Crime and Corruption Commission
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# Child sexual victimisation in Queensland

An overview of legal and administrative developments since 2000

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# Introduction

In 2000, the Queensland Crime Commission (QCC) and the Queensland Police Service (QPS) produced a series of reports that were collectively called "Project Axis". The aim was to provide the community, particularly stakeholders in the criminal justice system, with insight into the past, present and likely future impact of criminal paedophilia and child sexual victimisation (CSV) in Queensland.

The Crime and Corruption Commission (CCC)[1] now performs the functions of the QCC, and has legislative responsibilities to conduct research into major crime, including criminal paedophilia (ss.23, 25, 52 and Schedule 2 Dictionary *Crime and Corruption Act 2001*).

This paper, written by the CCC's Policy and Research Unit, traces the legal and administrative developments that have shaped the current landscape of criminal paedophilia and child protection in Queensland since Project Axis.

It also summarises the main CSV offences under the Queensland and Commonwealth criminal law.

## Terminology

In this paper, "child sexual victimisation" (CSV) is used as a generic term to cover incidents of a sexual nature against children that would constitute a criminal offence.

Terms such as child sexual abuse, child sexual assault, child sexual molestation and child rape are often interpreted as implying physical violence (Finkelhor 1979). However, in many cases of CSV, physical violence is not present, and, in some cases, there may be no physical contact at all. The increased incidence of this last type of CSV is largely due to the emergence of the Internet as a means of soliciting children for use in the production of child exploitation material (CEM), as well as its use in the production, promotion, distribution and viewing of this material.

Although the general meaning of a "child" is a person under 18, it is used in this paper to describe a victimised person under the age of 16, the relevant age in Queensland for most CSV offences.

# Developments since 2000

## Background

There is no single piece of legislation in Australia that regulates CSV. Each state and territory has its own Criminal Code or equivalent that contains numerous different CSV offences. In addition, there are CSV offences in the Commonwealth Criminal Code. For constitutional reasons (s. 51 Australian Constitution), these offences have a narrower ambit than the equivalent state offences. For instance, the Commonwealth CEM offences require the offender to have used a carriage (telecommunication) service.

Whether the Commonwealth or Queensland criminal law, or both, will be relied on to charge and prosecute offenders will depend on the scope of the relevant criminal law and all of the circumstances of the alleged offence, including the location. Where offences are committed within a state or territory, police will usually lay charges under the relevant state or territory criminal law. The Criminal Code (Cwlth) is generally used for offences that occur across or outside Australia or where there is no equivalent state offence (Explanatory Memorandum, Crimes Legislation Amendment (Sexual Offences

[1] Formerly the Crime and Misconduct Commission (CMC)

Against Children) Bill 2010). However, when an offender can be charged with either a Commonwealth or state offence an important consideration for law enforcement bodies is the maximum penalty provided for in the respective legislation.

There are a number of laws in Queensland, apart from the Criminal Code, that are relevant to CSV. For example, there are laws which:

- regulate how victims give evidence in court about CSV offences (*Evidence Act 1977*)
- impose obligations on certain professionals and other employees to report suspected CSV (ss. 13E and 13F *Child Protection Act 1999* and ss. 365, 365A, 366 and 366A *Education (General Provisions) Act 2006*)
- regulate how child protection workers should respond to CSV victims (*Child Protection Act 1999*)
- are aimed at preventing future CSV offences (the "blue card system" in chapter 8 of the *Working with Children (Risk Management and Screening) Act 2000,* the *Child Protection (Offender Reporting) Act 2004* and the *Child Protection (Offender Prohibition Order) Act 2008*).

Since the Project Axis reports were published in 2000, significant amendments have been made to all of these laws, as well as to the Queensland and Commonwealth Criminal Codes. These developments are discussed later in this paper. Also discussed are key CCC and government reports; government policy and strategy changes; and the establishment of new agencies and administrative arrangements that have shaped the way CSV is dealt with by police, lawyers, other practitioners who work with children and CSV offenders, and the criminal justice system generally.

## Influences on CSV offending, the criminal law and police practices

Many of the new CSV offences that have been included in both the Queensland and Commonwealth Criminal Codes in recent times have responded to the increased use of technology in the commission of CSV. Some Queensland examples include section 218A "Using internet etc. to procure children under 16" (inserted in 2003) and section 228C "Distributing child exploitation material" (inserted in 2005).

The emergence of online paedophile networks has also resulted in new Commonwealth offences introduced in 2010 for CSV offenders who commit multiple child pornography/child abuse material offences with the assistance or involvement of two or more others. The maximum penalty for these new aggravated offences (ss. 273.7 and 474.24A of the Criminal Code) is 25 years imprisonment, which is significantly higher than the sentences that can be given for the individual offences.

The Commonwealth Government has also responded to the growing phenomenon of child sex tourism, where people travel from their own country to another country (typically a developing nation) to engage in sexual activity with children. In 2010, the Criminal Code (Cwlth) was amended to include a series of new offences that apply to Australian citizens and residents who commit CSV offences outside Australia (division 272: "Child sex offences outside Australia" and division 273: "Offences involving child pornography material or child abuse material outside Australia").

Changes in offending types and practices have had a significant impact on the way police detect, investigate and prevent CSV offences. One of the biggest changes is the extent to which police collaborate with their counterparts in other Australian and international jurisdictions. This is particularly the case for investigations involving online paedophile networks. The police powers legislation has also been amended to keep pace with changes in CSV offending. For instance, in Queensland, amendments were made in 2006 for search warrants to order the holder of any storage device to give police the information necessary to gain access to stored data, such as encryption keys and passwords (s. 154 *Police Powers and Responsibilities Act 2000*).

Another factor influencing police investigations is the involvement of child protection workers in some investigations. In Queensland, these workers are employed by the Department of Communities, Child Safety and Disability Services. Changes to the child protection system are discussed in the Appendix.

The impetus for many of the recent legislative reforms at both a state and national level has been Australia's obligations under various international agreements and protocols. These include the International Labour Organisation's *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (ratified on 19 December 2006); the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (ratified on 8 January 2007); and the Council of Europe's *Convention on Cybercrime* (to which Australia's Joint Standing Committee on Treaties has recommended Australia become party).

Most Australian states and territories have undertaken inquiries into the welfare of Indigenous children. These include the NSW Aboriginal Child Sexual Assault Taskforce (2006) and the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007). Although CSV in Indigenous communities is a significant concern that deserves and requires special attention from law enforcement, research and policy bodies, it is not specifically highlighted in this paper.

Similarly, although there are numerous offences in the Queensland Criminal Code that seek to protect children from "prostitution-related" CSV (e.g. ss. 229FA, 229G, 229H and 229L), this paper does not touch on this particular category.

## Broad categories of CSV offences

There are numerous types of CSV offences in both the Queensland and Commonwealth Criminal Codes. Some offences apply equally to child and adult victims, whereas others only apply to children; some involve direct physical contact with a victim; others are committed using the Internet or some other form of technology; some involve multiple offenders; and others can be committed outside Australia. Most CSV offences can be grouped into one of the following categories:

1. Contact offences: child victims only
2. Contact offences: child and adult victims
3. Non-contact offences (excluding child exploitation material offences)
4. Child exploitation material offences and other related offences
5. Miscellaneous offences.

Each of these categories is discussed in the following pages. For further details about some of the more recent amendments and offences, see the Appendix. All references to legislative provisions are references to the Queensland Criminal Code unless otherwise specified.

### 1. Contact offences: child victims only

These offences involve direct physical contact with a child victim. Typically, absence of consent is not an element of the offence and mistake as to age can be pleaded if the victim was at least 12 years old. Some examples include the following.

#### *Indecent treatment of children under 16 (s. 210)*

This offence applies to a range of unlawful behaviours, some of which involve direct physical contact with a child, such as indecently dealing with a child or the offender allowing himself/herself to be indecently dealt with by a child. The maximum penalty ranges from 14 to 20 years of imprisonment, depending on the age and relationship of the child and any impairment of the child's mind. This last circumstance of aggravation was added to section 210 and to sections 208 and 215 (below) by the *Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Act 2013* (2013 Criminal Law Amendment Act).

#### *Carnal knowledge with or of children under 16 (s. 215)*

This offence now applies to both female and male offenders and victims (see Appendix for further information about amendments). It does not apply to anal intercourse. The maximum penalty ranges

from 14 years to life imprisonment, depending on the age and relationship of the child, any impairment of the child's mind and whether the offence involved attempted, or actual, carnal knowledge.

### *Unlawful sodomy (s. 208)*

This is the only Queensland CSV offence that applies to children under 18 years of age. In 2010, the Australian and New South Wales Law Reform Commissions called for a uniform age of consent for all federal, state and territory sexual offence provisions (2010 recommendations 25-2). The maximum penalty ranges from 14 years to life imprisonment, depending on the age and relationship of the child, any impairment of the child's mind and whether the offence involved attempted, or actual, sodomy.

### *Maintaining a sexual relationship with a child (s. 229B)*

This offence, the maximum penalty for which is life imprisonment, can be charged where there is evidence of an unlawful sexual relationship with a child over any period involving more than one unlawful sexual act. Unlike all other CSV offences, the unlawful sexual acts that together establish the relationship do not have to be formally particularised as they would be if the individual acts had been separately charged. This means that a prosecution can still be successful even if a child is unable to distinguish between particular episodes of abuse (because, for example, the conduct is the same or similar on all occasions). See the Appendix for further information about amendments to this section.

### *Procuring or allowing the commission of contact offences (ss. 213, 217 and 218)*

Where a person procures a child to engage in carnal knowledge or some other sexual act with another person, two different charges can be laid. The person having direct physical contact with the child can be charged under sections 210 or 215 (see above) and the person procuring the child can be charged under sections 217 or 218. The maximum penalty for both of these offences is 14 years. Section 213 makes it an offence for a property owner or occupier to "knowingly permit" a child to be at the property for the purpose of another person committing a sexual offence against the child. The maximum penalty ranges from 10 years to life imprisonment, depending on the age of the child and the nature of the offence committed against the child.

## 2. Contact offences: child and adult victims

These offences involve direct physical contact with a child or adult victim. Unlike the first category of offences, absence of consent is usually an element of the offence. Some examples include the following.

### *Rape (s. 349)*

This offence is committed where a person has carnal knowledge, including sodomy – section 6(2) – of another person; or penetrates the person's vulva, vagina or anus with an object or body part (not a penis); or penetrates the other person's mouth with a penis. Where the victim is 12 years or more, the prosecution must prove absence of consent. The maximum penalty is life imprisonment (or 14 years for attempted rape under s. 350).

### *Sexual assault (s. 352)*

This offence is committed where a person indecently assaults another person, or procures another person to commit an act of gross indecency. Absence of consent is an element of the offence. The maximum penalty ranges from 10 years to life imprisonment, depending on the circumstances of the offence, such as if the offender is armed with a dangerous weapon.

*Incest (s. 222)*

This offence is committed where a person has carnal knowledge, including sodomy, of their child, or other lineal descendant, or sibling, parent, grandparent, uncle, aunt, nephew or niece; and knows that the other person bears that relationship to him or her. It is irrelevant that the act occurred with the consent of either party. The maximum penalty is life imprisonment.

## 3. Non-contact offences (excluding child exploitation material offences)

The offences discussed in this category all involve child victims. None of the offences involve the offender having direct physical contact with the victim. Some examples include the following.

*Exposing a child to an indecent act or to any indecent object or matter (s. 210(1)(d), (e))*

Section 210, which was discussed under the first category of offences, also applies to a range of unlawful indecent behaviours, some of which do not involve direct physical contact. A person commits an offence under section 210 if they wilfully and unlawfully expose a child to an indecent act by the offender or any other person; or without legitimate reason, they wilfully expose a child to any indecent object or any indecent film, videotape, audiotape, picture, photograph or printed or written matter. The maximum penalty ranges from 14 to 20 years of imprisonment, depending on the age and relationship of the child and any impairment of the child's mind.

*Child appearing in an indecent show or performance (s. 228(1)(c)(3))*

Section 228 (Obscene publications and exhibitions) makes it an offence to publicly exhibit any indecent show or performance. The general (non-aggravated) penalty is two years imprisonment, but the maximum penalty is significantly higher where a child appears in the show or performance (five years where the child is under 16 years of age and 10 years where the child is under 12 years of age).

*Using Internet etc. to procure children under 16 (s. 218A)*

This offence, which was inserted into the Criminal Code in May 2003, only applies to adult offenders. Section 218A makes it an offence to use electronic communication, such as chatrooms and email, with intent to procure a child to engage in a sexual act. Since the commencement of the 2013 Criminal Law Amendment Act (29 April 2013), the maximum penalty is 10 years of imprisonment (or 14 years where the child is, or the offender believed the child was, under 12 or the procuring conduct involves the offender meeting the person or going to a place with the intention of meeting the person). Police will generally only charge a person with this offence where the person is detected before they have a chance to commit further, more serious offences. If a child is in fact procured to engage in a sexual act, the offender will be charged with the appropriate substantive offence.

The equivalent offence under the Commonwealth Criminal Code is section 474.26 (Using a carriage service to procure persons under 16 years of age). The maximum penalty is 15 years imprisonment.

*Grooming children under 16 (s. 218B)*

The 2013 Criminal Law Amendment Act introduced a new offence of "grooming children under 16", carrying a maximum penalty of five years imprisonment (or 10 years where the child is, or the offender believed the child was, under 12). The conduct caught by section 218B is any conduct engaged in by an adult in relation to a person under 16, or a person the adult believes is under 16 years of age, with intent to facilitate their procurement to engage in a sexual act (not limited to acts involving physical contact) or expose them to any indecent matter.

The equivalent offence under the Commonwealth Criminal Code is section 474.27 (Using a carriage service to "groom" persons under 16 years of age). The maximum penalty ranges from 12 to 15 years of imprisonment, higher than the current Queensland penalty. It is narrower than Queensland's grooming offence as it only applies to electronic communications.

## 4. Child exploitation material offences and other related offences

In April 2005, four child exploitation material (CEM) offences were inserted into the Criminal Code, namely:

- involving a child in making CEM (s. 228A)
- making CEM (s. 228B)
- distributing CEM (s. 228C)
- possessing CEM (s. 228D).

Since the commencement of the 2013 Criminal Law Amendment Act (29 April 2013), the maximum penalty for the first three offences has been increased from 10 to 14 years imprisonment and the maximum penalty for possession has been increased significantly from five to 14 years imprisonment. These penalties will apply for offences against sections 228A, 228B, 228C and 228D whether the offence occurred before, on, or after the commencement of the 2013 amendments (s.730 Criminal Code).

Although there were existing child pornography offences in the *Classification of Computer Games and Images Act 1995*, the *Classification of Films Act 1991* and the *Classification of Publications Act 1991*, this legislation was directed at material produced for a commercial purpose and for public distribution and did not recognise the serious criminal and exploitative nature of the conduct involved in producing, distributing and consuming child pornography. The government felt it was more appropriate to include specific CEM offences with appropriate penalties in the Criminal Code (Explanatory Notes, Criminal Code (Child Pornography and Abuse) Amendment Bill 2004, pp. 2–3). Although the offences in the Classification Acts were not repealed, in practice, CEM offenders are always charged under the Criminal Code rather than under one of the Classification Acts (see Appendix for further information about charges under the Classification Acts).

The term "child pornography" does not appear in the Queensland legislation – rather, the term "child exploitation material" (CEM) is used. CEM is defined to mean:

> "material that, in a way likely to cause offence to a reasonable adult, describes or depicts a person, or a representation of a person who is, or apparently is, a child under 16 years –
>
> (a) in a sexual context, including for example, engaging in a sexual activity; or
>
> (b) in an offensive or demeaning context; or
>
> (c) being subjected to abuse, cruelty or torture" (s. 207A).

"Material" is defined to include anything that contains data from which text, images or sound can be generated (s. 207A).

The definition of CEM is intentionally very broad and covers computer-generated images where no real child is involved (virtual or "pseudo" CEM) as well as descriptions contained in fictional writing (*R v Campbell* [2009] QCA 128). The equivalent offences under the Commonwealth Criminal Code are sections 474.19 (Using a carriage service for child pornography material) and 474.20 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service). Both offences carry a maximum penalty of 15 years imprisonment.

There are a number of differences between the Queensland and Commonwealth CEM offences:

- The Queensland legislation does not make it unlawful to "access" (as opposed to "possess") CEM.
- The Commonwealth child pornography offences have a narrower ambit than the Queensland CEM offences. The definition of CEM includes material that depicts a child being subjected to abuse, cruelty or torture, whereas the definition of "child pornography material" in s. 473.1 of the Commonwealth legislation only refers to sexually related material. There are, however, further "child abuse material" offences in the Commonwealth legislation (ss. 474.22 and 474.23).

Two more offences need to be mentioned under this fourth category. They are both found in the Queensland legislation and, apart from their penalties, are similar to the conduct prohibited in the CEM offences.

The first offence is found in section 210 (Indecent treatment of children under 16), which was discussed above in relation to the first and third categories. A person commits an offence under section 210(1)(f) if, without legitimate reason, they take an indecent photograph or record, by means of any device, an indecent visual image of a child. The maximum penalties range from 14 to 20 years of imprisonment, depending on the age and relationship of the child and any impairment of the child's mind.

The second offence is section 228 (Obscene publications and exhibitions). Under this section, it is an offence for a person to knowingly and without lawful justification or excuse:

- publicly sell, distribute or expose for sale any obscene book or other printed or written matter, any obscene computer generated image or picture, photograph, drawing or model or any other object tending to corrupt morals; or
- expose to view in any public place (whether for a charge or not) any obscene picture, photograph, drawing or model or any other object tending to corrupt morals.

The general (non-aggravated) penalty is two years imprisonment, but the maximum penalty is significantly higher where the obscene material depicts a child (five years imprisonment for children under, or apparently under, 16 years of age and 10 years imprisonment for children under, or apparently under, 12 years of age).

## 5. Miscellaneous offences

There are a number of other CSV offences that don't "fit" into any of the four categories already discussed. They are as follows.

### *Observations or recordings in breach of privacy (s. 227A) and Distributing prohibited visual recordings (s. 227B)*

These two sections, which were inserted into the Queensland Criminal Code in December 2005, contain a number of offences designed to address the "voyeuristic" observation or recording of another person. In each case the maximum penalty is two years imprisonment. The offences cover the non-consensual observation or recording of a person in a private place, such as a toilet or change room, and of a person engaged in a private act. "Up skirting" (using a mobile phone to record a person's private parts or underwear under their clothing) is also made unlawful, as is the distribution of any of these recordings.

### *CSV offences committed outside Australia (Divisions 272 and 273 Commonwealth Criminal Code)*

In April 2010, two new divisions containing CSV offences were inserted into the Commonwealth Criminal Code (division 272: "Child sex offences outside Australia" and division 273: "Offences involving child pornography material or child abuse material outside Australia"). The new offences apply to Australian citizens and residents who commit CSV offences outside Australia.

Division 272 covers a broad range of unlawful behaviour including:

- sexual intercourse with a child outside Australia
- sexual activity (other than sexual intercourse) with a child outside Australia
- persistent sexual abuse of a child outside Australia (which has a similar ambit to s. 229B of the Queensland legislation discussed above)
- sexual intercourse with a young person outside Australia – defendant in position of trust or authority (which only applies to 16- and 17-year-old victims and for which there is no Queensland equivalent)
- procuring a child to engage in sexual activity outside Australia

- grooming a child to engage in sexual activity outside Australia.

The "child pornography material" offences in division 273 are wider than the Commonwealth CEM offences already discussed because, for constitutional reasons, they do not require the offence to have been committed while the offender was using a carriage service.

### *CSV offences involving multiple offenders (ss. 273.7 and 474.24A Commonwealth Criminal Code)*

In April 2010, two new "aggravated" child pornography/child abuse material offences were inserted into the Commonwealth Criminal Code (ss. 273.7 and 474.24A). It is an offence under these provisions if a person commits a child pornography/child abuse material offence on three or more separate occasions and the commission of each such offence involves two or more people. The maximum penalty for both offences is 25 years imprisonment, which is significantly higher than the sentences that can be given for the individual offences.

Although there is no equivalent of these aggravated offences in the Queensland legislation, there are two "conspiracy" offences in the Criminal Code which could be used against CSV offenders who commit offences with the assistance or involvement of other offenders. The first offence (s. 221: "Conspiracy to defile") applies where a person conspires with another to induce any person, by any false pretence or other fraudulent means, to permit any person to have unlawful carnal knowledge. This offence could be used for the situation described in Jayawardena (2011), where an offender invites another paedophile to groom a child. The second offence (s. 541: "Conspiracy to commit crime") applies generally to any person who conspires with another person to commit any crime.

## Conclusion

In this paper and accompanying Appendix we have outlined the key CSV offences under the Queensland and Commonwealth legislation, as well as developments in the law, government policy and administration in relation to CSV offending and child protection.

As this paper demonstrates, since Project Axis was published in 2000, there have been numerous, quite significant, changes to the way the criminal justice system prevents and responds to incidents of child sexual victimisation.

# Appendix:
# Key administrative and legislative changes in Queensland, 2000 – August 2015

**Notes:** The following information is accurate as at 31 August 2015. Dates given for legislative changes reflect the date on which the changes took effect.

| Date | New law, report or practice | Details of change |
|---|---|---|
| June 2000 | Project Axis reports | The Queensland Crime Commission (QCC) and the Queensland Police Service (QPS) released the reports, *Project Axis Vol. 1: Child sexual abuse in Queensland: The nature and extent*; *Project Axis Vol. 3: Child sexual abuse in Queensland: Offender characteristics and modus operandi*; and *Project Axis Vol. 4: Child sexual abuse in Queensland: Selected research papers* (Queensland Crime Commission & Queensland Police Service 2000). |
| 27 October 2000 | *Criminal Law Amendment Act 2000* | The Criminal Code was amended to:<br>• insert definitions for "genitalia", "penis", "vagina" and "vulva" – each word is defined to include a "surgically constructed" body part (s. 1 Criminal Code)<br>• extend the offence of carnal knowledge to apply to children rather than only girls to ensure that women who have sexual intercourse with underage boys can be charged. The terminology, "has carnal knowledge with or of" was adopted to clarify that the act of carnal knowledge is not limited to the act of sexual intercourse performed by a male (Explanatory Notes, Criminal Law Amendment Bill 2000, p. 8; s. 215 Criminal Code)<br>• amend the offence relating to the sale and distribution of obscene publications and exhibitions so the section also covers the distribution of obscene computer images (s. 228 Criminal Code)<br>• include the definition of "consent" in relation to rape and sexual assaults to bring in the existing case law about an incapacity to consent – i.e. due to youth, intellectual impairment or intoxication (Explanatory Notes, Criminal Law Amendment Bill 2000; s. 348 Criminal Code)<br>• include a broader range of sexual activity in relation to the offence of rape beyond carnal knowledge – i.e. the penetration of: a person's vulva, vagina or anus to any extent with a thing or part of the person's body that is not a penis;<br>or the mouth of the other person to any extent with the person's penis, without the other person's consent (s. 349 Criminal Code)<br>• clarify the conduct that constitutes the offences of rape and sexual assault (s. 352 Criminal Code). |
| November 2000 | Project Axis report | The QCC and the QPS released the report, *Project Axis Vol. 2: Child sexual abuse in Queensland: Responses to the problem* (Queensland Crime Commission & Queensland Police Service 2000). |

| Date | New law, report or practice | Details of change |
|---|---|---|
| December 2000 | *Safeguarding students* report | The Criminal Justice Commission released the report, *Safeguarding students: Minimising the risk of sexual misconduct by Education Queensland staff* (Criminal Justice Commission 2000). |
| 2001 | Task Force Argos | Task Force Argos was established within the QPS Sexual Crimes Investigation Unit, now called the Child Safety & Sexual Crime Group (Marsh 2004). It is comprised of a group of detectives who investigate CSV offences – in particular, online offences against children and the making, distribution and possession of CEM. |
| 2 February 2001 | Commission for Children and Young People | The Commission for Children and Young People (CCYP), subsequently renamed the Commission for Children and Young People and Child Guardian (CCYPCG), was established under the *Commission for Children and Young People Act 2000* (subsequently renamed the *Commission for Children and Young People and Child Guardian Act 2000* (CCYPCG Act)). The CCYPCG's role was to promote and protect the rights, interests and wellbeing of children and young people in Queensland. From 1 July 2014 the CCYPCG ceased operation and its functions were moved to other agencies. See the *Child Protection Reform Amendment Act 2014* (discussed below). |
| 2 February 2001 | Community Visitors | The Community Visitors program was established under the CCYP Act, to provide for community visitors to promote and protect the rights, interests and wellbeing of children residing at residential facilities, detention centres and authorised mental health services; as well as children who have been placed in out-of-home care under the *Child Protection Act 1999* (s. 86 CCYPCG Act). From 1 July 2014 the CCYPCG ceased operation and its functions were moved to other agencies. See the *Child Protection Reform Amendment Act 2014* (discussed below). |
| 1 May 2001 | Blue cards | The blue card system was introduced under the CCYP Act. This system (which had a staged implementation) introduced an employment screening process for child-related employment to ensure that only suitable persons are employed in certain child-related employment or carry on certain child-related businesses (see now Chapter 8 *Working with Children (Risk Management and Screening) Act 2000*). The legislative provisions supporting the blue card system have been amended on a number of occasions. The most recent significant amendments were made by the *Criminal History Screening Legislation Amendment Act 2010*. From 1 July 2014 the CCYPCG ceased operation and its functions were moved to other agencies. See the *Child Protection Reform Amendment Act 2014* (discussed below). |
| 1 May 2003 | *Sexual Offences (Protection of Children) Amendment Act 2003* | The Criminal Code was amended to:<br>• increase the maximum penalty for an offence of indecent treatment of children under 16 years of age from 10 years to 14 years of imprisonment (if the child is under 16 years of age) and from 14 years to 20 years of imprisonment, if the child is under 12 years of age (s. 210 Criminal Code)<br>• extend the offence of procuring sexual acts by coercion so that it is not limited to sexual intercourse or acts involving physical |

| Date | New law, report or practice | Details of change |
|---|---|---|
| | | contact, but applies to a range of sexual behaviours, including acts of an indecent nature (s. 218 Criminal Code)<br><br>• insert the new offence of using the Internet to procure children under 16 years of age – a person can be charged with this offence even where the alleged victim is not in fact a child under the age of 16 years but is another adult, such as a police officer conducting an operation to detect paedophiles attempting to procure children to perform sexual acts (Explanatory Notes, Sexual Offences (Protection of Children) Amendment Bill 2002; s. 218A Criminal Code)<br>• change the offence of maintaining a sexual relationship with a child to remove the need to prove three acts of a sexual nature and enable the offence to be established by proof of a relationship of a sexual nature – i.e. a course of conduct (Explanatory Notes, Sexual Offences (Protection of Children) Amendment Bill 2002; s. 229B Criminal Code).<br><br>The *Penalties and Sentences Act 1992* was also amended to stipulate that:<br>• the sentencing principle that a sentence of imprisonment should be imposed as a last resort does not apply when sentencing offenders for offences of a sexual nature against a child under 16 years of age, regardless of when the offence was committed (s. 9(5)(a))<br>• when sentencing such an offender, the court is to have primary regard to, among other things, the effect of the offence on the child; the age of the child; and the need to protect the child or other children from the risk of the offender re-offending (s. 9(6)).<br>• In December 2008, very similar amendments were made to section 9 of the Penalties and Sentences Act which stipulate that the sentencing principle (about imprisonment being imposed as a last resort) also does not apply to the sentencing of an offender for CEM offences (s. 9(6A)). |
| June 2003 | *Seeking justice* report | The CMC released the report, *Seeking justice: An inquiry into how sexual offences are handled by the Queensland criminal justice system* (Crime and Misconduct Commission 2003). |
| 6 June 2003 | *Dangerous Prisoners (Sexual Offenders) Act 2003* | The *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSO Act) provides for the detention or supervision of offenders convicted of serious sexual offences, beyond the expiry date of their sentence. Under the DPSO Act, an offender may receive either a continuing detention order, extending their period of detention, or an order for their release on a continuing supervision order in the community, if the court is satisfied to a high degree of probability that the offender is a serious danger to the community in the absence of an order under the DPSO Act (Queensland Corrective Services 2007a; Queensland Corrective Services 2007b).<br><br>The Act was amended in 2007 to make it clear that an offender who is subject to a supervision order can be ordered by a court, |

| Date | New law, report or practice | Details of change |
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| | | or directed by a corrective services officer, to wear an electronic monitoring device (ss. 16(2)(a), example 3, and 16A(2)(b)). Until recently, electronic monitoring has been conducted utilising radio frequency technology. At the beginning of November 2011, the Queensland government announced that Queensland Corrective Services (QCS) had started using global positioning system (GPS) technology to monitor the movements of certain offenders (Queensland Corrective Services 2011b; Queensland Corrective Services 2011c; Roberts 2011). According to consultations with QCS, all offenders currently subject to electronic monitoring as a condition of their supervision order have now been fitted with a GPS device. |
| January 2004 | *Protecting children* report | The CMC released the report, *Protecting children: An inquiry into abuse of children in foster care* (Crime and Misconduct Commission 2004). |
| 5 January 2004 | *Evidence (Protection of Children) Amendment Act 2003* | The Criminal Code was amended to include that, in relation to the offence of rape, a child under 12 years of age is incapable of giving consent (s. 349 Criminal Code).<br><br>The *Evidence Act 1977* was also amended to:<br>• extend the definition of "special witness" to include a child under 16 years of age rather than a child under 12 years of age (s. 21A)<br>• include the purpose of preserving the integrity of an affected child's evidence and to require that an affected child's evidence (including a child under 16 years of age who is the victim of an offence of a sexual nature) be taken in an environment that limits the distress and trauma that might otherwise be experienced by the child when giving evidence (ss. 21AA-D)<br>• limit the circumstances under which an affected child may be required to give evidence at a committal proceeding in person (ss. 21AE-H)<br>• include provisions allowing an affected child's evidence to be pre-recorded (ss. 21AI-O)<br>• include provisions allowing an affected child to give evidence using an audio visual link or screen (ss. 21AP-R)<br>• include special provisions for the taking of an affected child's evidence, such as allowing for support and excluding non-essential persons from the court room (ss. 21AS-X)<br>• extend the application of s. 93A to a person who was under 16 years of age when the statement was made as well as a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness; and remove the requirement that a statement made to a person other than the investigating officer be made soon after the occurrence of the fact that the statement relates to s. 93A<br>• specify that an affected child who has made a s. 93A statement does not need to be available to give evidence for a committal proceeding for a relevant offence (s. 93A(3A)) |

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| | | • create an offence in relation to an unauthorised person possessing, supplying or copying a s. 93A statement (s. 93AA). |
| March 2004 | Government Blueprint for implementing CMC's *Protecting children* recommendations | The Queensland Government released *A Blueprint for Implementing the Recommendations of the January 2004 Crime and Misconduct Commission Report Protecting Children: An Inquiry into Abuse of Children in Foster Care*, prepared by Peter Forster, external consultant. The Blueprint also implemented the recommendations from the December 2003 Audit of Foster Carers Subject to Child Protection Notifications, prepared by Gwenn Murray, external and independent reviewer (Forster 2004). |
| 1 August 2004 | Child Guardian functions | With the commencement of the *Child Safety Legislation Amendment Act 2004*, the CCYPCG gained new "child guardian" functions. These new functions had been recommended in the CMC's *Protecting children* report (recommendation 5.21). The child guardian role includes independently monitoring, investigating, resolving complaints, advocating about laws, policies and procedures, and visiting children and young people in out-of-home care. From 1 July 2014 the CCYPCG ceased operation and its functions were moved to other agencies. See the *Public Guardian Act 2014*. |
| 1 August 2004 | Child Death Case Review Committee | The establishment of the Child Death Case Review Committee (CDCRC), chaired by the CCYPCG Commissioner and supported by provisions in the CCYPCG Act, was also recommended in the CMC's *Protecting children* report (recommendation 5.27). The CDCRC's role includes independently reviewing all child death reports prepared by the Department of Communities, Child Safety and Disability Services about children known to the Department; and recommending improvements to policies, practices and the Department's relationship with other agencies which impact on services to children in the child protection.<br><br>From 1 July 2014 the CCYPCG ceased operation and its functions were moved to other agencies. See the *Child Protection Reform Amendment Act 2014* (discussed below). |
| 1 August 2004 | Child protection reporting | The requirement for relevant departments to report annually on their involvement in the child protection system was introduced by the *Child Safety Legislation Amendment Act 2004* and was another CMC recommendation (recommendation 6.1). The relevant departments are those responsible for Aboriginal and Torres Strait Islander policy; administration of justice; adult corrective services; community services; disability services; education; housing services; public health; the state budget and youth justice as well as the QPS (Department of Child Safety 2007); s. 248 *Child Protection Act 1999*.<br><br>Section 248 was omitted by the *Child Protection Reform Amendment Act 2014*. |
| 24 September 2004 | Department of Child Safety | The child protection functions of the Department of Communities (previously called the Department of Families) were transferred to a new "stand-alone" department when the Department of Child Safety was officially launched in September 2004. The creation of |

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| | | this new department implemented the CMC's recommendation that a Department of Child Safety be created to focus exclusively upon core child protection functions and be the lead agency in a whole-of-government response to child protection matters (Forster 2004). The Department of Child Safety was abolished following the 2009<br><br>Queensland election, when a number of government departments merged to form a new Department of Communities (see below for further information). |
| 3 December 2004 | *Justice and Other Legislation Amendment Act 2004* | The Criminal Code was amended to extend the definition of carnal knowledge to specifically include sodomy, the effect of which is that a person who commits non-consensual sodomy should be charged with rape under s. 349 (s. 6 Criminal Code). |
| 1 January 2005 | Child Protection Offender Register | The Child Protection Offender Register was established under the *Child Protection (Offender Reporting) Act 2004* and is managed by the QPS. The legislation requires convicted child sex offenders to keep police informed of their whereabouts and other personal details for a period of time after their release into the community. The purpose of the legislation is to reduce the likelihood that they will re-offend and to facilitate the investigation and prosecution of any future offences that they may commit (s. 3).<br><br>Extensive amendments were made to this legislation by the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2011*, which commenced on 1 July 2011, and the *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014*, which commenced on 22 September 2014. |
| 4 April 2005 | *Criminal Code (Child Pornography and Abuse) Amendment Act 2005* | The Criminal Code was amended to include the new offences of involving a child in making CEM; making CEM; distributing CEM; and possessing CEM (ss. 228A-228D Criminal Code).<br><br>Although there were existing child pornography offences in the *Classification of Computer Games and Images Act 1995*, the *Classification of Films Act 1991* and the *Classification of Publications Act 1991* (known collectively as the "Classification Acts"), the government felt it was more appropriate for there to be specific CEM offences (with appropriate penalties) in the Criminal Code (Explanatory Notes, Criminal Code (Child Pornography and Abuse) Amendment Bill 2004).<br><br>Although the offences in the Classification Acts were not repealed, in practice, CEM offenders are always charged under the Criminal Code rather than with an offence under one of the Classification Acts. Consultations with the QPS in late 2011 confirmed that there had been no recorded charges under the Classification Acts for the previous three years. |
| 30 April 2005 | *Child Safety Legislation Amendment Act (No. 2) 2004* | New provisions were inserted into the Child Protection Act to provide a legislative basis for the operation of the Suspected Child Abuse and Neglect (SCAN) System (ss. 159I-L) and the mandatory reporting provisions in the *Health Act 1937* were amended so |

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| | | they also applied to registered nurses (these provisions were subsequently moved to the *Public Health Act 2005*: see ss. 191-196). These legislative amendments had been recommended in the CMC's *Protecting children* report (recommendations 6.3, 6.13 and 6.15).<br><br>The mandatory reporting provisions that apply to doctors and nurses are now contained in the *Child Protection Act 1999*. |
| 8 December 2005 | *Justice and Other Legislation Amendment Act 2005* | The Criminal Code was amended to include the new offences of observations or recordings in breach of privacy; and distributing prohibited visual recordings to address the "voyeuristic" observation or recording of another person (Explanatory Notes, Justice and Other Legislation Amendment Bill 2005; ss. 227A-C Criminal Code). |
| 28 August 2006 | Disclosure of confidential information about an offender | The *Corrective Services Act 2006* enables Queensland Corrective Services to disclose confidential information about sex offenders to members of the community, where a person's life or physical safety could otherwise reasonably be expected to be endangered; or it is in the public interest. The disclosures can be either proactive or responsive disclosures (Queensland Corrective Services 2007a; Queensland Corrective Services 2011a); s. 341(3)(e)). |
| June 2007 | *Reforming child protection* report | The CMC released the report, *Reforming child protection in Queensland: A review of the implementation of recommendations contained in the CMC's* Protecting children *report* (Crime and Misconduct Commission 2007). |
| March 2008 | *How the criminal justice system handles allegations of sexual abuse* report | The CMC released the report, *How the criminal justice system handles allegations of sexual abuse: A review of the implementation of the recommendations of the* Seeking justice *report* (Crime and Misconduct Commission 2008). |
| 2 June 2008 | *Child Protection (Offender Prohibition Order) Act 2008* | The purpose of the Act is to provide protection to children by allowing the court, on application, to make an offender prohibition order. A prohibition order can be made prohibiting particular sexual offenders from engaging in conduct which poses a risk to the lives or sexual safety of children. The Act also makes the respondent for an order a reportable offender for the purposes of the Child Protection (Offender Reporting) Act, if they do not already have this status.<br><br>The CCC's *Review of the operation of the Child Protection (Offender Prohibition Order) Act 2008* (December 2014) contains a number of recommendations for the Act to be amended. |
| 1 December 2008 | *Criminal Code and Other Acts Amendment Act 2008* | The Criminal Code was amended to increase the maximum penalty for the offence of attempted sodomy from 7 years to 14 years of imprisonment (s. 208). |
| 27 March 2009 | Child protection functions transferred to Department of | The Queensland Department of Child Safety was abolished and all of its child protection functions (including its responsibilities under the Child Protection Act) were transferred to the Child Safety Services arm of the Queensland Department of Communities. |

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| | Communities | The role of the Department of Communities (Child Safety Services) is to protect children and young people who have been harmed or who are at risk of harm, and secure their future safety and wellbeing (Department of Communities (Child Safety Services) 2010a). Following the change in government in 2012, Child Safety Services became part of the newly established Department of Communities, Child Safety and Disability Services. |
| 30 April 2009 | National Framework for Protecting Australia's Children 2009-2020 | The first National Framework for Protecting Australia's Children (endorsed by all Australian governments in April 2009) is a comprehensive national approach to protecting children (Council of Australian Governments 2009; Department of Families, Housing, Community Services and Indigenous Affairs 2011). The National Framework proposes that Australia needs to move from seeing child protection as a response to abuse and neglect to promoting the safety and wellbeing of all children. |
| October 2009 | Aboriginal and Torres Strait Islander Child Safety Taskforce | The Queensland Aboriginal and Torres Strait Islander Child Safety Taskforce was established to advise the Department of Communities (Child Safety Services) on strategies to address the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the child protection system (Department of Communities (Child Safety Services) 2010b; Queensland Aboriginal and Torres Strait Islander Child Safety Taskforce 2010). |
| 1 June 2010 | *Surrogacy Act 2010* | Section 222 of the Criminal Code was amended to make it clear that the relevant relationships for the offence of incest include those that are created by the making of a parentage order (under the *Surrogacy Act 2010*) as well as the relevant relationships that cease to have effect because of the making of the parentage order. Likewise, where the parentage order has been discharged, the relationships created by the discharge of the parentage order are relevant for this offence as well as the relationships that cease to exist by the discharge of the parentage order (Explanatory Notes, Surrogacy Bill 2009). |
| October 2010 | "Helping Out Families" initiative | The Queensland Department of Communities (Child Safety Services) established the four-year "Helping Out Families" initiative which is designed to provide support and services to children, young people and families who have been referred to the Department but do not require ongoing statutory involvement. A primary aim is to reduce the risk of children entering the child protection system (Department of Families, Housing, Community Services and Indigenous Affairs 2010 Chapter 2). |
| November 2010 | *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010* | Amendments were made to the *Justices Act 1886* which gave effect to some of the reforms recommended in the "Review of the civil and criminal justice system in Queensland" (Department of Justice and Attorney-General 2008). The Justices Act now contains provisions which:<br>• allow all of the evidence in the prosecution case to be tendered to the committing magistrate for consideration in paper form (s. 110A) |

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| | | • restrict a defendant's right to require a person to attend to give oral evidence and be cross-examined at committal (ss. 83A(5AA) and 110B)<br>• in prescribed circumstances, allow for a committal to be processed administratively by the court registry (ss. 114-117)<br>• give magistrates increased powers to deal with non-compliance with disclosure obligations (s. 83B and division 10B). |
| 26 November 2010 | *Penalties and Sentences (Sentencing Advisory Council) Amendment Act 2010* | The Penalties and Sentences Act was amended:<br>• to stipulate that an offender who commits an offence of a sexual nature against a child under 16 years of age (excluding CEM offenders) must serve an actual term of imprisonment, unless there are exceptional circumstances (s. 9(5)(b) renumbered s. 9(4) by *Youth Justice and Other Legislation Amendment Act 2014* which commenced 28 March 2014)<br>• by inserting a number of new provisions which establish the Sentencing Advisory Council, the functions of which include advising the Attorney-General on matters relating to sentencing (ss. 198-203L).<br><br>The Sentencing Advisory Council ceased operation on 21 May 2012. The Council had worked on two projects relevant to CSV: minimum standard non-parole periods for serious violent offences and sexual offences (a final report was published in October 2011); and a review of the sentences imposed on offenders convicted of child sexual offences (a final report was published in January 2012). The provisions in the Penalties and Sentences Act that established the Council have now been removed (see s. 17 *Criminal Law Amendment Act 2012*, commenced 29 August 2012). |
| 1 December 2010 | *Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Act 2010* | The Penalties and Sentences Act was amended to allow an indefinite sentence to be imposed on a greater range of offenders. Previously, an order imposing an indefinite sentence could only be made where a person had been convicted of certain violent or sexual offences where the maximum penalty was life imprisonment. A new schedule of "qualifying offences" has been inserted into the Act which lists approximately 30 different offences carrying maximum penalties that range from 10 years to life imprisonment (half of which are sexual offences) (ss. 162, 163 and Schedule 2). |
| 13 October 2011 (date Bill tabled in Parliament) | Criminal and Other Legislation Amendment Bill 2011 (this Bill lapsed on 19 February 2012 when Parliament was dissolved before the 24 March 2012 state election) | The Bill contained proposed amendments to the Criminal Code including<br>• increasing maximum penalties for the offence of "Using internet etc. to procure children under 16' (s. 218A and for the CEM offences (ss. 228A-228D)<br>• introducing a new offence of 'grooming children under 16' (s. 218B).<br><br>Those proposed amendments were subsequently incorporated into the *Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Act 2013* (see below). |

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| 24 November 2011 (date Act assented to) | *Education and Training Legislation Amendment Act 2011* | The 2011 Amendment Act, which had multiple commencement dates, has significantly extended the obligations on teachers and other education staff to report sexual abuse of a student.<br><br>Since 9 July 2012, teachers and other staff (in both the public and private sectors) have been required to report to their principal if they become aware, or reasonably suspect, that a student under 18 years attending the same school, has been sexually abused by any person (ss. 365 and 366 *Education (General Provisions) Act 2006*).<br><br>Since 29 January 2013, the same group of people have been required to report a reasonable suspicion that a student under 18 years attending the same school is "likely to be sexually abused by any person" (new ss. 365A and 366A of the Education (General Provisions)<br><br>The 2011 Amendment Act also amended the *Education (Queensland College of Teachers) Act 2005* (from 16 January 2012) to expand the list of offences that prevent a teacher from applying for registration and that result in a person's registration being automatically cancelled. |
| July 2012 | Queensland government action plan for July – December 2012 | This action plan contains a number of government commitments relevant to preventing and responding to child sexual victimisation, including:<br>• award contract to deliver additional services for victims of child abuse and sexual assault<br>• commence school program to teach children to protect themselves and report abuse and sexual assault<br>• develop framework for improved GPS tracking of dangerous sex offenders<br>• amend laws to address penalties for child pornography and some child sex offences, including a new child grooming offence (Queensland Government 2012, pp. 7-9). |
| 1 July 2012 | *Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012* (Cwlth) | New provisions were inserted into the *Australian Human Rights Commission Act 1986* (Cwlth) which provide for a new National Children's Commissioner. The Commissioner's functions are set out in section 46MB and include "giving particular attention to children who are at risk or vulnerable" (s. 46MB(4)). |
| 19 July 2012 | *Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012* | The effect of this Act, which amends both the Penalties and Sentences Act and the Corrective Services Act, is that:<br>• an adult who is convicted of a serious child sex offence (e.g. rape, incest, maintaining a sexual relationship with a child, sodomy)<br>• and who previously committed (whilst an adult) and was convicted of another serious child sex offence<br>• must be sentenced to life imprisonment for the subsequent offence; and<br>• can not apply for parole until they have served 20 years. |

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| 29 April 2013 | *Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Act 2013* | The Criminal Code was amended as follows:<br>• the penalties for the offence of "Using internet etc. to procure children under 16" (s. 218A) were increased from 5 to 10 years and from 10 to 14 years for aggravated offences; and a new circumstance of aggravation was added (the procuring conduct involves the offender meeting the person or going to a place with the intention of meeting the person)<br>• the definition of child exploitation material (CEM) in section 207A was amended to make it clear that it applies to material that describes or depicts "a person, or a representation of a person" (e.g. a virtual or fictitious person)<br>• the penalties for CEM offences were increased from 5 to 14 years for possession of CEM (s. 228D) and from 10 to 14 years for involving a child in the making of CEM, and making and distributing CEM (ss. 228A-228C)<br>• a new aggravated offence was introduced in sections 208 (Unlawful sodomy), 210 (Indecent treatment of children under 16) and 215 (Carnal knowledge with or of children under 16) where the offence is committed against a child with an impairment of the mind<br>• a new offence of "grooming children under 16" was introduced which has a maximum penalty of five years imprisonment or 10 years if the child is under 12 (s. 218B).<br><br>The "blue card" provisions of the CCYPCG Act were also amended to incorporate references to new Queensland and Commonwealth child sex offences. Now see *Working with Children (Risk Management and Screening) Act 2000.* |
| 11 January 2013 | Royal Commission into institutional responses to child sexual abuse established | The Royal Commission will inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse. The six-member commission is required to prepare an interim report by no later than 30 June 2014. The final reporting date has initially been set for the end of 2015 (Letters Patent dated 11 January 2013). |
| 1 July 2013 | Queensland Child Protection Commission of Inquiry (COI) final report – *Taking responsibility: A roadmap for Queensland child protection* | On 1 July 2012, the Queensland Child Protection Commission of Inquiry (the Commission) was established, led by the Honourable Tim Carmody QC. The terms of reference required the Commission to review Queensland child protection systems and to chart a roadmap for the system for the next decade.<br><br>On 1 July 2013, the Commission released the inquiry's 733-page final report and recommendations. The report contains 121 recommendations that place greater emphasis on prevention and early intervention support services for families to help reduce the number of children in the child protection system. The Queensland Government accepted 115 of the recommendations and gave in-principle support to six. Key recommendations accepted by the government include:<br>• Diverting children from the statutory system<br>• Designing a new family support system for children and |

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| | | families<br>• Stronger involvement of the non-government service sector in child protection in Queensland<br>• Reducing the over-representation of Aboriginal and Torres Strait Island children in the child protection scheme<br>• Amending legislation about the role of children and families in court<br>• Establishing a new Family and Child Council to replace the Commission for Children and Young People and Child Guardian<br>• Moving the responsibility for the Blue Card scheme from the Department of Communities, Child Safety and Disability Service to the QPS.<br><br>Some of these recommendations have now been implemented. See below. |
| 29 October 2013 | *Criminal Law Amendment (Public Interest Declarations) Amendment Act 2013* | The Act amends the *Criminal Law Amendment Act 1945* to empower the Governor in Council, on the minister's recommendation, to declare that a "relevant person" must be detained, if satisfied it is in the public interest to make the declaration. A "relevant person" is a person who is subject to one of the following orders made under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA):<br>• a continuing detention order; or<br>• a supervision order (where immediately before the supervision order the person was subject to a continuing detention order).<br><br>The effect of the "public interest declaration" is that the DPSOA ceases to apply to the relevant person and the person must be detained in an institution (defined to include a corrective services facility). The relevant person is subject to an annual review by two psychiatrists who will report on the level of risk that the person will commit an offence of a sexual nature if released from detention.<br><br>These amendments were subsequently declared unconstitutional in *Attorney-General (Qld) v Lawrence* [2013] QCA 364 and *Attorney-General (Qld) v Fardon* [2013] QCA 365. |
| 22 September 2014 | *Child Protection (Offender Reporting) and Other Legislation Amendment Act 2014* | The Act amends the *Child Protection (Offender Reporting) Act 2004* including:<br>• limiting reportable offenders' time on the register to five years unless they have committed another offence that puts a child's life or sexual safety at risk (s. 36)<br>• increasing reporting obligations from annual to periodic (quarterly) and more frequently if required (s.18)<br>• requiring an offender to report social networking sites which the offender may use and provide user name and passwords associated with those accounts and other internet sites and email addresses (new Sch. 2).<br><br>The Act also amends the *Police Powers and Responsibilities Act 2000* to allow police to enter premises where a reportable offender |

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| | | generally resides to verify the offender's reported personal details (new s.21A). |
| 30 June 2014 | Royal Commission into institutional responses to child sexual abuse - Interim Report | The two volume Interim Report deals firstly with the background and progress of the enquiry. The second volume contains personal stories and writings. The final report is due end of 2015. |
| 1 July 2014 (unless specified) | *Child Protection Reform Amendment Act 2014* | This Act introduces a raft of reforms arising from the report *Taking responsibility: A roadmap for Queensland child protection*.<br><br>The Act amends the *Child Protection Act 1999*, the *Childrens Court Act 1992*, the CCYPCG Act, the *Magistrates Act 1991*, the *Ombudsman Act 2001* and the *Public Health Act 2005*. The Act, inter alia:<br>• clarifies the definition of a "child in need of protection" as a child who "has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm" (s. 5 Child Protection Act)<br>• consolidates current mandatory reporting requirements (new s. 13E – 13J Child Protection Act)<br>• creates a new system of review of the death or serious injury of a child involved with the department, in place of the Child Death Case Review Committee (Chapter 7A Child Protection Act)<br>• transfers management of the blue card system (working with children checks) from the CCYPCG to the Public Safety Business Agency and renames the CCYPCG Act the *Working with Children (Risk Management and Screening) Act 2000*. |
| 1 July 2014 | *Public Guardian Act 2014* | This Act is part of the reforms arising from the report *Taking responsibility: A roadmap for Queensland child protection.* The Child Guardian has been combined with the Adult Guardian to create the Public Guardian which provides advocacy for children in the child protection system. The Public Guardian is also responsible for the community visit (child) program which was previously the function of the CCYPCG (s. 56). |
| 1 July 2014 | *Family and Child Commission Act 2014* | This Act is part of the reforms arising from the report *Taking responsibility: A roadmap for Queensland child protection.* The oversight of the child protection system and promoting the safety, well-being and best interests of children and young people is vested in the Family and Child Commission (previously the function of the CCYPCG) (s. 9). |
| 15 August 2014 | *Criminal Law Amendment Act 2014* | The Act amends s.229G of the Criminal Code to increase the maximum penalty for the offence procuring a child or a person with an impairment of the mind for prostitution from 14 years to 20 years. |

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| | | The Act also amends the *Dangerous Prisoners (Sexual Offenders) Act 2003* to:<br>• impose a one year mandatory imprisonment, with a maximum penalty of five years imprisonment, for offenders who remove or tamper with their electronic bracelet for the purpose of preventing monitoring (s.43AA)<br>• include in the Schedule definition of "serious sexual offence" an offence against a fictitious person who is believed by the prisoner to be a child under the age of 16 years. |

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