

## Question on Notice

No. 1051

Asked on 13 October 2022

**MR J LISTER** ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON S FENTIMAN) –

### QUESTION:

With reference to correspondence from my office to the Minister today concerning allegations of child marriage occurring in Queensland— Will the Attorney-General advise (a) what knowledge the government has of the extent of unlawful child marriage and associated child abuse and child sexual assault in Queensland and (b) what action the government has taken to address the problem of unlawful child marriage and associated child abuse and child sexual assault?

### ANSWER:

I thank the Member for Southern Downs for his question.

The Commonwealth Government is responsible for the *Marriage Act 1961*, which prohibits the marriage of a person under the age of 18, unless that person is aged 16 or 17 and has both parental and court consent, and a marriage that has occurred outside these conditions can be voided.

Forced marriage is an offence under the Commonwealth *Criminal Code Act 1995* and the forced marriage of a child is an aggravated forced marriage offence.

In Queensland, there are offences under the *Criminal Code Act 1899* (Qld), which may apply in circumstances where a child (person under 16, who has not reached the age of consent) is forcibly married to an adult and is subsequently subject to sexual abuse. including: rape (section 349); unlawful carnal knowledge (section 215); indecent treatment of a child under 16 (section 210); and maintaining a sexual relationship with a child (section 229B). The Criminal Code provides for other relevant offences, including the unlawful celebration of marriage and the removal or detention of a child in certain circumstances.

Additionally, the law was recently strengthened to increase protection of children from the risk of sexual abuse with new Criminal Code offence provisions commencing on 5 July 2021. These provisions make it a criminal offence for an adult over 18 years, who fails to disclose any relevant information to a police officer in circumstances where the information causes the adult to believe that a child sexual offence is being committed or has been committed against a child.

Specified mandatory reporters must also notify the Department of Children, Youth Justice and Multicultural Affairs, if they reasonably suspect a child has suffered, is suffering or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse and may not have a parent willing and able to protect them.

Forced marriage is a form of gender-based violence and is addressed within the framework of protection from violence and exploitation.