

Schedule of offences under the Criminal Code, that relate to the *Child Protection Act 1999*, section 14(2)

Note: This is not an exhaustive list of offences and is subject to changes in legislation.

1. Offences constituting physical abuse

Offence	Criminal Code	Content	Explanation
Definition of 'assault'	S245	A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person's consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person's purpose, is said to assault that other person, and the act is called an assault.	<p>In this section:</p> <ul style="list-style-type: none"> 'Applies force' includes the case of applying heat, light, electrical force, gas, odour, or any other substance or thing applied in such a degree as to cause injury or personal discomfort. An assault can constitute the slightest degree of force applied to another person including attempts to apply such force.
Common Assault	S335	Any person who unlawfully assaults another.	<ul style="list-style-type: none"> Refer above for definition of assault. An assault is 'Unlawful' where it is not authorised, justified or excused by law. For common assault to occur it is not necessary for the victim to feel pain or discomfort or to suffer injury.

Assault occasioning bodily harm	S339	Any person who unlawfully assaults another and thereby does the other person bodily harm.	<ul style="list-style-type: none"> • ‘Bodily harm’ means any bodily injury which interferes with health or comfort. • The victim must suffer pain or discomfort.
Grievous bodily harm	S320	Any person who unlawfully does grievous bodily harm to another.	<p>‘Grievous bodily harm’ means:</p> <ul style="list-style-type: none"> • the loss of a distinct part or an organ of the body; or • serious disfigurement; or • any bodily injury of such a nature that, if left untreated, would endanger or be likely to endanger life, or cause or be likely to cause permanent injury to health; • whether or not treatment is or could have been available. <p>For example, a child is seriously burned causing significant disfigurement.</p>
Wounding and poisoning	S323	Any person who unlawfully wounds another or unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person.	<p>Wound is to penetrate or break the ‘true’ skin, for example:</p> <ul style="list-style-type: none"> • a child who suffers a stab wound; or • where poison is intentionally administered to a child.
Female genital mutilation	S323A	Any person who performs female genital mutilation on another person.	<p>‘Female genital mutilation’ means:</p> <ol style="list-style-type: none"> a) clitoridectomy; or b) excision of any other part of the female genitalia; or c) a procedure to narrow or close the vaginal opening; or

			<p>d) any other mutilation of the female genitalia; but does not include:</p> <ul style="list-style-type: none"> e) a sexual reassignment procedure; or f) (f) a medical procedure for a genuine therapeutic purpose.
Kidnapping	S354	Any person who kidnaps another person.	A person kidnaps another person if the person unlawfully and forcibly takes or detains the other person with intent to gain anything from any person or to procure anything to be done or omitted to be done by any person.
Deprivation of Liberty	S355	Any person who unlawfully confines or detains another in any place against the other person’s will, or otherwise unlawfully deprives another of the other person’s personal liberty.	For example, locking a child in a cupboard or otherwise confining a child.
Torture	S320A	A person who tortures another person commits a crime.	<p>In this section:</p> <ul style="list-style-type: none"> • pain or suffering includes physical, mental, psychological or emotional pain or suffering, whether temporary or permanent; and • torture means the intentional infliction of severe pain or suffering on a person by an act or series of acts done on 1 or more than 1 occasion. <p>For example, a child is subjected to physical and sexual abuse numerous times a day for a week during which the child suffers severe physical and psychological pain. During this time the child is locked in a room and</p>

			threatened not to tell or more harm will come to them.
Murder	S302	A person who unlawfully kills another.	Murder occurs where an intention to cause death exists.
Manslaughter	S303	A person who unlawfully kills another under such circumstances as not to constitute murder.	Manslaughter occurs in the absence of an intention to cause death.
Killing or harming an unborn child	S313	<p>Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child.</p> <p>Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth.</p>	For example, a male person during a domestic dispute kicks and punches a pregnant woman in the stomach causing her to miscarry.
Concealing the birth of a child	S314	Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after, its birth.	

2. Offences constituting neglect

Offence	Criminal Code	Content	Explanation
Failure to supply necessities	S324	Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered or the other person's health is or is likely to be permanently injured.	
Abandoning or exposing a child under the age of 7 years	S326	Any person who unlawfully abandons or exposes a child under the age of 7 years, whereby the life of such child is or is likely to be endangered, or the child's health is or is likely to be permanently injured.	
Cruelty to children under 16	S364	A person who, having the lawful care or charge of a child under 16 years, causes suffering to the child by: <ul style="list-style-type: none"> failing to provide the child with adequate food, clothing, medical treatment, accommodation or care when it is available to the person from his or her own resources; or 	

		<ul style="list-style-type: none"> • failing to take all lawful steps to obtain adequate food, clothing, medical treatment, accommodation or care when it is not available to the person from his or her own resources; or • deserting the child; or • leaving the child without means of support. 	
Negligent acts causing harm	S328	Any person who unlawfully does any act, or omits to do any act which it is the person's duty to do, by which act or omission bodily harm is actually caused to any person.	

3. Offences constituting sexual abuse or exploitation

Offence	Criminal Code	Content	Explanation
Rape	S349	Any person who rapes another person.	<p>A person rapes another person if:</p> <ol style="list-style-type: none"> the person has carnal knowledge with or of the other person without the other person's consent; or the person penetrates the vulva, vagina or anus of the other person to any extent with a thing or a part of the person's body that is not a penis without the other person's consent; or the person penetrates the mouth of the other person to any extent with the person's penis without the other person's consent. <p>For this section, a child under the age of 12 years is incapable of giving consent.</p> <p>Consent obtained by way of fraud or misrepresentation may also constitute rape.</p> <p>For example, where a child is offered money to perform sexual acts with an adult to whom the child consents.</p>
Unlawful Sodomy	S208	<p>Any person who:</p> <ul style="list-style-type: none"> sodomises a person under 18 years; or permits a male person under 18 years to sodomise 	

		<p>him or her; or</p> <ul style="list-style-type: none"> • sodomises an intellectually impaired person; or • permits an intellectually impaired person to sodomise him or her. <p>Note that this offence applies to consensual sodomy whereas non-consensual sodomy is covered by the offence of rape under s. 349.</p>	
Carnal Knowledge with or of children under 16	S215	Any person who has or attempts to have unlawful carnal knowledge with or of a child under the age of 16 years.	<p>Note that, for the purposes of this offence, 'carnal knowledge' does not include sodomy (s. 215(6)).</p> <p>For other information about the meaning of the term 'carnal knowledge', go to the notes for the offence of 'rape'.</p>
Maintaining a sexual relationship with a child	S229B	<p>Any person who:</p> <ul style="list-style-type: none"> • maintains an unlawful relationship of a sexual nature; • with a child under 16 (or 18 if acts of sodomy are involved); and • during the relationship, more than 1 unlawful sexual act (for example. that constitutes a sexual offence) takes place. 	
Sexual	S352	<p>Any person who:</p> <ul style="list-style-type: none"> • unlawfully and indecently assaults another person; 	'Indecency' is that which offends against currently

<p>Assault</p>		<p>or</p> <ul style="list-style-type: none"> • procures another person, without the person’s consent: • to commit an act of gross indecency; or • to witness an act of gross indecency by the person or any other person. 	<p>accepted standards of decency.</p> <p>That which is considered indecent is judged on the facts and circumstances of a particular incident.</p>
<p>Indecent treatment of a child under 16</p>	<p>S210</p>	<p>Any person who:</p> <ul style="list-style-type: none"> • unlawfully and indecently deals with a child under the age of 16 years; or • unlawfully procures a child under the age of 16 years to commit an indecent act; or • unlawfully permits himself or herself to be indecently dealt with by a child under the age of 16 years; or • wilfully and unlawfully exposes a child under the age of 16 years to an indecent act by the offender or any other person; or • without legitimate reason, wilfully exposes a child under the age of 16 years to any indecent object or any indecent film, videotape, audiotape, picture, photograph or printed or written matter; or • without legitimate reason, takes any indecent photograph or records, by means of any device, any indecent visual image of a child under the age of 16 years. 	<p>‘Deals with’ includes doing any act which, if done without consent, would constitute an assault as defined in the Criminal Code.</p> <p>For example, a child is exposed to pornographic magazines or photographs.</p>

<p>Using the internet to procure a child under 16</p>	<p>S218A</p>	<p>Any adult who uses electronic communication with intent to:</p> <ul style="list-style-type: none"> • procure a person under the age of 16 years, or a person the adult believes is under the age of 16 years, to engage in a sexual act, either in Queensland or elsewhere; or • expose, without legitimate reason, a person under the age of 16 years, or a person the adult believes is under the age of 16 years, to any indecent matter, either in Queensland or elsewhere. 	
<p>Procuring prostitution</p>	<p>S229G</p>	<p>A person who:</p> <ul style="list-style-type: none"> • procures another person to engage in prostitution, either in Queensland or elsewhere. 	<p>'Procure' includes knowingly entice or recruit for the purposes of sexual exploitation.</p>