



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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CHILD PROTECTION (OFFENDER PROHIBITION ORDER) BILL; COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN AND ANOTHER ACT AMENDMENT BILL

Mrs STUCKEY (Currumbin—Lib) (4.22 pm): I rise in support of the Child Protection (Offender Prohibition Order) Bill, introduced by the honourable Minister for Police, Corrective Services and Sport in the parliament last year. The opposition will be supporting this legislation and the Commission for Children and Young People and Child Guardian and Another Act Amendment Bill, which was brought into the House by the honourable Premier. This is now a cognate debate.

The Child Protection (Offender Prohibition Order) Bill aims to provide protection to children by allowing the Magistrates Court to make a child protection offender prohibition order. It follows a suite of recent legislation in New South Wales and the United Kingdom. The bill enables a prohibition order to be made against certain previously convicted child sex offenders to prohibit them from engaging in specified lawful conduct. The court must be satisfied that the child sex offender has engaged in conduct that poses an unacceptable risk to the lives or sexual safety of children in the community. However, the conduct need not amount to a criminal offence.

On making a prohibition order, the respondent to the order is placed on the Child Protection Offender Reporting Register and must report certain personal details to police. This register is maintained by police to reduce the likelihood that child sex offenders will reoffend and to facilitate the investigation and prosecution of any future offences that they may commit.

The bill also gives police more power to act on concerns about convicted paedophiles once they re-enter society. For the first time, police will have the power to act if they are concerned about the behaviour of any sex offender who has served their prison time and been released back into the community. It will also allow police to ask magistrates for an order banning paedophiles from going within 200 metres of places such as parks, playgrounds, childcare centres, movie theatres, video arcades, theme parks and swimming pools. Police will also have the power to seek restrictions on offenders entering shopping centres at times when schoolchildren could be there or joining any clubs that could bring them into contact with children.

With approximately 2,500 people currently listed on the Queensland sex offender register, this legislation is absolutely essential in combating this most ghastly and vile behaviour. It is a pressing situation that I and other honourable members of this House are deeply committed to tackling head-on and in the sternest manner possible. It is for these reasons that we commend the minister for police for bringing this bill before the House.

As the shadow minister for child safety I am only too well aware of the dangers posed to Queensland children. It is an issue that I have spoken about in this place previously. In fact, less than a year ago I spoke of the risk posed by paedophiles and their inclination to reoffend. I am very glad that the government has seen fit to respond to concerns raised by me and others and to put in place more stringent measures.

When I spoke on this matter in May of last year, I referred to research done by criminologists Richard Wortley and Stephen Smallbone of Griffith University. Whilst most research into paedophilia revolves around psychological profiles of the offender, Wortley and Smallbone's research is focused on what is called situational crime prevention. In their 2006 article entitled 'Applying situational principles to sexual offences against children', these two researchers highlighted the danger that this bill seeks to address.

In a questionnaire of known sex offenders, participants were asked where they were most likely to meet children for sexual conduct. It was found that a significant number of offenders contacted children through institutional and public settings. The most popular places in these categories included a public toilet, which was identified by 13.2 per cent of respondents; a shopping mall, which 11.8 per cent identified; a park, which 10.5 per cent identified; and a swimming pool, which 10.5 per cent identified; as well as a playground, a video arcade and a movie theatre. Therefore, it is important that the provisions for police with the 200-metre rule are put in place through this bill.

Another key point that I would like to highlight from Wortley and Smallbone is that no crime can ever be committed without opportunity. Therefore, it should be the government's responsibility to limit any opportunity to commit these offences as best it can.

With respect to the number of cases of paedophilia beleaguering our society recently, it is pleasing to see the government's attempts to curtail this sooner rather than later. As I have said, we commend the bill and the government's efforts to tackle paedophilia. I strongly believe that it is an issue that must be tackled from all angles. With this in mind I draw the House's attention to the very disquieting fact that an alarming percentage of those children who are abused end up as abusers. A staggering 49 per cent of those surveyed in a CMC Queensland research and issues paper were found to have been abused by either one or both parents.

Further, the impact on these children can cause them to express explicit sexual behaviours towards other children, as is evidenced in an article released by *Australian Doctor* on 15 February this year whereby a Queensland victim of abuse at the tender of age of seven simulated sex with his younger sister. Despite reports to the Department of Child Safety by his distraught mother and the boy moving schools as a result of exhibiting inappropriate behaviour, the case was closed with staff labelling the mother as anxious, strung out and not to be taken seriously. Left unchecked and untreated, this child may well become a serial offender in the near future. The article stated that doctors and health professionals wonder why by law they are required to report yet when they do that and follow through, as occurred in this case, their opinions are not taken seriously.

We also had the deplorable story of 'Zoe', who after being abused by her father as a young child began drawing explicit pictures and initiating inappropriate 'doctor and nurse' type games with schoolmates. She was demonised for this, rather than having these incidents reported by teachers. She uses in her frank interview with the *Australian* newspaper a metaphor of how for most children the topic of sex is concealed in a dark room within their psyches which they slowly explore at their own pace and in their own time. Children who are victims of abuse, however, have the door battered open and the fluorescent lights turned on. Once these doors are forced open they stay open and cause all sorts of unusual behaviours in children of that age.

Whilst I am talking about the incidences of child sex offences, I also want to draw to the attention of the House the alarming fact that victims of paedophilia are more likely to offend than are people in the broader community. This is why we must tackle the issue, as I said, from all angles with a whole-of-government approach. Bravehearts's Ditto program is one initiative that works to stop paedophilia by educating young children about their bodies and equips them with the skills that they need to avoid risky situations. By educating kids about this harsh reality I believe we are going a long way to addressing this problem.

I have attended a session of the program and was most impressed with the effectiveness of its message. Unfortunately, a number of children are not educated on the fundamental principles of the sanctity of their bodies, empowerment and stranger danger and are therefore highly vulnerable when predators make contact. I do not believe enough is being done to educate our children that their body is their own, not to be mistreated by anyone. Children are not often empowered to tell responsible adults of their problems and fears in this regard, and of course this plays well into a paedophile's hands. They need to be taught what is good touching and what is bad touching, who are safe people to confide in, how to deal with strangers and how to have the courage to report inappropriate behaviours. Sickeningly, the perpetrators are often well known to the child, and I feel that children need to be aware of ways in which to deal with these soul-destroying issues.

Ditto, like so many worthy programs, is underfunded. However, I do recognise that the former Premier recently announced a one-off funding payment to Bravehearts of \$68,000. I understand that this is nowhere near enough when it comes to tackling this very important issue but it is a place to start. Speaking of Bravehearts, I want to place on record my strong support for the work that they do, work that really does make a big difference to so many young lives. Both Ditto and the Life Education program with Harold the

giraffe, which the former Premier cut funding to almost 10 years ago, is money well spent in the quest to educate and empower young children.

Frequently we learn of children who are seduced into doing pornographic photoshoots. We heard earlier this year of a Brisbane man who possessed illegal images on his computers. He is also accused of seducing and grooming a child over the internet for sex. Family Planning Queensland I know would like to see more lessons on sexuality taught in high schools, stating in February this year that they estimated less than five per cent of students were getting adequate information. The association also stated that a quick talk prior to schoolies was all some students received, with a lot of schools devoid of any sexuality education at all.

All too often we hear of classic cases of paedophiles who reoffend and reoffend, all the while their lust intensifying while they commit more reprehensible acts more often. These monsters filter into our communities, taking on positions of influence over our children and exploiting that trust. As a community we all need to be on guard in order to protect our children from those despicable persons amongst us who steal the innocence of our children.

The need for urgency with this legislation is made further apparent by the recent spate of cases involving convicted offenders who, following their release, are trying to contact children. Only six months ago we had the very disturbing case of Desmond Buckby, a convicted paedophile who was caught with five children in his Townsville home. Once rearrested it was found that Buckby had given the children gifts, including toys and cakes, and let one of the children sit on his lap. Upon cross-examination the offender claimed that he 'just wanted to be friends' with the children. The fact that Desmond Buckby was already on one of Queensland's strictest control orders is evidence enough that more must be done in this area. We do need a higher standard of protection to ensure that our children are safe and we need that standard immediately.

The government, as per the *Courier-Mail* on 13 August, has not revealed details of the whereabouts of 1,878 paedophiles within Queensland and further has not revealed in which prison the 558 offenders are being held pending release. These paedophiles have forgone their right to privacy and do not deserve the government's protection. Only a month before that, various media sources were reporting that Mark Anthony Foy, a man with a long history of paedophilia who had just been released from prison, was making contact with children in Brisbane's west and 'going out of his way' to befriend mothers with young children. One cannot dispute that such behaviour further highlights the desperate need for stronger control orders for these people.

The deplorable rates of recidivism need desperately to be combated. In March we had but another example of a paedophile repeat offender, Raymond Horne, who has had a 43-year reign of terror of child sex offences in Australia. After spending more than 14 years behind bars in Australia he was deported to the United Kingdom, where he will likely continue with his vile acts of child molestation. This deportation order led to outrage in Britain from child advocacy groups who believe there is a risk of Horne reoffending with his history of luring young boys into his home.

Two weeks ago the pin-up board of sexual offenders who live in our community reminded us of the need to keep careful watch over our young. Amongst them was Douglas Allen, sentenced to 10 years for offences including carnal knowledge by anal intercourse against a 12-year-old male victim; Allan Ward, sentenced to 10 years for 46 offences against three girls over a three-year period; Lawrence Smith, sentenced to four years and six months for offences of indecent treatment of three girls aged four to seven; and the list goes on.

On 9 April this year the *Courier-Mail* reported that in the past two weeks six serious sex offenders on Dangerous Prisoners (Sexual Offenders) Act supervision orders were arrested. Although not all were returned to custody, this high rate of breach of court orders does reignite the question of tougher sentencing for sex offenders as well as indefinite sentencing. These cases highlight the disgustingly high incidence of recidivism among child sex offenders. Though no definite statistics exist on recidivism of sex offenders in Queensland, comparable figures and overseas research reports suggest that rates of reoffending may be as high as 40 per cent.

Available statistics, anecdotal evidence and research all paint the same picture, and I am glad that the Bligh government has taken the lead from its New South Wales counterparts and finally acted in an area that it has avoided. Now we do need the tougher sentences to further protect our children, and I do understand that the minister has been very supportive on this issue.

I now move to the Commission for Children and Young People and Child Guardian and Another Act Amendment Bill 2008. As I said before, this bill was introduced into this House by the honourable the Premier. Whilst I and my colleagues, as I have said, will be supporting this bill, I do feel that it has missed a most valuable opportunity to further safeguard our children. I thank the Premier for offering the opposition a briefing last Monday with Commissioner Elizabeth Fraser and advisers Don Wilson and Elizabeth

Bianchi. They were most accommodating and helpful in answering my questions. As this bill has a rather lengthy title, I shall refer to it throughout this speech in abbreviated terms as CCYPCG.

Before I proceed any further I wish to make mention of the fact that for the second time in amending this legislation the government has not engaged in any community consultation. When will the government begin to recognise the input from non-government stakeholder groups and the good people of Queensland and actually listen to their voices? Many a good idea is missed through lack of consultation from the very people who often are the ones who have to put into practice the legislative choices made by the government.

The Scrutiny of Legislation Committee *Alert Digest* No. 4 of 2008 contained a number of concerns with this legislation. I would like to include some of those here. The committee notes that there are three serious issues regarding the offence provisions to be inserted or amended by the bill. Firstly, it would effect a significant increase in the maximum penalties for a number of offence provisions in the CCYPCG Act and would create new offences with significant penalties. The committee observes that the offences in some cases create liability where employers act contrary to the requirements of the act.

Secondly, the committee had issue with clause 44, which provides that specified offences are indictable offences. Generally, indictable offences may be described as more serious offences tried by a jury. Conviction of an indictable offence, for example, may disqualify a statutory office holder from office. The categorisation of offences as indictable is therefore a matter of significance.

The committee referred to parliament the question whether various provisions of the bill creating new offences and amending existing offences have sufficient regard to the rights and liberties of individuals. The explanatory notes to the bill state—

There is potentially an infringement of the fundamental legislative principle that rights and liberties should not be adversely affected or obligations imposed retrospectively, to the extent that the Bill seeks to withdraw current appeals in specified circumstances. Again, this infringement is considered necessary to achieve consistency with the overarching policy intent of the Bill, which is to protect children from harm.

The committee is concerned that people with existing rights to seek review of decisions under the CCYPCG Act would be adversely affected by clauses 30, 31 and 45 of the bill. The committee seeks information from the Premier as to why any retrospective effect of the provisions of the bill is considered to be justified. I understand though that many members in this House, myself included, would agree that when it comes to protecting children from harm these provisions are indeed justified. The Scrutiny of Legislation Committee's *Alert Digest* also goes on to state—

Under the Bill, there is no provision for merits review of a decision by the Commissioner to refuse to issue an eligibility declaration or to refuse to cancel a negative notice in relation to a disqualified person.

Understandably, the Premier's department has had some problems with this bill because of the issues I have just raised. As a former paediatric nurse, I am passionate about the welfare of our little ones. In this vein, I would like to contribute to the debate by putting forward ordered and practical suggestions— suggestions that have been discussed with me by concerned individuals. I do hope they will be taken in the light that they were shared with me.

The objective of the bill is to function as a complementary piece of legislation to the Child Protection (Offender Prohibition Order) Act, which is why it is being debated in a cognate manner today. Several amendments are made to the act concerning offender prohibition orders where a number of sections encompass the provisions that persons on those orders or are subject to reporting obligations are prohibited from applying for a blue card.

This bill, through the broadening of these conditions, will ensure the following: that the framework for a blue card, its application and evaluation process will toughen exclusionary measures in order to review application for blue cards more stringently; that the application for a blue card by an excluded person is an offence punishable by up to five years internment or a maximum \$37,500 fine; that the commissioner may cancel or suspend a person's blue card if a person becomes disqualified; and that the commissioner and the police are allowed to share necessary information, which I believe is a very important step here to allow the effective administration of the blue card and prohibition order system.

I have said in this House before that I wholeheartedly support the blue card and that it is a positive initiative of this government. While it is recognised that these provisions are not the magical elixir child safety in Queensland so desperately needs, they certainly will provide a more effective screening process as an initial vetting to ensure that only those fit may work with our children.

The bill expands the exclusionary framework of the blue card system by way of amendments to part 6 of the CCYPCG Act which introduce the concept of a disqualified person. Disqualified persons are prohibited under this bill from making an application for a blue card. The new section 120E provides the offence of a disqualified person under sections 100 and 101 where any disqualified person who makes an application is committing an offence and is liable for five years imprisonment or a \$37,500 fine. Attempting to gain access to our children through volunteering in institutions is a growing problem and can in effect be deterred by a measure such as this. These provisions place further and more stringent requirements on

those attempting the application for a blue card and serve as an obstacle to would-be applicants with past criminal history.

The bill further strengthens the blue card system by introducing additional powers for courts to issue disqualification orders in circumstances where a person is convicted of a serious offence other than a disqualifying offence committed against or in relation to a child where the nature of the offending behaviour clearly indicates that it would not be in the best interests of children for a blue card to be issued. These include the following: clause 43 inserts section 126C(1)(b), where a disqualification order may be made by a court against a person convicted of any serious offence involving or otherwise against a child; clause 41 inserts section 126AA, which provides powers for the commissioner and the Police Service to share information where necessary and appropriate to enable the effective administration of the blue card system as well as the Child Protection (Offender Reporting) Act 2004 and the prohibition order system proposed by the Child Protection (Offender Prohibition Order) Bill; providing police officers with the power to seize a blue card where an individual is no longer entitled to hold it; and also providing for effective and efficient transitional arrangements.

As a measure of filtration, the blue card through its application and review process has proved in this past financial year its efficacy as a first-line defence against child abusers. The system employed by the commission when reviewing the applications for blue cards has proved most effective, especially considering that of the 248,323 applications lodged this past financial year 352 applicants were prohibited from providing child related services after receiving a negative notice—118 of these were the result of a cancellation of a positive notice blue card because of either a change in the applicant's criminal history or the positive notice blue card having been issued based on wrong or incomplete information, and 44 of these are banned for life for excluding offence negative notices—135 applicants withdrew their consent to be further screened after being challenged about their criminal history; 69 applicants had their blue cards immediately suspended after being charged with an excluding offence which prohibits them from providing child related services until the charge is finalised and the suspension lifted; and nine applications were withdrawn by the commission after it was notified that an applicant was charged with a serious child related sexual or pornography offence while their application was being processed.

This system of review is proving an expatiated measure of finding and filtering out these criminals. Whilst all these measures are positive and are providing results, we must also take the bad with the good. I have challenged the previous Beattie government in this House regarding the fact that blue cards do not encompass a means of photographic identification. In a ministerial statement in response to the debate over this bill given on Tuesday, 4 September last year, Premier Beattie said—

... I have never ruled out including a photo on the blue card. In fact, my recollection is that the last time I was asked about this issue I committed to considering the issue further as part of the current review of the operational workability of the provisions of part 6. So I reiterate that commitment, particularly in light of the development of technology ...

So there we have it. The previous Premier committed the government to this issue, ensuring that it would be carefully considered. Sadly, it has not been included in this new legislation. The bill should provide the ideal means of a competent review of our blue card system. The pressing issue of photographic identification has once again been overlooked. We have yet another raft of amendments but still no photo ID. It would be a relatively inexpensive and easy to implement process. If we only inserted the space for a colour photograph on the application forms, as is found on the application for our passports, and had those photographs witnessed, we could simply and effectively implement another check and balance in the interests of child safety. So it is for these reasons that I shall be moving an amendment in my name to have the added security of photographic identification implemented within the blue card system. The amendment will effect part 6 section 101(3)(a) of the Commission for Children and Young People and Child Guardian Act 2000.

It is high time someone in this House took a hardline, genuine and serious attitude towards correcting the shortfalls of child safety in Queensland. Identification is evidently a problem and these amendments do little to address that issue. Despite a commitment by the former Premier to consider photo ID on blue cards, we have not seen any action. I would ask the current Premier to explain in her reply—or if it is the police minister who is carrying this debate—why nothing has been done to implement these more stringent requirements. I urge her and the members opposite to rectify this important omission.

Just last year, the commission withdrew 13,523 applications where identification requirements were not sufficiently satisfied. This is nearly 5.5 per cent of all of the 248,000 applicants processed for blue cards. This makes no mention of the number of people using another's blue card to gain access to children.

It is interesting to note that politicians are not required to hold a blue card. Perhaps our vocation should be added to those requiring them under schedule 1 of the Commission for Children and Young People and Child Guardian Act 2000. As politicians, we come into contact with children on a regular basis and I for one would find it prudent that we be required to have them, especially in light of recent affairs before the courts concerning a Labor Minister for Aboriginal Affairs and Minister Assisting the Premier on Citizenship.

In November last year, Milton Orkopoulos was arrested and charged with 30 offences including involvement in child prostitution, sexual assault and supplying illegal drugs—all paid for by public funds. Orkopoulos was a member of parliament from 1999 to 2006 and whispers of his various offences began surfacing in 1995 when he was elected as a member of the Lake Macquarie City Council. We heard in March how he was convicted on 28 offences relating to sexual assault of a minor, indecent assault and supplying heroin and cannabis. In his portfolio, one would assume that he would have a blue card, especially with frequently dealing with children. Had politicians been included under schedule 1 of the act, making ours a vocation requiring a blue card, these offences may not have had the chance to occur, especially in seeing that whisperings of his abuses surfaced some 12 years prior to his convictions.

Let that side of the House also not forget their own Bill D'Arcy, who was charged with three counts of rape, four counts of indecent dealing with a boy under 14 and 11 counts of indecent dealing with girls under the age of 12. Let us not also forget the further 30 charges of indecent dealing against another 10 girls and boys.

For the trifecta, though, we have Keith Wright, the former Leader of the Labor Party in Queensland and Baptist lay preacher. I remind the House of the transgressions of the former member for Capricornia, who was a strong moral campaigner, deeply religious, opposed to pornography and a vehement defender of children and champion for their need for protection. Meanwhile, back at the ranch, Wright was engaged in the very activities he crusaded against. The former Queensland Labor state opposition leader had a sexual deviance towards adolescent girls.

Yet another stellar example of the sorts of people we need to protect our children from is the former Northern Territory Labor MLA and former federal senator Bob Collins. Collins was charged with 21 child sex offences relating to the possession of child pornography, indecent assault, carnal knowledge and sexual intercourse without consent. One of the senator's victims was as young as 12. When faced with his demons, Collins committed suicide and so the charges were never prosecuted. It is exactly these sorts of people from whom our children need to be protected and it is for this reason that politicians, too, need to be added to the schedule 1 list of regulated employment.

One can advance the argument that these people may have obtained a blue card prior to their convictions. However, some would think long and hard before applying for one. The new section 120E would weed out from our ranks these most detested of our own profession. Convicted criminals would not be welcome in our House. My own experience as an applicant for the renewal of my blue card has revealed the delays one experiences in trying to obtain one. As shadow minister for child safety, I feel that I should have one. But it is ludicrous to see instances where a simple act of transference becomes something resembling a steeplechase, as was the case for me.

The present organisation under which I hold my blue card as a volunteer I am led to believe is to be disbanded later this year. In my honesty I have revealed this. I would like to retain my card. However, upon its expiration on 11 April—which has now passed—I have no recognised requirement for one. Whilst my blue card was valid until then, I now have no recognised avenue for renewal. I was told that this parliament is not a valid organisation requiring a blue card—as it should be. As I have since learnt, there are only one or two members of this House who hold a blue card. I can only imagine the hoops they had to jump through to obtain one.

With our members coming into contact with children on an almost daily basis, it would be prudent of us as a government to walk the talk and as a parliament ensure that our politicians meet the standards of the community at large. As I have already alluded to, in the interests of the safety of our children the blue card system should also apply to members of this parliament. Members on that side of the House have, to my disgust, a proven record in the molestation of our children and it needs to be combatted. We need to lend weight to the safety of our most vulnerable and not to the protection of the most vile. Failure to do so would be condoning their behaviour. The inconvenience for our MPs is a small price to pay and would set a high moral standard and show to the people of Queensland that their elected representatives are to be treated the same as ordinary citizens when it comes to working with children.

Again highlighting the rushed nature of this legislation and the lack of thought that has gone into further provisions, we see that educators still do not require a blue card. Whilst it is a correct assumption that teachers are subject to stringent police checks, surely a blue card would provide some benefit in certain situations, particularly in the review of the blue card every two years.

Another reason for politicians to have a blue card is the practice of students undertaking work experience or doing volunteer work in electorate offices. Doubtless a number of these individuals would be young enough to warrant those supervising them to be required to hold a blue card. Concerns have been brought to my attention—and I do hope that the minister will take this point on board as well—that teachers in remote areas often have short postings and can be rotated or moved sometimes in two years. Surely as a precautionary measure a blue card would go far in the prevention of potential offences caused by nomadic teachers who move from post to post, potentially leaving a destructive wake. In no way am I pointing the finger at teachers as a more likely group to offend, but, as with every profession, you are bound to have a few rotten apples.

Teacher aides, who, I am told, are more likely to reside in the local community, often outlasting any temporary teacher posting, require blue cards. Why is it, then, that temporary teachers do not have to have them with their posting often being for short periods—periods that are actually shorter than the validity of a blue card? Would it not be relatively easy to implement, along with a police check? The check could be the very same one, serving a dual purpose. Should anyone try to slip under the radar, the police commissioner and the Commissioner for Children and Young People and Child Guardian could cooperate under the new information-sharing provisions.

Clause 34 inserts new sections 122(1)(d), (e), (f), (2B) and (2C) to expand the circumstances in which the commissioner may seek information from the police commissioner. Clause 34 also provides for an expansion of the range and nature of information that the police commissioner is obliged to provide to the commissioner in prescribed circumstances. These amendments are necessary due to the introduction of the expanded exclusionary framework for the blue card system based on the concept of a disqualified person. Clause 35 amends section 122A to expand the provisions relating to notifications from the police commissioner to the commissioner about changes in police information about certain persons. This is necessary due to the introduction of the expanded exclusionary framework for the blue card system based on the concept of a disqualified person.

The commission, beleaguered by the restricted flow of information, is now allowed, pursuant to section 122(2B), to acquire information from the police commissioner about a relevant disqualified person. That information must now mandatorily be given to the police commissioner including (a) whether the person is or has been a relevant disqualified person; (b) whether the person is or has been subject to a disqualification order as well as the duration and details of the disqualification order; (c) whether the person is or has been subject to an offender prohibition order, including providing the commissioner with a brief description of the conduct that gave rise to the order and the duration and details of the order, including whether it is or was a temporary offender prohibition order or a final offender prohibition order.

In respect of section 122(2C), the police commissioner must now give the commissioner the following information about a person who is or has been the subject of an application for a disqualification order, or named as the respondent for an application for an offender prohibition order and the order was not made. They must inform the commissioner that the person is or has been the subject of an application for a disqualification order, or named as the respondent for an application for an offender prohibition order and the order was not made, the reasons the application was made or the reasons the order was not made.

This will usher in a further safeguard whereby the opening of information channels will allow the fast and expedient uncovering and prosecution of applicants who are disqualified from blue cards. Working with this information, the provisions of the bill vest powers for the commissioner to take appropriate action to cancel or suspend a blue card where a holder becomes a disqualified person. They also provide police with the power to assume the card and make it an offence not to surrender the card to the officer. The section also stipulates manners in which the confiscated card is to be dealt with.

The commissioner may under section 119(1)(b) cancel a positive notice and substitute it with a negative one if the commissioner is satisfied that it is appropriate, after having taken into account: disciplinary information or information received about the person other than information known to the commissioner at the time the positive notice was issued; or a decision of a court made after the positive notice was issued, including the reasons for the decision, relating to an offence committed by the person.

Clause 50 provides a new section 789A to the Police Powers and Responsibilities Act 2000 which gives police officers the power in prescribed circumstances to demand production of a person's positive notice and blue card, and makes it an offence for a person not to comply with such a demand unless the person has a reasonable excuse. The section also prescribes actions that must be taken by a police officer who is given a person's positive notice and positive notice blue card under this provision. This section applies if a police officer knows or reasonably suspects that the person is the holder of a blue card positive notice document and that the person has been charged with a disqualifying offence or the person is a relevant disqualified person.

The police officer may require the person to immediately give the document to the police officer and the person must comply with the requirement under subsection (2). The maximum penalty for noncompliance is \$7,500. This provides yet another example of where photographic identification would be a practical and prudent measure. The officer who is given a person's blue card positive notice document under subsection (2) must give the person a receipt for that document. A police officer is then obliged to give the CCYPCG document to the Children's Commissioner.

In terms of the limitation and revocation of a disqualifying document, the Premier outlined in her second reading speech that only in very limited and defined circumstances will a person disqualified from having a blue card be able to seek the lifting of that disqualification by the commissioner. It is this area where there is some concern.

The limited circumstances are where the person has not been sentenced to imprisonment in relation to a disqualifying offence. I would ask the Premier or the minister carrying this debate to provide the House with an example of this, other than the one that is mentioned in the second reading speech. Should people committing a disqualifying offence actually be allowed to have their ban lifted? I would think not.

Further, how do we implement accurate review of these cases when judges may exercise absolute discretion in deciding the cases in the first instance and the commissioner's discretion is not subject to any guidelines. As we know, sentencing varies greatly and is often the source of a great public outcry. The Attorney is then prompted to call for an appeal against the leniency of the sentences. Take for example the sentence for the rapists in Aurukun.

Other circumstances include that the person does not have reporting obligations under the Child Protection (Offender Reporting) Act and are not subject to a child protection offender prohibition order or a disqualification order. Surely all members of the parliament see the merits in these circumstances and particularly those given in the hypothetical example mentioned by the Premier in her second reading speech.

Whilst it is all well and good to pay lip-service to these supposed provisions, I actually fail to see where within the legislation they are actually implemented. Any such provision is perhaps vague and unqualified and I feel are very difficult to implement. We need to look only so far as the events that occurred in Aurukun in December last year to see that in the exercise of judicial discretion in the deciding of a case it is not always considered particularly fair and just practice in these circumstances.

In the case that shocked the nation as the details of this depraved and deliberate gang rape of a young Indigenous girl were revealed, people were further dismayed at the attitude of judges and lawyers who failed to seek custodial sentences for any of the nine perpetrators who pleaded guilty. Six boys and three men raped a girl who was aged 10 at the time. The senior legal officer further outraged the world with comments that this girl who suffers from foetal alcohol syndrome probably agreed to sex.

For these provisions to prove fitting and to ensure that people are not falling through the cracks we must have a practical mechanism of review—one that is flexible enough to encompass those very limited circumstances in which we should allow a disqualified person to obtain a blue card. They must also be sensible and stringent enough to shield our children from would-be predators.

These provisions would follow a common-sense approach where persons who commit a crime some years prior may apply for blue cards under particular circumstances. As I mentioned, the Premier gave an example in the explanatory notes of a 17-year-old being convicted of carnal knowledge with a 15-year-old who now some years later have married and without the risk of further offence would like to obtain a blue card.

I can see the merit in this provision but I would like to think that that example would be the only instance in which these provisions would apply. I shudder to think that every sex offender on the books may have their disqualification from a blue card overturned by the passage of time. After speaking with the commissioner and senior staff on Monday, I have been assured that this could only happen in the situation mentioned above. I truly hope so.

This side of the House would not like to see the behaviour of child sex offenders of the nature we have come to see recently excused by the lapse of time. If we look at the astonishing rates of paedophile recidivism, it is evident that time should not erase their crimes. Undoubtedly, there will still be some unsavoury characters who slip through this new system but the majority will be denied blue cards.

This raises sentencing provisions again. We see it with domestic violence, rape and teenage pregnancies in remote communities. There are many well-documented difficulties with overflowing court systems in these and other communities and municipalities. Many young adult offenders do not receive sentences let alone those who would see them placed in custody. With those comments, I commend the bill to the House and I note that I shall be moving an amendment to further expand the efficacy of this important initiative.