



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

**Report No. 25, 57th Parliament  
Community Support and Services Committee  
February 2023**

## **Community Support and Services Committee**

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All web address references are current at the time of publishing.

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## Chair's foreword

This report presents a summary of the Community Support and Services Committee's examination of the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022.

Protecting the lives and sexual safety of Queensland's children is of the utmost importance to the Palaszczuk Government. Since the start of the COVID-19 pandemic, there have been significant changes in technology and how child sexual offending is occurring. The TOR, or dark web, presents enormous operational challenges for law enforcement and a need for our government to be responsive and proactive is pivotal in ensuring our community has access to contemporary laws. Submitters recognised these challenges and supported the Bill's intention to target online offending by including anonymising software and encrypted services as personal details to be reported by a reportable offender.

The Bill's proposed reforms are aimed at ensuring the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* remains current and meets its purpose of protecting children and providing relevant information to police about reportable offenders to reduce the likelihood of re-offending. To achieve its objectives, the Act must respond to advances in technology that could be exploited by convicted child sexual offenders to hide their offending and weaken the framework for monitoring reportable offenders. Law enforcement agencies are in a constant battle to remain ahead of new and emerging technologies that can be exploited by criminals. The proposed amendments will enable police to respond in a way that prevents and disrupts evolving offending behaviours.

It is vitally important that the government demonstrates urgency and is responsive to emerging and changing technologies in order to protect the most vulnerable members of our communities; our children. It is equally important that the Parliament continues to respond to these emerging challenges in a timely fashion. The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee recommends that the Bill be passed.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank the Queensland Police Service for their invaluable service protecting Queensland's children. Thank you also to our Parliamentary Service staff for their professional assistance during the course of the Inquiry.

I commend this report to the House.



Ms Corrinne McMillan MP

**Chair**

## Recommendations

### **Recommendation 1** **2**

The committee recommends the Bill be passed.

### **Recommendation 2** **5**

The committee recommends that the Minister for Police and Corrective Services encourage the Commonwealth Government to continue to enhance data sharing arrangements in relation to child sex offenders and to monitor the movements of child sex offenders across jurisdictions.

## Report Summary

This report presents a summary of the committee's examination of the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022 (Bill).

### **The committee recommends the Bill be passed.**

The Bill's stated purpose is to ensure the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Act) reflects changing child sexual offending patterns and behaviour and enhances the protection of the lives and sexual safety of children. The Bill proposes amendments to the:

- Act including to:
  - o require reportable offenders to comply with reporting obligations under the Act including to provide personal details such as:
    - any anonymising software and the Media Access Control (MAC) address of devices
    - their residence and each change in residence where they stay for a maximum of 3 days
  - o make it an offence to fail to comply with reporting obligations
  - o allow information to be given to the Australian Federal Police, the Australian Government Department of Home Affairs and Australian Border Force
- *Police Powers and Responsibilities Act 2000* (PPRA) to:
  - o give police the power to enter the residence of a reportable offender in order to conduct a device inspection
  - o expand the offences that may trigger digital device inspections
  - o make it an offence to fail to produce digital devices for a digital device inspection.

The key issues raised by submitters and examined in this report include:

- protection of the lives and sexual safety of children
- regulating technology
- application of the amendments to particular offenders including children and First Nations Peoples
- limits on the rights of offenders, such as the right to privacy and the privilege against self-incrimination
- lack of safeguards on the use of information collected.

The committee supported the purpose of the Bill to protect the lives and sexual safety of children and the importance of this purpose was such that it would justify limitations on the rights and freedoms of reportable offenders.

The committee is satisfied that sufficient regard has been given to fundamental legislative principles, to the rights and liberties of individuals and the institution of parliament, and that any limitations of human rights are reasonable and justifiable.

## 1 Introduction

### 1.1 Policy objectives of the Bill

The objectives of the Bill are to:

- ensure the provisions of the Act, which underpin the child protection registry scheme, reflect changing offending patterns and behaviours
- enhance the ability for the Act and the PPRA to provide for the protection of the lives of children and their sexual safety.<sup>1</sup>

The Bill proposes to achieve this by:

- establishing a child protection register
- requiring reportable offenders (offenders convicted of sexual or other serious offences against children)<sup>2</sup> to provide and update specified personal details for inclusion in the register
- providing for periodic reporting and reporting of any travel outside of Queensland by reportable offenders
- imposing reporting obligations for prescribed periods, depending on the number and severity of offences committed and other relevant factors
- allowing for the recognition of reporting obligations under foreign laws
- allowing orders to be made against particular offenders who commit other particular serious offences against children or who engage in concerning conduct.<sup>3</sup>

### 1.2 Background

The Queensland Police Service (QPS) regularly reviews the Act, with expert input from the QPS Child Protection Offender Registry, to ensure it remains contemporary and continues to meet its purpose.<sup>4</sup> Through these regular reviews, the QPS has identified advances in technology that can be exploited by reportable 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.<sup>5</sup>

Advances in technology have provided new ways for child sexual offenders to engage, groom and offend against children without leaving their home. 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.<sup>6</sup>

There has been a clear shift from contact offending to online and device offending since the commencement of the COVID-19 pandemic. Online and device offending may include:

- using the internet to procure children under 16 (s 218A of the *Criminal Code Act 1899* (Criminal Code))
- possessing child exploitation material (s 228D of the Criminal Code)

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<sup>1</sup> Explanatory notes, p 1.

<sup>2</sup> See *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Act), s 5.

<sup>3</sup> Explanatory notes, p 1.

<sup>4</sup> Explanatory notes, p 1.

<sup>5</sup> Explanatory notes, p 2.

<sup>6</sup> Explanatory notes, p 2.

- trafficking in children (s 271.4 of the Commonwealth *Criminal Code Act 1995*)
- grooming a child to engage in sexual activity outside Australia (s 272.15 of the Commonwealth *Criminal Code Act 1995*)
- possessing child exploitation material (s 228D of the Criminal Code).<sup>7</sup>

Extending the prescribed offences relating to device inspections allows police to be proactive in identifying changes in reportable offender's risk profiles and recognises the recidivist aspect of this type of offending.<sup>8</sup> Child exploitation material offences, child trafficking and other grooming offences have been identified by QPS as presenting the greatest risk to children in the community.<sup>9</sup>

QPS advised that the new technology-based provisions in the Bill would provide police with the tools they need to monitor online activities and to inspect digital devices, with the aim of preventing and disrupting sexual offending against children.<sup>10</sup>

The Bill aims to simplify the current reporting process by removing ineffective or obsolete reporting processes and focusing on more contemporary reporting methods such as online, email, telephone and postal reporting aims to optimise compliance.<sup>11</sup> Reporting obligations will differ for each reportable offender. Some reportable offenders, who pose a higher risk of re-offending against a child, may be required to report more frequently and/or in person at a stated place.<sup>12</sup>

### 1.2.1 Crime and Corruption Commission review

The Crime and Corruption Commission (CCC) is currently undertaking a review of the Act, as mandated by s 74C of the Act. The Crime and Corruption Commission released a Discussion Paper and has called for submissions from stakeholders as part of the review.<sup>13</sup> The CCC advised:

The amendments proposed in the Bill are being considered by the CCC in its review. The CCC review is looking at broader questions as to the operation of the Act and its framework, how it is implemented and whether it is achieving its objectives.<sup>14</sup>

The QPS is assisting the CCC with its review of the Act.<sup>15</sup>

The CCC expects to report on its review in June 2023.<sup>16</sup>

### 1.3 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

#### **Recommendation 1**

The committee recommends the Bill be passed.

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<sup>7</sup> Explanatory notes, p 4.

<sup>8</sup> Explanatory notes, p 4.

<sup>9</sup> Queensland Police Service (QPS), public briefing transcript, Brisbane, 14 November 2022, p 3.

<sup>10</sup> QPS, public briefing transcript, Brisbane, 14 November 2022, p 2.

<sup>11</sup> Explanatory notes, p 6.

<sup>12</sup> Explanatory notes, p 7.

<sup>13</sup> Submission 3.

<sup>14</sup> Submission 3.

<sup>15</sup> QPS, correspondence, 1 December 2022, p 3.

<sup>16</sup> Submission 3.

## 2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

### 2.1 Proposed changes to the Act and Child Protection (Offender Reporting and Offender Prohibition Order) Act Regulation 2015

The Bill proposes changes to 6 aspects of the Act:

#### Offender Reporting Orders:

- a reportable offender is required to comply with the reporting obligations under the Act (new s 12A)
- the court can make an offender reporting order where a person has been found guilty of an offence that is not a prescribed offence (new s 12B) or when it has made a forensic order under the *Mental Health Act 2016* in relation to an offence that is not a prescribed offence (new s 12C)
- setting out the matters the court must consider before making an offender reporting order (new s 12D)
- appeals may be made under the Criminal Code (new s 12F) or the *Mental Health Act 2016* (new s 12G)

#### Reporting processes:

- the chief executive (corrective services) may make inquiries with a reportable offender about their general residence upon their discharge from custody, which will be given to the Police Commissioner and is part of a reportable offender's initial report (s 15)
- the Police Commissioner may give a reportable offender a notice requiring them to report each change in premises where they stay for a maximum of 3 days within 24 hours of the change happening (new s 19B)
- changes in information can be reported by telephone, email, approved electronic reporting method or by post (ss 21, 25 and 26)
- reportable offenders with a disability may be assisted to make a report (new s 26A)

#### Offences for failing to comply with reporting obligations under s 50 of the Act:

- a reportable offender who is convicted of failing to comply with reporting obligations may be given a reporting obligations notice to provide the required information (new s 50(5)-(8))

#### Information sharing:

- allowing information to be given to the Australian Federal Police, Australian Government Departments of Home Affairs and Australian Border Force (ss 24 and 71)
- limiting the personal information that can be given to a reportable offender about reportable contact with a child (s 73)

#### Court processes:

- allowing a statement by the prosecution that information held on the child protection register that a stated person was a reportable offender is evidence of that matter
- allowing a certificate or affidavit to be given by the prosecution stating that a reporting obligations notice was given to a reportable offender (s 77)

**Reportable information required under Schedule 2 Personal details for reportable offenders to include:**

- the Media Access Control (MAC) address of a radio or other electronic communication device that is part of any caravan or trailer a reportable offender generally resides in or is towed by a vehicle owned or driven by a reportable offender for at least 7 days in a one-year period (item 9)
- any anonymising software and the MAC address of each device in the possession of a reportable offender (item 15).

The Bill proposes changes to the **Regulation**:

- removing facsimile as a reporting option and including an address for reports to be made by post (s 5)
- including the chief executive of the Australian Government Department administering the *Migration Act 1958* (Cth) as a person who must give notice to a reportable offender to allow offenders subject to immigration detention to be aware of their obligations under the Act (s 13).

**2.1.1 Protection of the lives and sexual safety of children**

The Bill aims to protect the lives and sexual safety of children by ensuring the Act remains contemporary to changing offending patterns of reportable offenders including increased online and digital offending used to groom children and/or their parents, engage in child exploitation/pornography or traffic in children.

Generally submitters supported the Bill in its aim to protect the lives and sexual safety of children.<sup>17</sup>

*... we most definitely support any amendment to the child protection act that will improve the identifying and catching of offenders and provide better outcomes for young people. We also support greater policing powers to protect the lives of children.*

...

*We believe the amendments will provide police with the tools they need to prevent and disrupt sexual offending against children and deter offenders from reoffending. The Daniel Morcombe Foundation supports the implementation of any tool that promotes a child's basic human right to be safe all of the time.*

Mr Bruce Morcombe, Daniel Morcombe Foundation, public hearing transcript, Brisbane, 5 December 2022.

Submitters, such as the eSafety Commissioner and Bravehearts, highlighted the significant increase in child exploitation material online.<sup>18</sup> This is coupled with the ability of criminal syndicates to contact children, groom them and compel intimate material from them through threat, force, coercion and/or trickery.<sup>19</sup>

Online platforms are a significant resource for child sexual offenders, who use the internet to facilitate non-contact offences, such as downloading child sexual exploitation material, for grooming and offending against children, and to network with like-minded individuals.<sup>20</sup>

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<sup>17</sup> Submissions 5-9 and 11; Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS), public hearing transcript, Brisbane, 5 December 2022, p 8.

<sup>18</sup> Submissions 4 and 11.

<sup>19</sup> Office of the eSafety Commissioner, public hearing transcript, Brisbane, 5 December 2022, p 3.

<sup>20</sup> Submission 11.

Interaction with an anonymous, pseudonymous or imposter account online can be very distressing for victims of child sexual exploitation and other forms of abuse. The fear that the perpetrator can continue to target the victim using new accounts adds to the harm. Fake accounts can be quickly discarded and replaced with new accounts, making techniques such as reporting, blocking, muting and suspending accounts ineffective, and creating challenges for the identification and prosecution of those using fake accounts and identity shielding tactics.<sup>21</sup>

Submitters, such as Bravehearts, stated that legislation must address the conflicting rights of the safety and protection of children, young people and the community and the rights of individual offenders. Bravehearts noted that any discussion of the rights of offenders must include the rights of the victims of crime, the rights of potential victims of crime and the rights of children in the community.<sup>22</sup>

Mr Morcombe, co-founder of the Daniel Morcombe Foundation, called for the establishment of ‘a national, publicly accessible sex offender register’.<sup>23</sup> This was in light of the fact that reportable offenders may move between jurisdictions to avoid monitoring.

#### **Committee comment**

The committee accepts that the protection of the lives and sexual safety of children is of the utmost importance in society and notes the conflict between the rights of reportable offenders and children in the amendments proposed by the Bill, and is satisfied the limitation of rights is demonstrably justified.

The committee acknowledges Mr Morcombe’s advocacy for a national sex offender register but is guided by QPS advice that the Bill’s proposed amendments will improve police information-sharing capabilities with federal enforcement agencies to assist in their operations targeting national and international child sex offenders and exploitation.

#### **Recommendation 2**

The committee recommends that the Minister for Police and Corrective Services encourage the Commonwealth Government to continue to enhance data sharing arrangements in relation to child sex offenders and to monitor the movements of child sex offenders across jurisdictions.

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<sup>21</sup> Submission 4.

<sup>22</sup> Submission 11.

<sup>23</sup> Public hearing transcript, Brisbane, 5 December 2022, p 4.

### 2.1.1.1 *Human rights*

The *Human Rights Act 2019* (HRA) protects the rights of children:

- s 26(2) 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
- s 29(1) Every person has the right to liberty and security.

Under the Convention on the Rights of the Child, Queensland is obliged 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'.

Section 13 of the HRA provides that human rights may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The Bill proposes significant limitations on the human rights of reportable offenders, including the rights to freedom of movement, freedom of expression, freedom of association and privacy. The limitations on the human rights of reportable offenders may be regarded as reasonable and justifiable. This requires a consideration of the nature of the human rights, whether the limitations on the human rights of reportable offenders are necessary to achieve their purpose and whether there are any less restrictive and reasonably available ways to achieve the purpose.<sup>24</sup> In the context of the Bill, the most significant factors to consider are:

- the purpose of the limitation
- the importance of the purpose
- the balance between the importance of the purpose and the importance of preserving the human right.<sup>25</sup>

Generally, the purpose of limitations on the human rights of reportable offenders is to prevent re-offending and to facilitate the investigation and prosecution of offences and thereby to protect the lives and sexual safety of children.

In relation to the importance of the purpose, victims of child sexual offending are among the most vulnerable groups in society. Preventing child sexual offences is extremely important to the community. Child sexual offending is a serious breach of the human rights of children. The stated purpose of the Act is to 'provide for the protection of the lives of children and their sexual safety'.<sup>26</sup> As such, the importance of the purpose of the limitation, that is protecting the lives and sexual safety of children, is among the most important responsibilities of government in a democratic society which respects human rights.

The balance between the importance of the purpose and the importance of preserving the human right will depend on the particular circumstances of each amendment. However, in general, the purpose of protecting the lives and sexual safety of children will outweigh the preservation of the human rights of reportable offenders.

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<sup>24</sup> *Human Rights Act 2019* (HRA), s 13(2)(a), (c) and (d).

<sup>25</sup> HRA, s 13(2)(b), (e), (f) and (g).

<sup>26</sup> *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, s 3(1A)(a).

## 2.1.2 Regulating technology

### 2.1.2.1 *Technology based offending*

The Bill requires the possession or use of anonymising software to be reported as a personal detail under Schedule 2 of the Act.<sup>27</sup>

Anonymising software sanitises information and search histories on a digital device by encrypting or removing personally identifiable information from data sets to allow the user to remain anonymous.<sup>28</sup> This type of software provides a platform for child sexual offenders to remain undetected as they target and groom children, disseminate child exploitation material and/or participate in directed child abuse through the dark web.<sup>29</sup> The Australian Cyber Security Centre defines the dark web as websites that are not indexed by search engines and are only accessible through special networks, such as The Onion Router (TOR).<sup>30</sup>

The Bill requires reportable offenders to report the details of their possession and use of vault and black hole applications.<sup>31</sup>

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. Black hole applications hide other sensitive applications such as a vault application from view.<sup>32</sup>

The TOR or dark web is where the most concerning, largest and most prolific child abuse networks thrive, according to the eSafety Commissioner.<sup>33</sup> It is difficult to quantify the volume of child exploitation material on the dark web. Between the beginning of the COVID-19 pandemic and August 2021, the Australian Federal Police's Australian Centre to Counter Child Exploitation identified more than 800,000 new registered accounts using anonymised platforms such as the dark web and encrypted applications, solely to facilitate child abuse material.<sup>34</sup>

Submitters acknowledged the difficulties faced by law enforcement agencies and governments in keeping up with emerging and advancing technologies and were supportive of the proposed amendments in the Bill as part of a broader response to these criminal activities.<sup>35</sup>

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<sup>27</sup> Explanatory notes, p 2.

<sup>28</sup> Explanatory notes, p 2.

<sup>29</sup> Explanatory notes, p 2.

<sup>30</sup> Australian Cyber Security Centre, 'Glossary: Dark web', <https://www.cyber.gov.au/acsc/view-all-content/glossary/dark-web>.

<sup>31</sup> Explanatory notes, p 3.

<sup>32</sup> Explanatory notes, p 3.

<sup>33</sup> Public hearing transcript, Brisbane, 5 December 2022, p 4.

<sup>34</sup> Australian Federal Police, *Submission to the Parliamentary Joint Committee on Law Enforcement Inquiry into Law Enforcement Capabilities in relation to Child Exploitation*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Law\\_Enforcement/ChildExploitation/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/ChildExploitation/Submissions) (Submission 18), 25 August 2021, p 4.

<sup>35</sup> Submissions 4 and 11.

*... the use of anonymising software and encrypted services is very much part and parcel of the skill set that is encouraged within communities, particularly on the darknet, that are centred on the distribution of child abuse material. ... [E]nsuring that there is (inaudible) means of preventing them using those kinds of tools to facilitate their further abuses against children online is a sensible option.*

Office of the eSafety Commissioner, submission 4.

Submitters also stressed the essential role of online service providers in preventing and addressing misuse.<sup>36</sup>

#### 2.1.2.2 *Technology based monitoring*

The Bill requires reportable offenders to provide the MAC address of all devices in their possession.

A MAC address is a unique code permanently attached to a digital device. It allows a device to connect to a network and is used as an identifier for other networks. A MAC address can also be used to find the geographical location of the device.<sup>37</sup> The information in a MAC address is visible when a device, including a vehicle, is connected to the internet. This will provide monitoring police with greater visibility of the digital devices in a reportable offender's possession and allow police to monitor the whereabouts of at-risk offenders who reside in the community.<sup>38</sup>

Submitters recognised the difficulties of police powers under legislation keeping up with changes in technology and modes of offending.<sup>39</sup> These submitters generally supported the amendments proposed in the Bill.<sup>40</sup>

The eSafety Commissioner stated that legislation should anticipate and respond to advancing technologies that enable offenders to harm children and evade detection. Reducing the likelihood and opportunities for offenders to re-offend is an important part of broader efforts to prevent, detect and hold perpetrators accountable for child sexual abuse and exploitation.<sup>41</sup>

*The monitoring and tracking of at-risk offenders is everybody's concern, and it should be everybody's will that the police have the required powers to do that. We want to make sure that Australians, particularly Queenslanders and particularly kids, are safe. To reduce or improve the deterrent effect that tracking devices may have and the access of material that police have is a good thing. It is good for the high-risk offender because it is a deterrent. It will mean hopefully that they do not offend.*

Mr Bruce Morcombe, Daniel Morcombe Foundation, public hearing transcript, Brisbane, 5 December 2022.

The QPS, in its response to submissions, stated:

The QPS understands the intricacies regarding the reporting of MAC addresses and will work with each reportable offender to ensure the information regarding the MAC address of the physical device, can be located and reported.<sup>42</sup>

The QPS further stated that information and visibility of reportable offenders in an online environment is one the greatest tools available to prevent reoffending.<sup>43</sup>

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<sup>36</sup> Submission 4.

<sup>37</sup> Explanatory notes, p 3.

<sup>38</sup> Explanatory notes, p 3.

<sup>39</sup> Submissions 1, 3 and 4.

<sup>40</sup> Submissions 3 and 4.

<sup>41</sup> Submission 4.

<sup>42</sup> QPS, correspondence, 1 December 2022, p 2.

<sup>43</sup> QPS, correspondence, 1 December 2022, p 10.

### 2.1.2.3 *Human rights*

The Bill's proposed amendments to Schedule 2 of the Act may limit the following human rights under the HRA:

- s 15 Recognition and equality before the law
- s 19 Freedom of movement
- s 21 Freedom of expression
- s 22 Peaceful assembly and freedom of association
- s 25 Privacy and reputation.<sup>44</sup>

The Queensland Government position, as set out in the statement of compatibility, is that the purpose of the limitation is consistent with a free and democratic society based on human dignity, equality and freedom and that it protects the human rights of others, namely children.<sup>45</sup>

The limitation is a response to changing offending behaviour. It aims to reduce the likelihood of re-offending, and 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.<sup>46</sup>

There are no less restrictive and reasonable ways available to achieve the purpose of the Bill.<sup>47</sup>

The limitation balances the rights of children to be safe and the rights of reportable offenders to have an online presence.<sup>48</sup>

#### **Committee comment**

The committee recognises that the overarching purpose of preventing re-offending and protecting children's safety is of a very high importance to the Queensland community and an appropriate objective for a democratic government committed to the protection of human rights.

The committee is satisfied that the amendments to Schedule 2 of the Act are justifiable limitations to ss 15, 19, 21, 22, and 25 of the HRA.

### **2.1.3 Application to particular offenders**

#### **2.1.3.1 *Children***

Under s 5 of the Act, children can be made reportable offenders if they have been sentenced for a reportable offence or made subject to an offender reporting order. Section 5(2)(c) provides an exculpation where as a child, a person was convicted of committed a single offence relating to the possession or 'publishing' of child pornography.

Submitters expressed concerns about children who may be subject to these laws after producing and sharing intimate images in the context of their own relationships, where they may not present a risk to the community.<sup>49</sup> For example, an 18-year-old male offender who was prosecuted for entering into a sexual relationship with a 15-year-old female.<sup>50</sup>

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<sup>44</sup> Statement of compatibility, p 13.

<sup>45</sup> Statement of compatibility, p 14.

<sup>46</sup> Statement of compatibility, p 15.

<sup>47</sup> Statement of compatibility, p 15.

<sup>48</sup> Statement of compatibility, p 16.

<sup>49</sup> Submissions 6 and 8.

<sup>50</sup> Submission 8.

The Queensland Family & Child Commission stated the legislation must allow and support police to exercise discretion where children are producing intimate images, to ensure responses are proportionate to a child's actions and situation.<sup>51</sup>

They also raised the issue of reporting obligations on children in unstable living arrangements, including children experiencing homelessness or living in out-of-home care, as they may move residence regularly. Such children may need additional support.<sup>52</sup>

The QPS, in its response to submissions, stated:

The Act recognises that children may share intimate images. Accordingly, section 5(2)(c) provides an exculpation where as a child, a person was convicted of committing a single offence relating to the possession or 'publishing' of child pornography. ... There is currently one child on the Queensland component of the child protection register as a result of these protections.

Additional protections are provided to children under the Act. For example, Part 4, division 10 of the Act allows the Police Commissioner to suspend the reporting obligations of children who do not present a risk to the lives or sexual safety of children. Furthermore, the QPS is piloting an Australian telephone support service called Stop It Now!, which provides anonymous self-help for anyone worried about their own sexual thoughts, feelings, and behaviour towards children. These are important services which are aimed at reducing sexual offending against children.<sup>53</sup>

In relation to children who may have to move frequently, the QPS stated that under the new section the Police Commissioner must be satisfied that the requirement to make additional reports will reduce the risk to the lives or sexual safety of children. It also allows the Police Commissioner to suspend the reporting obligations of child offenders where the child does not pose a risk to the lives or sexual safety of children.<sup>54</sup>

#### **Committee comment**

The committee acknowledges the concerns of submitters in relation to the application of the Bill's amendments to young offenders.

The committee is satisfied that there are sufficient protections for children who may be offenders under the Act.

#### **2.1.3.2 First Nations Peoples**

Submitters expressed concerns that the amendments introduced by the Bill may negatively impact First Nations Peoples and exacerbate existing challenges regarding compliance with offender reporting obligations.<sup>55</sup>

A number of issues were raised in this context:

- Risk assessment tools, like that set out in the new Part 3 Offender Reporting Orders, are susceptible to cultural biases:

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<sup>51</sup> Submission 6.

<sup>52</sup> Submission 6.

<sup>53</sup> QPS, correspondence, 1 December 2022, p 5.

<sup>54</sup> QPS, correspondence, 1 December 2022, p 5.

<sup>55</sup> Submissions 5 and 7.

*In our experience, we have seen firsthand that where actors in the justice system are required to assess the risk posed by an individual, there is a tendency to inflate the risk posed when the individual involved is an Aboriginal and/or Torres Strait Islander person. We strongly recommend that if the Queensland government decides to legislate these amendments, that it also facilitate the provision of cross-cultural training for judicial officers regarding fair assessment of risk and avoidance of cultural bias.*

Aboriginal & Torres Strait Islander Legal Service (Qld), submission 7.

- Prescriptive reporting frameworks requiring timely reporting are not naturally congruent with the culture of Aboriginal and Torres Strait Islander Peoples, for example, where family and kin responsibilities may be prioritised.<sup>56</sup>
- The high proportion of Aboriginal and Torres Strait Islander offenders who suffer from cognitive impairment issues for a variety of complex reasons including health and socio-economic disparities and the impacts of marginalisation, disadvantage, intergenerational trauma, discrimination, family and cultural breakdown, unemployment and poor educational attainment raises concerns about the adequacy of notice requirements in the Bill.<sup>57</sup>
- The criminalisation of failure to comply with reporting obligations does not address the reasons why people fail to comply (whether this is intentional by offenders failing to comply and thereby placing children at further risk or those who unintentionally fail to comply through lack of understanding of obligations or support) and runs the risk of increased engagement with the criminal justice system.<sup>58</sup>
- If a reportable offender is released and resides in a remote or rural community, the affected family and community needs to be provided with appropriate wraparound supports.<sup>59</sup>

Submitters also made positive suggestions in relation to how the impact of the Bill on First Nations Peoples could be minimised. Reporting obligations imposed upon an Aboriginal and/or Torres Strait Islander person must be framed and communicated to that individual in a culturally appropriate manner, to limit cultural and literacy barriers and promote the best chance of compliance.<sup>60</sup>

*As the rationale for this bill is child safety, increasing compliance by reportable offenders with their reporting obligations is at the very heart of this objective.<sup>1</sup>*

...

*An approach that is more driven by support for compliance, if compliance is the goal for community safety, an approach designed with that at its core would perhaps be more beneficial.*

Aboriginal & Torres Strait Islander Legal Service (Qld), submission 7.

The Aboriginal & Torres Strait Islander Legal Service (Qld) (ATSILS) suggested that an appropriate model could be based on s 420 of the PPRA, which requires a police officer questioning First Nations

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<sup>56</sup> Submission 7.

<sup>57</sup> Submission 7.

<sup>58</sup> ATSILS, public hearing transcript, Brisbane, 5 December 2022, p 10.

<sup>59</sup> Submission 5.

<sup>60</sup> Submission 7.

Peoples to consider the person's educational background, their cultural connections, any medical issues or any impairment by alcohol or drugs.<sup>61</sup>

The QPS, in its response to submissions, stated both the Bill and the existing provisions of the Act consider impediments that may be experienced by First Nations Peoples who live remotely and are required to report their details because of the offences they have committed against children.<sup>62</sup> The obligations and impacts of the proposed amendments on First Nations Peoples have been considered in the development of the Bill and detailed in the human rights statement of compatibility.<sup>63</sup>

The QPS further stated that the Child Protection Offender Registry is staffed by 42 regionally placed specialist detectives who are responsible for monitoring and act as case managers for each reportable offender in the community. The QPS also employs First Nations Police Liaison Officers who provide a conduit between First Nations Peoples and police officers in relation to cultural issues. Officers are also able to refer reportable offenders to external agencies for targeted support, as well as assisting reportable offenders meet their reporting obligations.<sup>64</sup>

In terms of making information available to communities, the QPS, in its response to submissions, stated that the Act does not prescribe an open register and there are penalties for unlawful disclosure of information about a reportable offender.<sup>65</sup>

In the context of the over-representation of First Nations Peoples in the criminal justice system, the QPS stated:

While the QPS is cognisant of the overrepresentation of First Nations Peoples in the criminal justice system, the requirement for a court to consider previous offending by an offender before making an offender reporting order is important to allow the court to determine whether there is an indication the offender poses a risk to the lives or sexual safety of children. The proposal in section 12D does not impose an obligation on the court to make an order.<sup>66</sup>

The QPS further stated that '[t]he proposal has been drafted in line with the *Human Rights Act 2019* and the United Nations Declaration on the Rights of Indigenous Peoples'.<sup>67</sup>

#### **Committee comment**

The committee acknowledges the concerns of submitters in relation to the impact of the Bill's amendments on First Nations Peoples.

While the committee accepts the view of the QPS that the impacts on First Nations People have been considered in the Bill and the statement of compatibility and that there are First Nations Police Liaison Officers to assist with cultural issues, the committee would encourage the Department to implement guidelines, similar to those set out in s 420 of the PPRA, in dealing with First Nations people in relation to their reporting obligations under the proposed amendments.

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<sup>61</sup> Public hearing transcript, Brisbane, 5 December 2022, p 10.

<sup>62</sup> QPS, correspondence, 1 December 2022, p 2.

<sup>63</sup> QPS, correspondence, 1 December 2022, p 2.

<sup>64</sup> QPS, correspondence, 1 December 2022, p 4.

<sup>65</sup> QPS, correspondence, 1 December 2022, p 4.

<sup>66</sup> QPS, correspondence, 1 December 2022, p 6.

<sup>67</sup> QPS, correspondence, 1 December 2022, p 6.

## 2.1.4 Additional changes proposed by stakeholders

### 2.1.4.1 *Serious reportable offender*

The Queensland Law Society (QLS) suggested these provisions of the Bill should only apply to offenders at the most significant risk of re-offending and recommended the inclusion of a definition of ‘serious reportable offender’.<sup>68</sup>

In response, the QPS stated the Act currently prescribes a higher level of monitoring and reporting for reportable offenders who present the greatest risk to children in the community. These offenders include those who are subject to an offender prohibition order and post-*Dangerous Prisoners (Sexual Offenders) Act 2003* reportable offenders.

In relation to the QLS’ suggested definition of ‘serious reportable offender’, the QPS stated:

... the current classification of reportable offenders under the Act is appropriate. The Act is part of a national scheme and as such needs to remain consistent with offender classifications, in so far as possible. This is particularly important when registering corresponding reportable offenders from other jurisdictions.<sup>69</sup>

In addition to this, the Act provides a number of opportunities to increase reporting and monitoring where an offender’s risk profile changes. For example, the Police Commissioner may impose more frequent reporting and require a reportable offender to report in person. Conversely, the Police Commissioner can suspend reporting in certain circumstances where an offender poses no risk to the lives or sexual safety of children.<sup>70</sup>

The QPS stated that ‘[r]isk profiles can change rapidly and it is important that the Act remains agile to the circumstances of each individual offender rather than introducing rigid sub-groups of offenders’.<sup>71</sup>

### **Committee comment**

The committee notes the QLS’ suggestions in relation to the inclusion of ‘serious reportable offender’ in the Act and recognise the importance of this suggestion, but are of the view that it is important that the Queensland legislation remains consistent with the national scheme.

### 2.1.4.2 *Reports by Elders or Community Justice Groups*

Under s 13E(2) of the Act, the court must be given a written report containing information, assessments and reports about the child respondent, their family and other matters. One submitter suggested that where First Nations young people are concerned, the legislation should specifically require a report be prepared by an Elder / Community Justice Group as part of the written report.<sup>72</sup>

The QPS, in its response to submissions, stated:

Section 13D(1) of the Act sets out the matters a court must consider before making an offender prohibition order. In particular, 13D(1)(j) of the Act includes anything else the court considers relevant, and this could include a report by an Elder/Community Justice Group where the child respondent identifies as an Aboriginal and/or Torres Strait Islander young person. This is also reflected under section 7(2)(p) of the *Penalties and Sentences Act 1992*.<sup>73</sup>

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<sup>68</sup> Submission 8.

<sup>69</sup> QPS, correspondence, 1 December 2022, pp 9-10.

<sup>70</sup> QPS, correspondence, 1 December 2022, pp 9-10.

<sup>71</sup> QPS, correspondence, 1 December 2022, p 10.

<sup>72</sup> Submission 5.

<sup>73</sup> QPS, correspondence, 1 December 2022, p 3.

### **Committee comment**

The committee notes the suggestions in relation to courts taking into account a report prepared by an Elder / Community Justice Group where a First Nations Peoples offender is involved. Such reports could be considered by courts under existing s 13D of the Act and the committee would encourage the QPS and the courts to make use of such reports, when applicable.

## **2.2 Proposed changes to the *Police Powers and Responsibilities Act 2000***

The Bill proposes changes to 4 aspects of the device inspection regime in the PPRA:

- police have the power to enter the residence of a reportable offender to conduct a device inspection (s 21A)
- police have the power to inspect storage devices:
  - o a reportable offender is to produce each digital device in their possession for inspection, including a pre-loaded digital storage device or other storage device
  - o the definition of prescribed offences will include new offences which will act retrospectively to capture current reportable offenders who have previously been convicted of the new offence (s 21B)
- a Magistrate may make a device inspection order for reportable offender (s 21C)
- failing to produce digital devices is an indictable offence with maximum penalty of 300 penalty units (currently \$43,125) or 5 years imprisonment (s 21D).<sup>74</sup>

### **2.2.1 Limits on the rights of offenders**

Some submitters supported the intent of the Bill to prevent child sexual exploitation and disrupt recidivism, but considered some provisions of the Bill would impose significant restrictions on offender's rights.<sup>75</sup>

#### **2.2.1.1 Privilege against self-incrimination**

The new s 21D proposed by the Bill makes it a crime for a reportable offender, without reasonable excuse, to fail to produce digital devices for inspection under the new s 21B.<sup>76</sup> New s 21D(2) states that self-incrimination is not a reasonable excuse.

The QLS objected to the erosion of the privilege against self-incrimination, stating that the privilege against self-incrimination should be retained in relation to any offence that is not a child sexual offence.<sup>77</sup>

The Queensland Government position, as set out in the explanatory notes, is that this is similar to s 51B of the PPRA and s 197 of the *Crime and Corruption Act 2001*.<sup>78</sup> The QPS, in its response to submissions, stated:

The amendments are considered imperative to the purposes of the Act and only impact offenders who have been convicted of offences that are prescribed offences under section 21B of the PPRA.<sup>79</sup>

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<sup>74</sup> Explanatory notes, pp 20-1.

<sup>75</sup> Submissions 7, 8 and 10.

<sup>76</sup> Explanatory notes, p 24.

<sup>77</sup> Submission 8.

<sup>78</sup> Explanatory notes, p 25.

<sup>79</sup> QPS, correspondence, 1 December 2022, pp 11-12.

**Committee comment**

The committee notes the concerns in relation to the privilege against self-incrimination and the position of the Queensland Government and QPS that this is in line with other similar legislative provisions.

**2.2.1.2 Right to privacy**

The Bill includes a range of provisions that may impact an individual's right to privacy and confidentiality.<sup>80</sup>

The Bill's proposed amendments to s 21A of the PPRA give police the power to enter premises where a reportable offender resides to verify the offender's personal details and to carry out inspections under new s 21B of the PPRA.

Several submitters expressed concerns about the impact of these new provisions on the right to privacy of reportable offenders and third parties.<sup>81</sup>

*... where the reportable offender is living in shared accommodation, the power to enter the reportable offender's place of residence at any time and without warrant for the purpose of a device inspection is a significant intrusion on the privacy of others living in the same accommodation. While police cannot inspect a device that does not belong to the reportable offender, search the residence or enter a part of the residence where another person resides, having police (or knowing that police can) enter your place of residence with no warning or warrant may only serve to further isolate reportable offenders and reduce their likelihood of engaging in pro-social relationships.*

Queensland Law Society, submission 8.

The QPS, in its response to submissions, stated that the right to privacy and shared digital devices was litigated when the provision was introduced in 2017. It was determined at that time to be appropriate. The QPS stated that this is not a unique situation, and is not dissimilar to other offences currently on the statute books. Further, the specialist detectives who undertake device inspections must investigate and prove beyond a reasonable doubt the person is responsible for the unlawful activity.<sup>82</sup>

**Committee comment**

The committee notes the concerns of submitters in relation to the right to privacy.

While the new provisions expand police powers to enter premises and conduct inspections and will clearly impact on the privacy of reportable offenders, there are safeguards on the operation of the power (for example, it may only be exercised where there is a reasonable suspicion that evidence will be destroyed, or a warrant is issued by a Magistrate). The committee considers the limits on the right to privacy are reasonable and justified given the purpose of the amendments.

**2.2.1.3 Retrospective operation**

The Queensland Government position, as set out in the explanatory notes, is that new s 21B proposed by the Bill operates retrospectively.<sup>83</sup>

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<sup>80</sup> Bill, cls 13, 19 and 40.

<sup>81</sup> Submissions 8 and 10.

<sup>82</sup> QPS, correspondence, 1 December 2022, p 12.

<sup>83</sup> Explanatory notes, p 5.

The new s 21B expands the device inspection offences listed in s 21B(5). If a reportable offender has been convicted of a device inspection offence, a police officer may require a reportable offender to produce their device for inspection.<sup>84</sup> These offences will capture current reportable offenders who have previously been convicted of the offences added in the proposed new s 21B.<sup>85</sup>

The Queensland Government, in the explanatory notes, states:

... the retrospectivity is justified as reportable offenders who have used the internet and digital devices to commit offences against children previously cannot be effectively monitored by police unless there is a level of compliance and inspection available to police during the offender's reportable period under the Act.<sup>86</sup>

The QLS stated that laws that change legal rights and obligations with retrospective application undermine the rule of law and strong argument is required to justify their adverse effect on rights and liberties of affected individuals. They did not consider that the justification provided in the explanatory notes was sufficient justification for the inclusion of the new triggering offences, and their retrospective application.<sup>87</sup>

The QPS noted that reportable offenders will be able to review a decision to include them in the digital device regime, under s 74 of the Act.<sup>88</sup>

#### **Committee comment**

The committee notes the concerns of the QLS in relation to the retrospective operation of the proposed new s 21B.

The committee considers the retrospectivity is justified given the purpose of the amendments and the fact that the decision to include reportable offenders who have previously committed the new offences in the proposed s 21B(5) is reviewable.

#### **2.2.1.4 Entry into premises**

The Bill's proposed amendments to s 21A of the PPRA give police the power to enter premises where a reportable offender resides to verify the offender's personal details and to carry out inspections under new s 21B of the PPRA.

Section 4(2)(e) of the *Legislative Standards Act 1992* (LSA) specifies that whether legislation has sufficient regard to rights and liberties of individuals depends on whether the legislation confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.

The proposed amendments to s 21A of the PPRA may be a breach of the fundamental legislative principles under s 4(3)(e) of the LSA.<sup>89</sup> The government position, as set out in the explanatory notes, is that:

The proposal does not confer the power to search any part of the residence unless there is a reasonable suspicion that evidence will be destroyed or a warrant is issued by a Magistrate for that purpose.

The inspection role is primarily undertaken by the officer responsible for the ongoing monitoring of that offender or an officer attached to a Child Protection Investigation Unit. The amendment will ensure that the legislation regarding device inspections operates in the way it was intended by allowing police to

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<sup>84</sup> Bill, cl 50 (s 21B(1)(b) and (2)).

<sup>85</sup> Explanatory notes, p 20.

<sup>86</sup> Explanatory notes, p 24.

<sup>87</sup> Submission 8.

<sup>88</sup> QPS, correspondence, 1 December 2022, p 12; explanatory notes, p 24.

<sup>89</sup> Explanatory notes, p 24.

enter the residence of a reportable offender to inspect devices in their possession or to which they have access.<sup>90</sup>

A number of submitters raised concerns about the Bill giving police the power to enter premises without a search warrant.<sup>91</sup>

The QLS regarded these provisions as a significant imposition on a person's fundamental rights and liberties.<sup>92</sup>

The ATSILS did not support the proposed expansion of police powers under the PPRA.<sup>93</sup> They had significant concerns that, in the climate of systemic cultural failings within QPS, the enactment of proposed s 21A would result in the over-policing of Aboriginal and Torres Strait Islander offenders.<sup>94</sup>

The statement of compatibility for the Bill provides the purpose of the limitation on these rights is to disrupt recidivism and prevent child sexual offending.<sup>95</sup>

The QPS, in its response to submissions, stated that this is 'a limited provision with stringent guidelines around its use'.<sup>96</sup> The entry and device inspection powers are affected by regionally placed specialist detectives who are responsible for the monitoring of reportable offenders in the community. They cannot be used for any other purpose or in relation to any other member of the community. There are significant oversights in relation to the use of the device inspection powers, including annual Parliamentary scrutiny of each occasion the powers are used.<sup>97</sup>

Further, the entry power proposed in s 21A does not confer a power to search the residence or to enter any part of the residence that is used by a person other than the reportable offender who is subject to the digital device inspection provisions.<sup>98</sup>

#### **Committee comment**

The committee notes the concerns of submitters in relation to the power of police to enter premises under the proposed s 21A and is satisfied that the power in s 21A is limited to the purpose of verifying a reportable offender's personal details or to carry out a digital device inspection under proposed s 21B. The committee also considers that the power to enter premises is justified given the purpose of the amendments is to protect the lives and sexual safety of children.

The committee is satisfied the safeguards built into the PPRA whereby an annual report about the use of device inspection powers under s 21B must be prepared and given to the Minister for Police and Corrective Services and tabled in the Legislative Assembly, in accordance with s 808A of the PPRA.

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<sup>90</sup> Explanatory notes, p 24.

<sup>91</sup> Submissions 7 and 8.

<sup>92</sup> Submission 8.

<sup>93</sup> Submission 7.

<sup>94</sup> Submission 7.

<sup>95</sup> Statement of compatibility, p 17.

<sup>96</sup> QPS, correspondence, 1 December 2022, p 9.

<sup>97</sup> QPS, correspondence, 1 December 2022, p 9.

<sup>98</sup> Explanatory notes, p 5.

### 2.2.1.5 *Human rights*

The Bill's proposal to amend ss 21A and 21B of the PPRA to give police additional powers to enter a reportable offender's residence for a device inspection and expand the offences which trigger a device inspection may limit the following human rights under the HRA:

- s 25 Privacy and reputation
- s 29 Right to liberty and security of person.<sup>99</sup>

The Queensland Government position, as set out in the statement of compatibility, is that the purpose of the limitation is to disrupt recidivism and prevent child sexual offending. Devices are scanned to identify whether there is information or data stored on the device which would constitute a prescribed offence under the Act. The new offences for s 21B of the PPRA relate to child exploitation material, child pornography, trafficking in children and maintaining a sexual relationship with a child.<sup>100</sup>

There are no less restrictive and reasonable available ways to achieve the purpose of the Bill.<sup>101</sup>

Allowing police to enter a private residence without consent and expanding the number of prescribed offences for the purposes of a device inspection clearly limits the rights of reportable offenders. The proposed amendments balance the rights of reportable offenders to engage online and the rights of children to be protected from unlawful sexual conduct and grooming by reportable offenders using digital devices.<sup>102</sup>

#### **Committee comment**

The committee is satisfied that amendments to ss 21A and 21B are justifiable limitations to ss 25 and 29 of the HRA.

### 2.2.2 **Lack of safeguards on use of information collected**

Two submitters expressed concerns about the potential use of any information gathered by police during a device inspection as evidence of an unrelated offence.<sup>103</sup> The Queensland Council for Civil Liberties raised concerns about officers sharing data, including log-ins and passwords, with other agencies, which are not subject to any restrictions on their use of this information.<sup>104</sup>

The ATSILS stated there were no material safeguards in the proposed drafting to ensure information is only used in relation to the reportable offender's reporting obligations under the Act and not any other purpose.<sup>105</sup>

The QPS, in its response to submissions, stated digital device inspections operate using a software program that is designed to capture information about online activities involving children. The software will highlight words, videos or images that can be looked at in further detail where there is a concern the reportable offender is engaging in behaviours that would be an offence under the Act.<sup>106</sup> Chance discovery of other offending activities, while not impossible, are not the primary focus.<sup>107</sup>

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<sup>99</sup> Statement of compatibility, p 17.

<sup>100</sup> Statement of compatibility, p 17.

<sup>101</sup> Statement of compatibility, p 19.

<sup>102</sup> Statement of compatibility, p 19; Human Rights Report, p 10.

<sup>103</sup> Submissions 7 and 8.

<sup>104</sup> Submission 10.

<sup>105</sup> Submission 7.

<sup>106</sup> QPS, correspondence, 1 December 2022, p 12.

<sup>107</sup> QPS, correspondence, 1 December 2022, p 12.

The digital device inspection regime is overviewed by the Queensland Parliament each year to ensure the provisions are used appropriately.<sup>108</sup>

**Committee comment**

The committee is satisfied that, while the proposed amendments do not include specific limitations on the use of the information collected, the purpose of the legislation, the importance of protecting the lives and sexual safety of children coupled with parliamentary oversight, ensure that there is an appropriate balance between the rights of reportable offenders and the police in relation to the collection of information.

### **2.3 Compliance with fundamental legislative principles and human rights**

The committee has examined the Bill and considered the application of fundamental legislative principles contained in Part 2 of the LSA to the Bill. Where relevant, matters arising of fundamental legislative principles are discussed in sections 2.1 and 2.2 of this report above.

**Committee comment**

The committee is satisfied that the clauses of the Bill which restrict individual's rights and liberties are justified on the basis that the intent of the provisions is to protect the lives and sexual safety of children.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill and examined for compliance by the committee.

**Committee comment**

Explanatory notes were tabled with the introduction of the Bill. The committee is satisfied that they contain the information required by Part 4 of the LSA and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

The committee has examined the Bill for human rights compatibility.

**Committee comment**

The committee has examined the Bill for human rights compatibility and finds the Bill is compatible with human rights.

The Bill's limits on human rights of reportable offenders are reasonable and justifiable in light of the Bill's objective to protect the lives and sexual safety of children.

The HRA requires that a statement of compatibility must be tabled for a Bill.<sup>109</sup> The committee has examined the statement of compatibility tabled with the introduction of the Bill.

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<sup>108</sup> QPS, correspondence, 1 December 2022, p 11.

<sup>109</sup> HRA, s 38.

**Committee comment**

A statement of compatibility was tabled with the introduction of the Bill as required by s 38 of the HRA.

The committee is satisfied that the statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

## Appendix A – Submitters

<b>Submission No.</b>	<b>Submitter</b>
001	Robert Heron
002	Eileen Clarke
003	Crime and Corruption Commission
004	eSafety Commissioner
005	Queensland Indigenous Family Violence Legal Service
006	Queensland Family & Child Commission
007	Aboriginal & Torres Strait Islander Legal Service (Qld)
008	Queensland Law Society
009	TASC National Ltd.
010	Queensland Council for Civil Liberties
011	Bravehearts Foundation Limited

## **Appendix B – Officials at public departmental briefing**

**14 November 2022**

### **Queensland Police Service**

- Detective Acting Chief Superintendent Denzil Clark, Child Abuse and Sexual Crime Group
- Detective Inspector Julie Duncan, Officer in Charge, Child Protection Offender Registry
- Detective Acting Superintendent Glen Donaldson, Child Abuse and Sexual Crime Group
- Detective Senior Sergeant Sarah Aitkin, State Registrar, Child Protection Offender Registry
- Senior Sergeant Andrea Reeves, Instructing Officer, Legislation Branch

## **Appendix C – Witnesses at public hearing**

**5 December 2022**

### **Office of the eSafety Commissioner**

- Mr Toby Dagg, Acting Chief Operating Officer

### **Daniel Morcombe Foundation**

- Mr Bruce Morcombe, Co-Founder

### **Aboriginal and Torres Strait Islander Legal Service (Qld)**

- Mrs Pree Sharma, Prevention, Intervention and Community Legal Education Officer
- Mr Lewis Shillito, Director of Criminal Law

## Appendix D – Abbreviations

Act	<i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>
ATSILS	Aboriginal and Torres Strait Islander Legal Service (Qld)
Bill	Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022
CCC	Crime and Corruption Commission
committee	Community Support and Services Committee
Criminal Code	<i>Criminal Code Act 1899</i>
HRA	<i>Human Rights Act 2019</i>
LSA	<i>Legislative Standards Act 1992</i>
MAC	Media Access Control
PPRA	<i>Police Powers and Responsibilities Act 2000</i>
QCS	Queensland Corrective Services
QLS	Queensland Law Society
QPS	Queensland Police Service
TOR	The Onion Router