



Queensland

Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025

Act No. 20 of 2025

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

[Assented to 19 September 2025]



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

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025*.

2 Commencement

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

Part 2 Amendment of Crimes at Sea Act 2001

3 Act amended

This part amends the *Crimes at Sea Act 2001*.

4 Amendment of schedule, s 1 (Definitions)

Schedule, section 1(1), definition *Area A of the Zone of Cooperation*—
omit.

[s 5]

5 Amendment of schedule, s 10 (Non-application of scheme to Area A of the Zone of Cooperation)

Schedule, section 10—

omit.

6 Amendment of schedule, s 14 (Adjacent areas)

- (1) Schedule, section 14(1) and (2)(a), ‘schedule 2 to the *Petroleum (Submerged Lands) Act 1967* (Commonwealth)’—

omit, insert—

schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth)

- (2) Schedule, section 14(2)(b), ‘subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967* (Commonwealth)’—

omit, insert—

section 8(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth)

- (3) Schedule, section 14(3)—

omit, insert—

- (3) The ***adjacent area*** for Western Australia is—

- (a) so much of the area described in schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to Western Australia as is within the outer limits of the continental shelf; and
- (b) the space above and below the area described in paragraph (a).

- (4) Schedule, section 14(4)(a)—

omit, insert—

- (a) so much of the area described in schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth) in relation to the Northern Territory as is within the outer limits of the continental shelf; and
- (5) Schedule, section 14(4)(b), ‘subsection (3) of section 5A of the *Petroleum (Submerged Lands) Act 1967* (Commonwealth)’—

omit, insert—

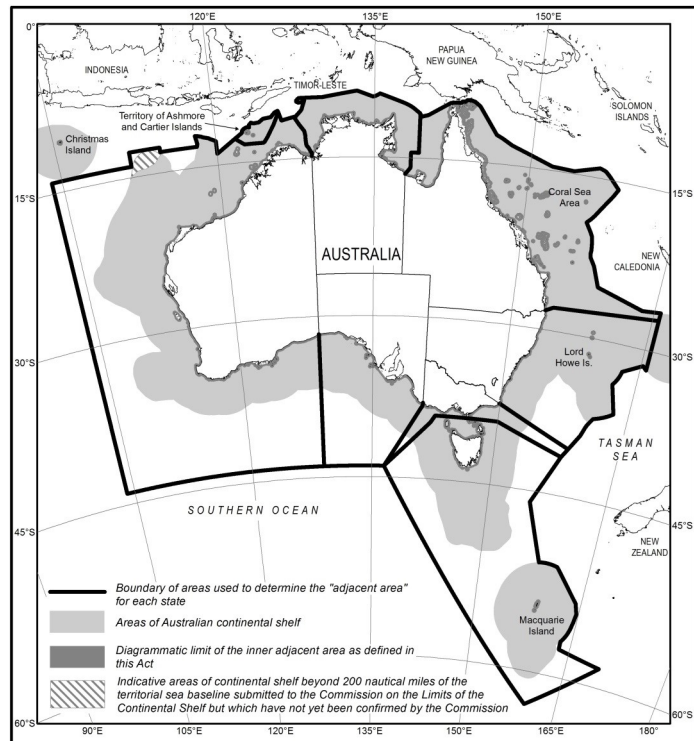
section 8(1) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Commonwealth)

7 Amendment of schedule, appendix 1 (Indicative map)

Schedule, appendix 1, image of map—

omit, insert—

[s 8]



Part 3 Amendment of Criminal Code

8 Code amended

This part amends the Criminal Code.

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**

10 Insertion of new s 97A

After section 97—

insert—

97A False representations in relation to government agencies

- (1) A person who makes a false representation that they are—

- (a) a government agency; or
- (b) acting on behalf of, or with the authority of, a government agency;

commits a misdemeanour.

Maximum penalty—3 years imprisonment.

- (2) A person does not commit an offence against subsection (1)(a) or (b) if the person has a reasonable excuse.

Example of a reasonable excuse—

a person makes a false representation for a genuine artistic purpose

- (3) In this section—

government agency means—

- (a) a public sector entity within the meaning of the *Public Sector Act 2022*, section 8; or
- (b) another entity prescribed by regulation to be a government agency.

Part 4 Amendment of Penalties and Sentences Act 1992

11 Act amended

This part amends the *Penalties and Sentences Act 1992*.

[s 12]

12 Amendment of s 9 (Sentencing guidelines)

(1) Section 9(1)—

insert—

(ca) to recognise the harm done by the offender to a victim of the offence; or

(2) Section 9(2)(f), after ‘character,’—

insert—

antecedents,

(3) Section 9—

insert—

(3A) Subsections (3B) to (3D)—

(a) apply in sentencing an offender for an offence of a sexual nature if the offender is determined to be of good character; but

(b) apply in relation to the offender’s good character only to the extent the good character is based on 1 or more of the following—

(i) a character reference for the offender;

(ii) the offender’s standing in the community;

(iii) the offender’s contributions to the community.

(3B) The court may treat the offender’s good character as a mitigating factor only if the good character is relevant to the court’s consideration of—

(a) the offender’s prospects of rehabilitation; or

(b) the risk of the offender reoffending.

(3C) However, the court may decide not to treat the offender’s good character as a mitigating factor, having regard to the nature of the offence and how serious the offence was, including—

- (a) any physical, mental or emotional harm done to the victim of the offence; and
 - (b) the vulnerability of the victim.
- (3D) If subsection (4) also applies in sentencing the offender, subsections (3B) and (3C) are subject to subsection (6A).
- (4) Section 9(6A)—
omit, insert—
 - (6A) However, for subsection (6)(h), if the offender is determined to be of good character, the court must not treat the good character as a mitigating factor if it assisted the offender in committing the offence.
- (5) Section 9(7AA)—
omit, insert—
 - (7AA) However, for subsection (7)(d), if the offender is determined to be of good character, the court must not treat the good character as a mitigating factor if it assisted the offender in committing the offence.
- (6) Section 9—
insert—
 - (9BA) In determining the appropriate sentence for an offender convicted of an offence against the Criminal Code, section 349 or 352 committed against a child of 16 or 17 years, the court must treat the child's age as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case.
 - (9BB) For subsection (9BA), in deciding whether there are exceptional circumstances, the court may have regard to the closeness in age between the offender and the child.

[s 13]

13 Amendment of s 179K (Giving details of impact of crime on victim during sentencing)

Section 179K(5)—

omit, insert—

- (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.

14 Insertion of new pt 14, div 26

Part 14—

insert—

Division 26 Transitional provisions for Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025

263 Definition for division

In this division—

amendment Act means the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025*.

264 Application of s 9 to sentencing offenders after commencement

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

commencement.

265 Application of s 179K to sentencing offenders after commencement

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.

Part 5 Amendment of Working with Children (Risk Management and Screening) Act 2000

15 Act amended

This part amends the *Working with Children (Risk Management and Screening) Act 2000*.

16 Amendment of s 295 (Application of division)

(1) Section 295(1)(a), ‘an offence listed in schedule 2 or 4’—

omit, insert—

a prescribed offence

(2) Section 295—

insert—

(3) For subsection (1), a ***prescribed offence*** is—

(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

[s 17]

- (b) an offence of counselling or procuring the commission of an offence of a kind mentioned in paragraph (a); or
 - (c) an offence of attempting, or of conspiring, to commit an offence of a kind mentioned in paragraph (a); or
 - (d) an offence that has, as an element, an intention to commit an offence of a kind mentioned in paragraph (a); or
 - (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
 - (f) another offence that is a reportable offence under the Offender Reporting Act that is not otherwise a prescribed offence; or
 - (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).
- (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.

17 Amendment of s 304B (Action after decision)

Section 304B(1)(b) and (2), ‘304’—

omit, insert—

304(1)

18 Amendment of s 304C (Notifiable persons and potential employers notified about cancellation)

(1) Section 304C(1)(b), ‘304’—

omit, insert—

304(1)

- (2) Section 304C(2A), after ‘section 303A’—

insert—

, 304(2)

19 Amendment of s 609 (Application to cancel negative notice not decided)

- (1) Section 609(2), ‘may’—

omit, insert—

must

- (2) Section 609(4)(b)—

omit, insert—

(b) cancel the person’s negative notice.

Part 6 Other amendments

20 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 20

Education (General Provisions) Act 2006

- 1 Section 282(1)(f) and (2)(a), ‘an offence listed in the *Working with Children (Risk Management and Screening) Act 2000*, schedule 2 or 4’—**

omit, insert—

a prescribed offence within the meaning of the *Working with Children (Risk Management and Screening) Act 2000*, section 295

Police Powers and Responsibilities Act 2000

- 1 Section 789A(1)(b)(i), ‘an offence listed in the *Working with Children Act*, schedule 2 or 4’—**

omit, insert—

a prescribed offence within the meaning of the *Working with Children Act*, section 295

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