



Queensland

Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012

Act No. 14 of 2012



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Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012

Act No. 14 of 2012

An Act to amend the Corrective Services Act 2006 and the Penalties and Sentences Act 1992 for particular purposes

[Assented to 19 July 2012]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012*.

Part 2 Amendment of Corrective Services Act 2006

2 Act amended

This part amends the *Corrective Services Act 2006*.

3 Insertion of new s 181A

After section 181—

insert—

‘181A Parole eligibility date for prisoner serving term of imprisonment for life for a repeat serious child sex offence

- ‘(1) This section applies to a prisoner who is serving a term of imprisonment for life under the *Penalties and Sentences Act 1992*, section 161E for a repeat serious child sex offence.
- ‘(2) The prisoner’s parole eligibility date is the day after the day on which the prisoner has served 20 years and not 15 years as prescribed under section 181.’.

Part 3 Amendment of Penalties and Sentences Act 1992

4 Act amended

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

5 Amendment of s 4 (Definitions)

Section 4—

insert—

‘serious child sex offence see section 161D.’.

6 Amendment of s 160A (Application of ss 160B–160D)

Section 160A(5)(a), before ‘182(2)(a)’—

insert—

‘181A.’.

7 Insertion of new pt 9B

After section 161C—

insert—

‘Part 9B Repeat serious child sex offences

‘161D Meaning of serious child sex offence

‘A *serious child sex offence* is an offence against a provision mentioned in schedule 1A, or an offence that involved counselling or procuring the commission of an offence mentioned in schedule 1A, committed—

(a) in relation to a child under 16 years; and

[s 8]

- (b) in circumstances in which an offender convicted of the offence would be liable to imprisonment for life.

‘161E Mandatory sentence for repeat serious child sex offence

- ‘(1) An offender is convicted of a repeat serious child sex offence if—
 - (a) the offender is convicted of a serious child sex offence (the *repeat offence*) committed by the offender when the offender was an adult; and
 - (b) before the offender committed the repeat offence, the offender was convicted of another serious child sex offence committed by the offender when the offender was an adult.
- ‘(2) An offender who is convicted of a repeat serious child sex offence is liable to, despite any other penalty imposed by the Criminal Code, imprisonment for life, which can not be mitigated or varied under any law, or is liable to an indefinite sentence under part 10.
- ‘(3) For the indefinite sentence under part 10 mentioned in subsection (2), the sentence of imprisonment for life, which can not be mitigated or varied under any law, is—
 - (a) the nominal sentence under section 163(2); and
 - (b) the finite sentence under section 173(1)(b).’.

8 Amendment of s 171 (Review—periodic)

Section 171—

insert—

- ‘(4) A court that imposes an indefinite sentence for which the nominal sentence is, under section 161E(2), life imprisonment or a court of like jurisdiction must for the first time review the indefinite sentence within 6 months after the offender has served 20 years and not the 15 years or 50% of the nominal sentence as prescribed under a previous subsection.’.

9 Insertion of new pt 14, div 3

Part 14, at the end—

insert—

‘Division 3 Transitional provision for Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012

‘223 Transitional provision for s 161E

‘(1) For applying section 161E, it does not matter whether the previous offence was committed, or the offender was convicted of the previous offence, before or after the commencement.

‘(2) For a previous offence mentioned in subsection (1) as having been committed before the commencement, a reference in schedule 1A to the provision to which the offence relates is taken to be a reference to the provision as in force at any time before the commencement.

‘(3) This section applies despite the *Acts Interpretation Act 1954*, section 20C(3) and the Criminal Code, section 11.

‘(4) In this section—

commencement means the commencement of this section.

previous offence, for applying section 161E, means an offence mentioned in section 161E(1)(b).’.

10 Insertion of new sch 1A

After schedule 1—

insert—

‘Schedule 1A Serious child sex offences

section 161D

[s 10]

Criminal Code

Section	Section heading or description of offence
208	Unlawful sodomy
213	Owner etc. permitting abuse of children on premises
215	Carnal knowledge with or of children under 16
219	Taking child for immoral purposes
222	Incest
229B	Maintaining a sexual relationship with a child
349	Rape
352	Sexual assaults

Criminal Code (Provisions repealed by Criminal Law Amendment Act 1997)

Section	Section heading
208	Unlawful anal intercourse
222	Incest by man

Criminal Code (Provisions amended, renumbered or repealed by Criminal Law Amendment Act 2000)

Section	Section heading
215	Carnal knowledge of girls under 16
337	Sexual assaults
347	Rape’.

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