proposed by the Bill. An offender reporting order will require a person to report under the CPOROPO Act for period of time and consider that person a reportable offender. This will require the offender to report their details, including contact with children in their kinship group and greater community and may limit any formal care relationships the offender has within the community. Reporting may also be impacted by remote location and accessibility to technology.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the potential limitation imposed by the Bill is to prevent ongoing serious offending against children by requiring offenders who are convicted and sentenced for offences against children, that are not prescribed under the CPOROPO Act, to report their details to police for a period of time where a court is satisfied on the balance or probabilities the offender poses a risk to the lives or sexual safety of children and it is appropriate to make an offender reporting order. This also applies to offenders who are subject to a forensic order because of their offending and because of the risk they pose to children in the community.

The proposal promotes the human rights of children. Section 26(2) of the HRA provides that every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. As signatories to the International Convention on the Rights of the Child, governments also have an obligation to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.¹

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Offender reporting orders provide a means for offenders who are convicted of serious offences against children to be monitored in the community without removing children from their care. However, it may limit contact with children in some areas of paid or volunteer employment by preventing the offender acquiring or maintaining a working with children card under the *Working with Children (Risk Management and Screening) Act 2000* or working with a person with a disability under Part 5 of the *Disabilities Services Act 2006*. This limitation reduces the opportunities for reportable offenders to access and groom children.

An offender who is the subject of an offender reporting order will be considered a reportable offender and required to meet all the obligations under the CPOROPO Act. Reporting periods range from five years to life dependent on whether a notice of reporting obligations has previously been given to the offender. The purpose of reporting is to reduce the likelihood of re-offending and to facilitate the investigation of any future offences against children.

Prescribing information the court must consider before making an offender reporting order is appropriate allows a more informed decision about the nature of the offending behaviour and risks posed to children in the community. The ongoing risk management includes ongoing monitoring by the QPS to disrupt and prevent re-offending against children through a blend of face-to-face engagement with a reportable offender and the use of empirically validated static and dynamic risk assessment tools to monitor risk behaviours. Established information sharing frameworks between the QPS, Department of Children, Youth Justice and Multicultural Affairs and Queensland Health through the Suspect Child Abuse and Neglect system supports these processes while a reportable offender is in the community.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

There are no less restrictive and reasonable available ways to achieve the purpose of the Bill. In 2019 the QPS and Office of the Director of Public Prosecutions developed a training package and provided legal support to assist prosecutors make applications for offender reporting reports. The proposals provided in the Bill build on the work done in 2019 to provide greater clarity and consistency regarding the offender reporting orders.

An offender reporting order is a civil order made by a court because the conduct of the offender poses an unacceptable risk to the safety or wellbeing of children. The court must be satisfied that an offender reporting order will reduce the risk to children.

¹ Article 19(1), International Convention on the Rights of the Child.

While an offender reporting order requires an offender to comply with the reporting obligations under the CPOROPO Act as a reportable offender, it does not expressly prohibit or limit an offender's rights to live in a certain place or engage with certain groups, including children, unless the court considers it necessary to make an offender prohibition order preventing this.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On balance, the importance of the purpose of the amendment outweighs any limitation on rights that may occur as a result. The proposal has community safety at its core and acts to protect children from harm. Children represent almost 25% of all domestic and family homicides in Queensland. Between 1 July 2006 and 30 June 2020, 85 children were killed by a parent or caregiver across 67 incidents in Queensland. In addition to this, between 2017-2020 the QPS preferred 877 charges against 503 adult individuals for harm offences against children.²

The rights of children to be protected from harm is balanced against the rights of those who perpetrate that harm. Safeguards in the proposal balance the weight of the outcomes. For example, the court can only make an order upon conviction and sentence for an offence, that is not a prescribed offence, where the court considers the offender poses a risk to the lives or sexual safety of children. Reporting periods are based on further offending and whether the offender has previously been given a notice of reporting obligations. An offender who is aggrieved by a decision of the court to make an offender reporting order can appeal that decision under chapter 67 of the Criminal Code.

Reporting obligations can be suspended for offenders who do not present a risk to children because of a cognitive or physical impairment. While monitoring continues to occur during the reporting period, the obligations of meeting extensive reporting obligations does not.

Children who commit offences against other children are treated differently under the CPOROPO Act because they are children. For example, sections 67C– 67D of the CPOROPO Act allow the Police Commissioner to suspend the reporting obligations for a child upon application or on the Commissioner's initiative. Furthermore, the reporting periods for a child are half the period of an adult up to a maximum of seven years.

- (f) any other relevant factors

The amendments to part 3 of the CPOROPO Act are generally consistent with the current provisions which set out how offender reporting orders are made. The proposal to include additional information a court must consider before making an offender reporting order is consistent with section 13D of the CPOROPO Act regarding the making of an offender prohibition order. The separation of the part into two divisions is also consistent with part 3A which applies to the making of offender prohibition orders.

The provisions of the Bill also align with articles 15(2) and 16(5) of the United Nations Convention on the Rights of People with a Disability. In this regard, Article 15 (2) States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment. Furthermore, Article 16 (5) States Parties shall

² Offences include sections 75 (Threatening violence), 306 (Attempt to murder), 315A (Choking, suffocation or strangulation in a domestic setting), 316 (Stupefying in order to commit indictable offence), 317 (Acts intended to cause grievous bodily harm and other malicious acts), 320(Grievous bodily harm), 320A (Torture), 322 (Administering poison with intent to harm), 323 (Wounding); 324 (Failure to supply necessities), 326 (Endangering life of children by exposure) and 340 (Serious assaults) of the Criminal Code.

put in place effective legislation and policies, including women and child-focused legislation and policies, to ensure instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Reducing reporting timeframes associated with a change in general residence/localities for high-risk reportable offenders

The Bill proposes to allow the Police Commissioner to give a written notice requiring a reportable offender report a premises or locality, other than a general residence, the reportable offender stays for three or more consecutive days, within 24 hours after the change occurs. This proposal may potentially limit section 19 'Freedom of movement' HRA.

(a) the nature of the right

Section 19 of the HRA is based on article 12 of the ICCPR, which ensures every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave and has the freedom to choose where to live.

While the proposal does not prevent a reportable offender staying at any place or frequenting a particular locality, it will require a reportable offender, who has been given a written notice by the Police Commissioner, to report every place stayed or locality frequented, that is not the offender's general residence, for three or more consecutive days. The report must be made within 24 hours of the change occurring.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is sufficiently important to justify limiting this right. The limitation seeks to protect children by reducing the likelihood that a reportable offender who is assessed as presenting an increased risk to the lives or sexual safety of children, will re-offend. This is achieved by requiring a reportable offender who is given a written notice by the Police Commissioner to report any place they stay or location they can be found for three or more consecutive days, that is not their general residence, within 24 hours after the change happens.

The manner in which risk is assessed by QPS behavioural specialists includes the use of empirically validated automated tools which look at the dynamic factors present in the offender's environment. The information from these assessments allows the Child Protection Registry to determine the most appropriate manner of monitoring.

With the exception of post-DPSOA reportable offenders, reportable offenders have 14 days to report changes to a place where they generally reside. The 14 days is an accumulation of time frames that are associated with changes to residence. The first seven days is set in the definition of 'generally resides' under schedule 5 of the CPOROPO Act. That is, a reportable offender generally resides at a place if they stay at the place for seven or more days in a year. This is regardless of whether those days are consecutive. The second seven day period is set under section 19A which requires a reportable offender to report a change in a place they generally reside within seven days after the change occurs.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

On balance, the importance of the purpose of the proposal outweighs any limitation on the rights that may occur as a result. The limitation acts to protect the lives or sexual safety of

children by applying an additional layer of monitoring to those reportable offenders who are presenting an increased risk of offending.

The limitation is consistent with the purpose of the CPOROPO Act in that it aims to reduce the risk of reoffending by increasing the frequency of reporting based on risk. This is consistent with section 19 of the CPOROPO Act which allows the Police Commissioner to make periodic reports more frequently if reasonably satisfied it is necessary to protect the lives or sexual safety of children.

Reducing the time frames associated with reporting changes in general residence based on increased risk provides an opportunity for the QPS to have increased visibility of the location and activities of reportable offenders who present the greatest risk to the community.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There is no less restrictive way of achieving the purpose. The current provisions which apply to reporting a residence or locality provides reportable offender with up to 14 days to relocate before they are required to advise the QPS of the change. The reporting period includes seven days before a residence becomes a ‘general residence’ for the purposes of reporting and a further seven days to report that change. Post-DPSOA reportable offenders have a smaller window of 8 days due to the requirement to report changes of general residence within 24 hours after the change happens.

These periods allow reportable offenders to relocate or move from place to place without being required to report those changes until the statutory reporting periods end.

Dr Don Grubin, professor of forensic psychiatry at Newcastle University, UK, commented in his 1998 report for the United Kingdom Home Office:

“The likelihood of a sex offender offending will vary over time depending on his mental state, social circumstances and general wellbeing: many benefit from knowing there are explicit social controls around them. There will therefore need to be ongoing risk assessment, visible monitoring and appropriate intervention at times of increased risk – those involved in the management of sex offenders will need to know how to evaluate risk and how to intervene to reduce it.”

The limitation recognises that risk may change for each reportable offender based on their current circumstances and provides an opportunity to act in the least invasive manner possible to meet the purpose of the CPOROPO Act.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limitation is considered balanced when taking into account the rights of reportable offenders to move freely in their day to day lives and the human rights of children to be protected from harm. When considering the protection of the human rights of children, the amendment is consistent with section 26(2) of the HRA which provides that every child has the right, without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child. Furthermore, article 34 of the International Convention on the Rights of the Child obliges signatories to take all appropriate measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

- (b) *The exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) *The exploitative use of children in pornographic performances and materials.*

The amendment does not specifically restrict movement; however, it does change what a general residence or locality is for some reportable offenders, that is, a maximum of three days. A reportable offender has 24 hours after the three-day period to make a report.

Reports of changes to personal particulars such as general residence or localities can be made by telephone 24/7, online through a secure QPS webpage, post or email. The range of reporting options ensures that reportable offenders can report changes from any location at any time. Reportable offenders who live more than 100 kilometres from the nearest police station have the option to make an agreement with the Police Commissioner under section 33 of the CPOROPO Act, allowing reports to be made at a specific time and place.

The amendment does consider the rights of reportable offenders by requiring the Police Commissioner to be satisfied the requirement for a reportable offender to report a change of general residence within 24 hours after they have stayed at a place for a maximum of three days will reduce the risk to the lives or sexual safety of a child or children. A notice of the change in reporting must be given to the reportable offender under new section 54A of the CPOROPO Act.

- (f) any other relevant factors

N/A

Reportable information and prohibitions

Amendments to the CPOROPO Act which requires a reportable offender to report the possession and/or use of anonymising software and require reportable offenders to report the details of any vault or black hole application and the media access control address attached to each digital device in their possession or attached to any vehicle they drive, potentially limit the following human rights:

- Section 15 ‘Recognition and equality before the law’ HRA;
- Section 19 ‘Freedom of movement’ HRA;
- Section 21 ‘Freedom of expression’ HRA;
- Section 22 ‘Peaceful assembly and freedom of association’ HRA; and
- Section 25 ‘Privacy and reputation’ HRA.

- (a) the nature of the right

Section 15 of the HRA is based on articles 16 and 26 of the ICCPR. The proposal treats reportable offenders differently from other members of the community by requiring them to report information about their digital devices such as the media access control (MAC) address and applications on those devices such as black hole and vault applications. It will require a reportable offender to report the possession or use of anonymising software during their reporting period.

Section 19 of the HRA is based on article 12 of the ICCPR, which ensures every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave and has the freedom to choose where to live.

The proposal will require a reportable offender to report the MAC address that is part of or attached to any vehicle that is owned or usually driven. The MAC address is located in the radio of the vehicle and can be used to locate the vehicle and the driver through Australian Number Plate Recognition (ANPR) cameras. The information can be used to identify if the reportable offender is residing or visiting a place that is contrary to the information reported, breaches a prohibition under an offender prohibition order or indicates that the reportable offender is engaging in concerning conduct that may be a precursor to offending against a child.

Section 21 of the HRA is based on article 19 of the ICCPR, which states that every person has the right to hold an opinion without interference.

The proposal engages this right where it applies to the sexual or other abuse of children through an integrated communications platform such the dark web.

Section 22 of the HRA is based on articles 21 and 22 of the ICCPR which states that every person has the right to freedom of association with other. The proposal engages section 22 by limiting how a reportable offender engages with other child sexual offenders in an online forum.

Section 25 of the HRA is based on article 17 of the ICCPR, which states that a person has the right to not have the person's reputation unlawfully attacked.

The proposal may engage section 25 by requiring reportable offenders to report the details of any vault/blackhole applications on and the MAC address for digital devices and by prohibiting the possession or use of anonymising software during their reporting period

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is consistent with a free and democratic society based on human dignity, equality and freedom. Advances in technology have provided new ways for child sexual offenders to engage, groom and offend against children without leaving their home. This type of engagement has become more prevalent since the commencement of the COVID-19 pandemic which restricted movement and contact with others. Other advances such as masking applications provide an opportunity for child exploitation material to be held in a vault or a black hole on a digital device without detection.

The proposal extends the technology information that must be reported by a reportable offender and prohibits the use of other technology to allow for effective monitoring to reduce the likelihood of re-offending.

The amendment considers the protection of the human rights of others, namely children. Section 26(2) of the HRA provides that every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. Further, article 34 of the International Convention of the Rights of the Child, provides:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;*
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) The exploitative use of children in pornographic performances and materials.*

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

On balance, the importance of the purpose of the proposal outweighs any limitation on rights that may occur as a result. The limitation aims to reduce the likelihood of re-offending and to facilitate the investigation of offences that may be committed, by requiring information about the possession of applications which hide data on a digital device to be reported to the QPS and prohibiting the possession or use of anonymising software during a reporting period.

The amendment targets common storage applications which can hide the details of offences that are committed against children. For example, vault applications, which look like icons such as a calculator can hide photographs, videos or files in plain sight, or black hole applications which can hide other applications and files completely from view. These applications can inhibit the capacity for the QPS to monitor reportable offenders living in the community.

Requiring MAC address information supports the device inspection provisions under section 21B of the CPOROPO Act by providing the QPS with a check list of devices a reportable offender is required to present for inspection. MAC address information can also be used to monitor the location of reportable offenders who present a high risk of reoffending.

Prohibiting the use or possession of anonymising software also aims to reduce the likelihood of re-offending by limiting the capacity for reportable offenders to hide their location and online activities. Anonymising software changes the digital location of the device, sanitises information that is searched, viewed and downloaded and provides a means to access the dark web. In the preceding two years there has been a significant increase (approximately 800,000) in dark web accounts held by child sexual offenders. The dark web provides reportable offenders with anonymity to produce, access and share child exploitation material.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No less restrictive, reasonably available ways to achieve the purpose have been identified. The CPOROPO Act requires offenders who commit sexual or other particular serious offences against children to keep police informed of their whereabouts and their personal details to reduce the likelihood they will re-offend and to facilitate the investigation of any future offences they may commit.

The amendment is consistent with other information which is required to be reported under the CPOROPO Act including any of the following used, or intended to be used, by the reportable offender:

- a carriage service within the meaning of the *Telecommunications Act 1997* (Cwlth), including the name of the carriage service provider; and any current telephone number for the service;
- an internet carriage service within the meaning of the *Broadcasting Services Act 1992* (Cwlth), including the name of the internet service provider; and whether the connection is a wireless, broadband, ADSL or dial-up connection; and any current telephone number for the service;
- details of any social networking site that the reportable offender joins, participates in or contributes to, or with which the offender registers or opens an account, including passwords for the registration or account; and

- details of any email address, internet username, including a username or identity associated with an instant messaging service, chat room or social networking site, used or intended to be used by the reportable offender.
- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposal is considered a fair and balance response to meet the changing landscape of offending behaviour. Technology provides an opportunity for reportable offenders to access and share child exploitation material and to engage with and offend against children on a global scale. Grooming and offending can be hidden through the use of anonymising software and/or stored in locked applications on a digital device.

The QPS Registry has advised, through their behavioural specialists that viewing child exploitation material or similar defined material is a valid predictor a perpetrator has a sexual interest in children, especially prepubescent children. A sexual interest in children is a precursor to the ongoing risk a perpetrator has in engaging in further online and/or contact sexual offending against children.

Children have the right to communicate online without predatory interference. As signatories to International Convention on the Rights of the Child, governments have an obligation to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

The limitation balances the rights of children to be safe and the rights of reportable offenders to have an online presence. In this regard, the amendments include a reasonable excuse for the possession and use of anonymising software and do not prohibit the possession or use of vault and black hole applications during a period of reporting.

(f) any other relevant factors

The costs of child abuse and neglect is not merely economic, there are various physiological and physical factors that must be considered. The Child Family Community Australia (CFCA) cites the following:

National and international research has demonstrated a number of adverse effects of child abuse and neglect, such as:

- future drug and alcohol misuse
- mental illness
- poor physical health
- homelessness
- juvenile offending
- criminality
- incarceration (CFCA, 2014).³

Although not all children who have suffered abuse or neglect go on to develop these problems; the consequences of child abuse and neglect can affect social cohesion and result in considerable costs and ongoing government expenditure (Segal, 2015).⁴ Consequences such as educational failures, premature death and low workforce participation can lead to a

³ <https://aifs.gov.au/cfca/publications/economic-costs-child-abuse-and-neglect>.

⁴ <https://aifs.gov.au/cfca/publications/economic-costs-child-abuse-and-neglect>

considerable reduction in the productive potential of society and a lower gross domestic product (Segal, 2015).

Amendments in relation to the PPRA

Monitoring reportable offenders

The proposal will provide police with additional powers to enter a reportable offender's residence to undertake a device inspection (section 21A of the PPRA) and extend what will be considered a prescribed offence for a device inspection where the offences was committed or facilitated using an electronic communications platform or a digital storage device (section 21B of the PPRA). The proposal also recognises the use of pre-loaded digital devices as a mechanism to engage in the prescribed offences which trigger a device inspection under section 21B.

(a) the nature of the right

Section 25 of the HRA protects the individual from all interferences and attacks upon their privacy, family, home, correspondence (written and verbal) and reputation. This right protects privacy in relation to personal information, data collection and correspondence, but also extends to an individual's private life more generally. For example, the protection against interference with a person's physical and mental integrity, freedom of thought and conscience, gender, sexuality, family and home, and individual identity (including appearance, clothing and gender). The proposal limits section 25 by allowing a police officer to enter the residence of a reportable offender to undertake a device inspection under section 21A of the PPRA and expanding the number of prescribed offences that trigger a device inspection under section 21B of the PPRA.

Section 29 of the HRA protects people from unlawful and arbitrary interference with their physical liberty. This can be relevant any time a person is not free to leave a place by their own choice. Section 29 also encompasses deprivations in criminal cases, cases of vagrancy, drug addiction, entry control, mental illness etc.

The fundamental value which the right to liberty and security expresses is freedom, which is a prerequisite for individual and social actuation and for equal and effective participation in democracy. The proposal may limit section 25 by extending the offences that trigger a device inspection under section 21B. The extension may result in an increase in the arrest of reportable offenders for the new offences.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to disrupt recidivism and prevent child sexual offending by allowing a police officer to enter the residence of a reportable offender under section 21A of the PPRA for the purpose of conducting a device inspection under section 21B of the PPRA. The limitation also acts to facilitate the investigation of any further offences by scanning each digital device to identify whether there is information or data stored on the device which would constitute a prescribed offence under the CPOROPO Act.

The limitation also extends section 21B by including new offences which will be prescribed offences for a device inspection. Those offences are:

Criminal Code:

- section 218B (Grooming child under 16 years or parent or carer of child under 16 years);
- section 228B (Making child exploitation material);
- section 228C (Distributing child exploitation material);
- section 228D (Possessing child exploitation material); and
- section 229B (Maintaining a sexual relationship with a child).

Criminal Code (Cwlth):

- section 271.4 (Offence of trafficking in children);
- section 271.7 (Offence of domestic trafficking in children);
- section 273.6 (Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia); and
- section 273.7 (Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people).

These offences operate retrospectively to capture current reportable offenders who have been convicted of the new offences.

The purpose supports section 26 of the HRA and article 34 of the International Convention of the Rights of the Child by recognising that children have the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child and that parties to international accord should take action to protect children from sexual exploitation and sexual abuse.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Technology has opened a new sphere of criminal activity which allows offending to occur globally without the need to leave home. In relation to child sexual offending, the Australian Federal Police noted that since the commencement of the global COVID-19 pandemic, an additional 800,000 new accounts and applications associated with child exploitation sites have been identified on the dark web.

The limitation achieves its purpose by targeting reportable offenders who have been convicted of prescribed child sexual offences either online or through a digital storage device and requiring those offenders to present digital devices in their possession for a device inspection. Extending the offences that constitute a triggering offence for a device inspection. The new offences for section 21B of the PPRA relate to child exploitation material, child pornography, trafficking in children and maintaining a sexual relationship with a child.

Device inspections identify online activity which has or may lead to offending behaviours such as accessing child related websites, searching for and viewing images of children and researching or accessing groups who endorse child exploitation including child exploitation material.

An amendment to section 21A of the PPRA to allow police to enter the residence of a reportable offender for the purposes of a device inspection provides access for a lawful purpose. While section 21A does not allow police to search the residence or to enter parts of the residence that

are occupied by another person, it can provide information to determine whether the reportable offender is a risk to the lives or sexual safety of children.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive, reasonably available ways to achieve the purpose. The QPS Registry has highlighted that reportable offender, using restricted entry provisions under section 21A of the PPRA refuse entry to their residence for the purposes of a device inspection and present a locked mobile device to police at their door. This undermines the purpose of the CPOROPO Act to monitor reportable offenders to reduce the likelihood of reoffending.

Safeguards within section 21B of the PPRA support the rights of reportable offenders by restricting the number of times a device inspection can be undertaken in each year of reporting to four. Any additional inspections must be approved by a magistrate through a device inspection order, prior to the inspection being conducted.

Furthermore, police cannot search the residence during a device inspection. Nor can they enter a part of the residence where another person resides.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

It is recognised that allowing police to enter a private residence without consent and expanding the number of prescribed offences for the purposes of a device inspection limits the rights of reportable offenders. However, the proposal strikes a balance between the rights of reportable offenders to engage online and the rights of children to be protected from unlawful sexual conduct and grooming by those offenders.

The limitation does not prevent a reportable offender accessing the internet or prevent the storage of information on a digital device. Police investigators use a computer program to ascertain whether there is data on the devices that amounts to child exploitation material and to verify the information that is required to be reported. There is no authority to inspect a device that does not belong to the reportable offender or remove a device unless an offence has been committed by the reportable offender.

Every device inspection is recorded by police investigators and a report on the use of the device inspection powers under section 21B of the PPRA must be tabled in Parliament annually by the Minister detailing each device inspection that has been undertaken in the preceding 12 months.

(f) any other relevant factors

N/A

Amendments in relation to the CPOROPO Regulation

Recognise offender reporting schemes in jurisdictions outside of Australia as corresponding schemes in Queensland.

The proposal to ensure that offenders who are required to report to corresponding registrar outside of Australia because they were convicted of offences against or in relation to a child, are required to report as a reportable offender in Queensland may potentially engage the following human rights:

- Section 15 'Recognition and equality before the law' HRA;

- Section 19 ‘Freedom of movement’ HRA;
- Section 21 ‘Freedom of expression’ HRA;
- Section 22 ‘Peaceful assembly and freedom of association’ HRA;
- Section 23 ‘Taking part in public life’ HRA; and
- Section 25 ‘Privacy and reputation’ HRA.

(a) the nature of the right

Section 15 of the HRA reflects the essence of human rights: that every person holds the same human rights by virtue of being human and not because of some particular characteristic or membership of a particular social group. Discrimination includes (but is not limited to) direct and indirect discrimination as defined in the *Anti-Discrimination Act 1991* (for example on the basis of age, impairment, political belief or activity, race, /religious belief or religious activity, sex and sexuality). Subclause (2) provides that every person has the right to enjoy their human rights without discrimination. This provision is modelled on article 26 of the International Covenant on Civil and Political Rights.

This right may potentially be limited by requiring a person who is required to report to a corresponding registrar outside of Australia because of a conviction against a child or in relation to a child, to be considered a corresponding reportable offender in Queensland.

Section 19 of the HRA is based on article 12 of the International Covenant on Civil and Political Rights (ICCPR) and gives each person in Queensland the right to move freely without being arbitrarily forced to remain in, or move to or from, a particular place. The right includes freedom from physical and procedural barriers, like requiring permission before entering a public park or participating in a public demonstration in a public place.

This right may be limited by declaring a person who has been convicted of a corresponding offence outside of Australia, a corresponding reportable offender under the CROROPO Act and requiring the person to report the details of each place they will generally reside or be located while in Queensland and any travel outside of Queensland.

Section 22 of the HRA is based on articles 21 and 22 of the ICCPR with ensures every person has the right of peaceful assembly and freedom of association with others. This right protects not only the right to meet but to join or form a group with like-minded people.

This right may be limited by requiring an offender who is required to report to a corresponding registrar outside of Australia because of a conviction against a child or in relation to a child, to be considered a corresponding reportable offender in Queensland to report contact with children that is considered reportable contact, within 24 hours after the contact happened. The offender may also be subject to a device inspection under section 21B of the PPRA, where the conviction meets the parameters of a prescribed offence.

Employment opportunities associated with children or people with disabilities may also be limited as a consequence of the offender’s requirement to report under the CPOROPO Act while in Queensland. Reportable offenders are issued with exclusion notices under both the *Working with Children (Risk Management and Screening) Act 2000* and the *Disability Service Act 2006*.

Section 23 of the HRA is based on General Comment No. 25(5) of the United Nations Human Rights Committee, which is part of the ICCPR and provides that every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

This right may be limited by restricting the ability for an offender who has been convicted of offences against or in relation to a child and is required to report to a corresponding registrar in a jurisdiction outside of Australia working in some areas of government or the public service such as educational roles involving children.

Section 25 of the HRA is based on article 17 of the ICCPR, which states that a person has the right to not have the person's reputation unlawfully attacked. This right may be limited by recognising an overseas reportable offender as a corresponding reportable offender in Queensland. This will require the offender to meet reporting obligations under the CPOROPO Act.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to ensure that corresponding offenders from jurisdictions outside of Australia are required to report their details to police for the period they are staying in Queensland to reduce the likelihood that this cohort will reoffend.

Children in Queensland have the right to feel and be safe. Requiring overseas reportable offenders to report their details during their stay in Queensland aligns with section 26 of the HRA and the United Nations International Convention on the Rights of the Child.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation achieves its purpose by ensuring there is a level of oversight regarding the activities and whereabouts of international reportable offenders while they stay in Queensland. The requirement for all reportable offenders to report the personal details set out under Schedule 2 of the CPOROPO Act, does not prevent visiting reportable offenders travelling, working and/or engaging in tourist activities.

Reporting processes have been streamlined to allow reports to be made online, by telephone, email or post.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to monitor reportable offenders who are visiting from outside of Australia. The proposals do not prevent entry or travel within Australia and with the exception of an initial report, which must be made in person at a police station, all reporting can be done electronically which maintains the offender's privacy, while providing police with some ability to reduce the likelihood the offender will commit an offence against a child.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Requiring overseas reportable offenders to report their personal details in Queensland may be considered an impost on the offender's right to enjoy their holiday without the interference of the QPS. The CPOROPO Act requires a considerable amount of information to be reported and updated. This is an important feature which aids in protecting the lives and sexual safety of children.

To CPOROPO Act has a number of safeguards and review provisions which act preserve the rights of reportable offenders. For example, sections 67C-67D allow a reportable offender to seek a suspension of their reporting obligations base on impairment. Section 74 of the CPOROPO Act also allows a reportable offender to review a decision by the Police Commissioner to include the offender on the child protection register.

(f) any other relevant factors

Extending who will be considered a reportable offender in Queensland is not designed to prevent overseas reportable offenders traveling into Queensland. It is aimed at reducing the risk those offenders pose to children while they are in Queensland.

Conclusion

In my opinion, the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

MARK RYAN
MINISTER FOR POLICE AND CORRECTIVE SERVICES
AND MINISTER FOR FIRE AND EMERGENCY SERVICES

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