



# **Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025**





Queensland

# Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025

## Contents

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	4
2	Commencement .....	4
<b>Part 2</b>	<b>Amendment of Crimes at Sea Act 2001</b>	
3	Act amended .....	4
4	Amendment of schedule, s 1 (Definitions) .....	4
5	Amendment of schedule, s 10 (Non-application of scheme to Area A of the Zone of Cooperation) .....	5
6	Amendment of schedule, s 14 (Adjacent areas) .....	5
7	Amendment of schedule, appendix 1 (Indicative map) .....	6
<b>Part 3</b>	<b>Amendment of Criminal Code</b>	
8	Code amended .....	7
9	Amendment of pt 3, ch 13, hdg (Corruption and abuse of office)	7
10	Insertion of new s 97A .....	8
	97A False representations in relation to government agencies	8
<b>Part 4</b>	<b>Amendment of Penalties and Sentences Act 1992</b>	
11	Act amended .....	8
12	Amendment of s 9 (Sentencing guidelines) .....	9
13	Amendment of s 179K (Giving details of impact of crime on victim during sentencing) .....	11
14	Insertion of new pt 14, div 26 .....	11
	Division 26 Transitional provisions for Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025	
263	Definition for division .....	11
264	Application of s 9 to sentencing offenders after	

	commencement . . . . .	11
265	Application of s 179K to sentencing offenders after commencement . . . . .	12
<b>Part 5</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	
15	Act amended . . . . .	12
16	Amendment of s 295 (Application of division) . . . . .	12
17	Amendment of s 304B (Action after decision) . . . . .	13
18	Amendment of s 304C (Notifiable persons and potential employers notified about cancellation) . . . . .	13
19	Amendment of s 609 (Application to cancel negative notice not decided) . . . . .	14
<b>Part 6</b>	<b>Other amendments</b>	
20	Legislation amended . . . . .	14
<b>Schedule 1</b>	<b>Other amendments</b> . . . . .	15
	Education (General Provisions) Act 2006 . . . . .	15
	Police Powers and Responsibilities Act 2000 . . . . .	15

**2025**

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## **A Bill**

for

**An Act to amend the *Crimes at Sea Act 2001*, the Criminal Code, the *Penalties and Sentences Act 1992*, the *Working with Children (Risk Management and Screening) Act 2000* and the legislation mentioned in schedule 1 for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3  
This Act may be cited as the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025*. 4 5

**Clause 2 Commencement** 6  
(1) Part 3 commences on a day to be fixed by proclamation. 7  
(2) Part 4 commences on 1 November 2025. 8  
(3) Parts 5 and 6 and schedule 1 commence on the later of the 9 following— 10  
(a) immediately after the commencement of the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024*, section 59; 11 12 13  
(b) the date of assent. 14

**Part 2 Amendment of Crimes at Sea Act 2001** 15 16

**Clause 3 Act amended** 17  
This part amends the *Crimes at Sea Act 2001*. 18

**Clause 4 Amendment of schedule, s 1 (Definitions)** 19  
Schedule, section 1(1), definition *Area A of the Zone of Cooperation*— 20 21  
*omit.* 22

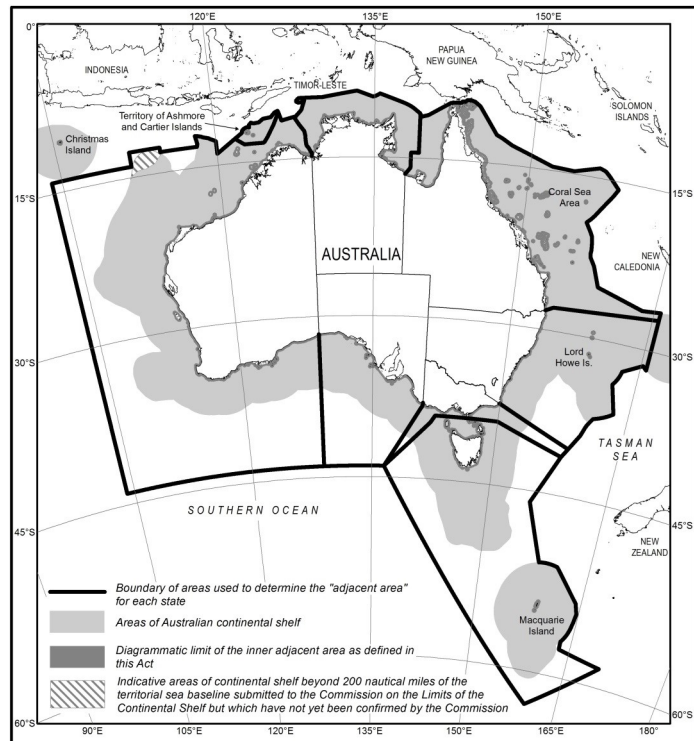
<b>Clause 5</b>	<b>Amendment of schedule, s 10 (Non-application of scheme to Area A of the Zone of Cooperation)</b>	1
	Schedule, section 10—	2
	<i>omit.</i>	3
		4
<b>Clause 6</b>	<b>Amendment of schedule, s 14 (Adjacent areas)</b>	5
(1)	Schedule, section 14(1) and (2)(a), ‘schedule 2 to the <i>Petroleum (Submerged Lands) Act 1967</i> (Commonwealth)’—	6
	<i>omit, insert—</i>	7
	schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (Commonwealth)	8
		9
		10
		11
(2)	Schedule, section 14(2)(b), ‘subsection (7) of section 5A of the <i>Petroleum (Submerged Lands) Act 1967</i> (Commonwealth)’—	12
	<i>omit, insert—</i>	13
		14
	section 8(2) of the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (Commonwealth)	15
		16
		17
		18
(3)	Schedule, section 14(3)—	19
	<i>omit, insert—</i>	20
	(3) The <b>adjacent area</b> for Western Australia is—	21
	(a) so much of the area described in schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (Commonwealth) in relation to Western Australia as is within the outer limits of the continental shelf; and	22
		23
		24
		25
		26
	(b) the space above and below the area described in paragraph (a).	27
		28
(4)	Schedule, section 14(4)(a)—	29
	<i>omit, insert—</i>	30

[s 7]

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	(a)	so much of the area described in schedule 1 to the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (Commonwealth) in relation to the Northern Territory as is within the outer limits of the continental shelf; and	1 2 3 4 5 6
(5)	Schedule, section 14(4)(b), ‘subsection (3) of section 5A of the <i>Petroleum (Submerged Lands) Act 1967</i> (Commonwealth)’—		7 8 9
	<i>omit, insert—</i>		10
	section 8(1) of the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> (Commonwealth)		11 12 13
<b>Clause 7</b>	<b>Amendment of schedule, appendix 1 (Indicative map)</b>		14
	Schedule, appendix 1, image of map—		15
	<i>omit, insert—</i>		16





## Part 3      Amendment of Criminal Code

**Clause 8 Code amended**

This part amends the Criminal Code.

**Clause 9      Amendment of pt 3, ch 13, hdg (Corruption and abuse of office)**

Part 3, chapter 13, heading, ‘and abuse of office’—  
*omit, insert—*

**, abuse of office, personating public officers  
and other false representations**

[s 10]

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Clause 10	Insertion of new s 97A	1
	After section 97—	2
	<i>insert—</i>	3
	<b>97A False representations in relation to government agencies</b>	4
		5
	(1) A person who makes a false representation that they are—	6
		7
	(a) a government agency; or	8
	(b) acting on behalf of, or with the authority of, a government agency;	9
		10
	commits a misdemeanour.	11
	Maximum penalty—3 years imprisonment.	12
	(2) A person does not commit an offence against subsection (1)(a) or (b) if the person has a reasonable excuse.	13
		14
		15
	<i>Example of a reasonable excuse—</i>	16
	a person makes a false representation for a genuine artistic purpose	17
		18
	(3) In this section—	19
	<b>government agency</b> means—	20
	(a) a public sector entity within the meaning of the <i>Public Sector Act 2022</i> , section 8; or	21
		22
	(b) another entity prescribed by regulation to be a government agency.	23
		24
Part 4	<b>Amendment of Penalties and Sentences Act 1992</b>	25
		26
Clause 11	Act amended	27
	This part amends the <i>Penalties and Sentences Act 1992</i> .	28

<b>Clause 12</b>	<b>Amendment of s 9 (Sentencing guidelines)</b>	1
(1)	Section 9(1)—	2
	<i>insert—</i>	3
	(ca) to recognise the harm done by the offender	4
	to a victim of the offence; or	5
(2)	Section 9(2)(f), after ‘character,’—	6
	<i>insert—</i>	7
	antecedents,	8
(3)	Section 9—	9
	<i>insert—</i>	10
	(3A) Subsections (3B) to (3D)—	11
	(a) apply in sentencing an offender for an	12
	offence of a sexual nature if the offender is	13
	determined to be of good character; but	14
	(b) apply in relation to the offender’s good	15
	character only to the extent the good	16
	character is based on 1 or more of the	17
	following—	18
	(i) a character reference for the offender;	19
	(ii) the offender’s standing in the	20
	community;	21
	(iii) the offender’s contributions to the	22
	community.	23
	(3B) The court may treat the offender’s good character	24
	as a mitigating factor only if the good character is	25
	relevant to the court’s consideration of—	26
	(a) the offender’s prospects of rehabilitation; or	27
	(b) the risk of the offender reoffending.	28
	(3C) However, the court may decide not to treat the	29
	offender’s good character as a mitigating factor,	30
	having regard to the nature of the offence and how	31
	serious the offence was, including—	32

[s 12]

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- |  |    |
|--|----|
| (a) any physical, mental or emotional harm               | 1  |
| done to the victim of the offence; and                   | 2  |
| (b) the vulnerability of the victim.                     | 3  |
| (3D) If subsection (4) also applies in sentencing the    | 4  |
| offender, subsections (3B) and (3C) are subject to       | 5  |
| subsection (6A).   | 6  |
| (4) Section 9(6A)—                                       | 7  |
| <i>omit, insert—</i>                                     | 8  |
| (6A) However, for subsection (6)(h), if the offender is  | 9  |
| determined to be of good character, the court must       | 10 |
| not treat the good character as a mitigating factor      | 11 |
| if it assisted the offender in committing the            | 12 |
| offence.   | 13 |
| (5) Section 9(7AA)—                                      | 14 |
| <i>omit, insert—</i>                                     | 15 |
| (7AA) However, for subsection (7)(d), if the offender is | 16 |
| determined to be of good character, the court must       | 17 |
| not treat the good character as a mitigating factor      | 18 |
| if it assisted the offender in committing the            | 19 |
| offence.   | 20 |
| (6) Section 9—   | 21 |
| <i>insert—</i>   | 22 |
| (9BA) In determining the appropriate sentence for an     | 23 |
| offender convicted of an offence against the             | 24 |
| Criminal Code, section 349 or 352 committed              | 25 |
| against a child of 16 or 17 years, the court must        | 26 |
| treat the child's age as an aggravating factor,          | 27 |
| unless the court considers it is not reasonable          | 28 |
| because of the exceptional circumstances of the          | 29 |
| case.  | 30 |
| (9BB) For subsection (9BA), in deciding whether there    | 31 |
| are exceptional circumstances, the court may have        | 32 |
| regard to the closeness in age between the               | 33 |
| offender and the child.                                  | 34 |
-

<b>Clause 13</b>	<b>Amendment of s 179K (Giving details of impact of crime on victim during sentencing)</b>	1 2
	Section 179K(5)—	3
	<i>omit, insert—</i>	4
	(5) The fact that a victim impact statement is absent at the sentencing, or that details of the harm caused to a victim by the offence are otherwise absent at the sentencing, does not, of itself, give rise to any inference that the offence caused little or no harm to the victim.	5 6 7 8 9 10
<b>Clause 14</b>	<b>Insertion of new pt 14, div 26</b>	11
	Part 14—	12
	<i>insert—</i>	13
	<b>Division 26 Transitional provisions for Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025</b>	14 15 16 17 18
	<b>263 Definition for division</b>	19
	In this division—	20
	<i>amendment Act</i> means the <i>Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025</i> .	21 22 23
	<b>264 Application of s 9 to sentencing offenders after commencement</b>	24 25
	Section 9, as amended by the amendment Act, applies to the sentencing of an offender after the commencement whether the offence or conviction happened before or after the	26 27 28 29

[s 15]

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	commencement.	1
	<b>265 Application of s 179K to sentencing offenders after commencement</b>	2 3
	Section 179K, as amended by the amendment Act, applies to the sentencing of an offender after the commencement whether the offence or conviction happened before or after the commencement.	4 5 6 7 8
<b>Part 5</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	9 10 11
<b>Clause 15</b>	<b>Act amended</b>	12
	This part amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	13 14
<b>Clause 16</b>	<b>Amendment of s 295 (Application of division)</b>	15
	(1) Section 295(1)(a), ‘an offence listed in schedule 2 or 4’— <i>omit, insert—</i>	16 17
	a prescribed offence	18
	(2) Section 295— <i>insert—</i>	19 20
	(3) For subsection (1), a <b><i>prescribed offence</i></b> is—	21
	(a) an offence against a provision of an Act mentioned in schedule 2 or 4, column 1, subject to any qualification mentioned in column 3 opposite the provision; or	22 23 24 25

	(b) an offence of counselling or procuring the commission of an offence of a kind mentioned in paragraph (a); or	1 2 3
	(c) an offence of attempting, or of conspiring, to commit an offence of a kind mentioned in paragraph (a); or	4 5 6
	(d) an offence that has, as an element, an intention to commit an offence of a kind mentioned in paragraph (a); or	7 8 9
	(e) an offence that, at the time it was committed, or is alleged to have been committed, was an offence of a kind mentioned in paragraph (a); or	10 11 12 13
	(f) another offence that is a reportable offence under the Offender Reporting Act that is not otherwise a prescribed offence; or	14 15 16
	(g) an offence under a law of another jurisdiction that, if it had been committed in Queensland, would have constituted an offence mentioned in paragraph (a) to (f).	17 18 19 20
	(4) For subsection (3), it is immaterial if a provision mentioned in schedule 2 or 4, column 1 for an Act has been amended from time to time or that the provision was previously numbered with a different number.	21 22 23 24 25
<b>Clause 17</b>	<b>Amendment of s 304B (Action after decision)</b>	26
	Section 304B(1)(b) and (2), ‘304’—	27
	<i>omit, insert—</i>	28
	304(1)	29
<b>Clause 18</b>	<b>Amendment of s 304C (Notifiable persons and potential employers notified about cancellation)</b>	30 31
	(1) Section 304C(1)(b), ‘304’—	32

[s 19]

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<i>omit, insert—</i>	1
304(1)	2
(2) Section 304C(2A), after ‘section 303A’—	3
<i>insert—</i>	4
, 304(2)	5

<b>Clause 19</b>	<b>Amendment of s 609 (Application to cancel negative notice not decided)</b>	6
		7
(1)	Section 609(2), ‘may’—	8
	<i>omit, insert—</i>	9
	must	10
(2)	Section 609(4)(b)—	11
	<i>omit, insert—</i>	12
	(b) cancel the person’s negative notice.	13

<b>Part 6</b>	<b>Other amendments</b>	14
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<b>Clause 20</b>	<b>Legislation amended</b>	15
	Schedule 1 amends the legislation it mentions.	16



<b>Schedule 1</b>	<b>Other amendments</b>	1
	section 20	2
	<b>Education (General Provisions) Act 2006</b>	3
1	<b>Section 282(1)(f) and (2)(a), ‘an offence listed in the <i>Working with Children (Risk Management and Screening) Act 2000</i>, schedule 2 or 4’—</b>	4
	<i>omit, insert—</i>	5
	a prescribed offence within the meaning of the <i>Working with Children (Risk Management and Screening) Act 2000</i> , section 295	6
		7
		8
		9
		10
	<b>Police Powers and Responsibilities Act 2000</b>	11
1	<b>Section 789A(1)(b)(i), ‘an offence listed in the <i>Working with Children Act</i>, schedule 2 or 4’—</b>	12
	<i>omit, insert—</i>	13
	a prescribed offence within the meaning of the <i>Working with Children Act</i> , section 295	14
		15
		16