



Telephone: 07 3900 6000

Reference: [REDACTED]

Queensland
Family & Child
Commission

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee Secretary

The Queensland Family and Child Commission (QFCC) is pleased to provide feedback to the Legal Affairs and Community Safety Committee on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018.

The QFCC supports the objective of the Bill to create a new offence related to non-consensual sharing of intimate images that would apply to sending, or threatening to send, intimate material without consent. These are important steps to protect Queenslanders from image-based abuse and cyberbullying.

However, there is some concern the law may criminalise a large cohort of children under 16 who share intimate images in circumstances which should not be treated through a criminal response. Research by the Office of the eSafety Commissioner shows nearly one in three children between the ages of 14 and 17 had experiences with 'sexting' during 2016-17.

The QFCC recommends an operational focus on education for police officers regarding exercising discretion in matters involving children. The QFCC recently led a project to develop a *Joint agency protocol to reduce preventable police call-outs to residential care services* in response to the number of children living in out-of-home care being charged for minor incidents. A critical component of the protocol is to provide education to residential care workers on exercising discretion and implementing responses in proportion to the child's actions and situation at the time of the incident. This is intended to help avoid unnecessarily criminalising children's behaviours.

It may also be of benefit to include exemption or defence provisions within legislation. However, the QFCC cannot provide a position on this as it does not hold information regarding the use and impact of operational responses in preventing the criminalisation of children regarding intimate images.

If you or your officers have any queries in relation to this matter they may contact Tracy Fogarty, Director, Office of the Commissioners, on [REDACTED].

Yours sincerely

Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission

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Level 22, 53 Albert Street,
Brisbane Qld 4000
PO Box 15217,
Brisbane City East Qld 4002
Telephone 07 3900 6000
Facsimile 07 3900 6050
Website www.qfcc.qld.gov.au
www.talkingfamilies.qld.gov.au