**Public consultation** Proposed child sexual offence reforms

The Royal Commission into Institutional Responses to Child Sexual Abuse Criminal Justice Report makes 85 recommendations to reform the Australian criminal justice system to provide fairer and more effective responses to victims of child sexual abuse.

The recommendations span all areas of the criminal justice system including reporting, police investigation, prosecution, offences, conduct of trials, evidence, judicial directions, sentencing and appeals.

The Palaszczuk Government has already responded to a number of recommendations, informed by targeted consultation. This phase of consultation focuses on proposed reforms to child sexual offences and related legislation.

Consultation is focused on a **draft of the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019** (the Consultation Draft Bill).

The Consultation Draft Bill contains the following reforms to implement key recommendations of the Criminal Justice Report:

* Applying the offence of **maintaining a sexual relationship with a child** under 16 years **to unlawful sexual acts** occurring **prior to 1989**.[[1]](#footnote-1)
* **Extending the application of the offence of grooming a child under 16 years** to capture conduct directed to persons other than the child which is intended to facilitate sexual access to the child.[[2]](#footnote-2)
* **Providing for retrospective application of the removal of limitation periods** for certain child sexual offences.[[3]](#footnote-3)
* Creating new offences for **failing to report institutional child sexual abuse** and **failing to protect a child from institutional child sexual abuse**. [[4]](#footnote-4)
* Ensuring that the new failure to report offence applies to information gained during, or in connection with, a religious confession.[[5]](#footnote-5)
* Facilitating **increased admissibility of evidence** of other allegations or convictions of child sexual abuse against the accused persons.[[6]](#footnote-6)
* **Excluding good character as a mitigating factor** in sentencing an offender where that good character facilitated the child sexual offending.[[7]](#footnote-7)
* Ensuring that offenders are sentenced in keeping with **contemporary sentencing standards**.[[8]](#footnote-8)
* **Modifying certain jury directions and warnings**.[[9]](#footnote-9)

For more detail about failure to report and failure to protect offences and the reforms relating to evidence and jury directions please see the separate fact sheets on these topics.

The Consultation Draft Bill also proposes amendments to:

* Implement recommendations of the Queensland Sentencing Advisory Council report on the **classification of child exploitation material** for sentencing purposes.
* Create **new offences criminalising** the possession, production and supply of anatomically correct, **child replicas used for sexual gratification**.

Specifically, feedback is sought on the Consultation Draft Bill about:

* Will the amendments work effectively in practice?
* Do the amendments have any unintended consequences?
* Do the amendments effectively achieve the policy intent/objectives?

**Submissions on the Consultation Draft Bill are due by 5pm Friday, 20 September 2019 to** **childsexualoffencesreform@justice.qld.gov.au** **or GPO Box 149 BRISBANE QLD 4001. For more information visit** [**www.GetInvolved.qld.gov.au**](file:///C%3A%5CUsers%5Cwoodcj%5CDesktop%5Cwww.GetInvolved.qld.gov.au)

1. Recommendations 21 and 22 [↑](#footnote-ref-1)
2. Recommendation 26 [↑](#footnote-ref-2)
3. Recommendation 30 [↑](#footnote-ref-3)
4. Recommendations 33, 34 and 36 [↑](#footnote-ref-4)
5. Recommendations 35 [↑](#footnote-ref-5)
6. Recommendation 44 [↑](#footnote-ref-6)
7. Recommendation 74 [↑](#footnote-ref-7)
8. Recommendation 76 [↑](#footnote-ref-8)
9. Recommendation 65 [↑](#footnote-ref-9)