Independent Schools Queensland
choice & diversity

# Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026

## INDEPENDENT SCHOOLS QUEENSLAND SUBMISSION



**09 November 2026**

# About Queensland Independent Schools

**Community confidence in the independent schooling sector remains strong with more than 160,000 students enrolled in more than 230 independent schools across Queensland. These schools educate approximately 18 per cent of the state's total school-age population.**

Independent schools are valued institutions and a pivotal part of Queensland's education system. They are valued schooling choices for families, hubs of human and community connection, places of intellectual, civic and social development, employers and employment generators, education innovators and change-makers.

Independent schools are as unique as the communities they serve and offer parents a choice in the education of their children. Common to all independent schools is their commitment to strong student outcomes, high standards of behaviour, and the welfare and wellbeing of students.

Many independent schools educate international students or specialise in the education of students with disability. There has also been strong growth in the number of Special Assistance Schools for students who have disengaged from mainstream schools, and trade training schools that combine senior year studies with practical vocational education and training.

Over the past five years, enrolments at Queensland independent schools have increased significantly. This growth is a clear indication that parents value an independent education and are prepared to invest their after-tax incomes in their child's schooling.

Independent Schools Queensland (ISQ) is the peak body representing Queensland's independent schooling sector. Independent Schools Queensland represents the interests of its member schools, fosters choice in education and protects the autonomy of independent schools. ISQ is a not-for-profit organisation and membership to ISQ is voluntary.

# Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026

Independent Schools Queensland (ISQ) supports the intent and direction of the *Criminal Code (Non-consensual Creation of Intimate Images and Audio Material) Amendment Bill 2026* (the Bill) and welcomes measures to strengthen Queensland's response to the non-consensual creation of intimate images and audio material.

The increasing accessibility and sophistication of artificial intelligence and other digital technologies presents emerging risks for school communities. The creation of synthetic intimate material can cause significant harm even where that material is not subsequently distributed. ISQ therefore supports the introduction of a specific offence addressing the non-consensual creation of intimate images and audio material.

ISQ also welcomes the broader measures contained in the Bill to modernise Queensland's intimate material framework, including its application to artificially generated material, intimate audio material and threats to create intimate material, together with strengthened victim protections.

## Application to children and young people

The application of the proposed offence to children and young people is of particular relevance to the education sector. Schools may be required to manage the safeguarding, wellbeing and behavioural consequences of students' online conduct, including conduct occurring outside school that affects the school community.

Proposed section 224 would make it an offence to create an intimate image or intimate audio material of another person without consent, with a maximum penalty of three years imprisonment. The general principles of criminal responsibility under the *Criminal Code 1899* (Qld) would apply, including section 23 concerning involuntary acts and unintended or unforeseeable events. The Bill would also extend the existing protections in section 227C to the new offence. However, proposed section 224 does not expressly require that a person intended, or was reckless as to, the creation of the intimate material.

Under section 29 of the *Criminal Code 1899* (Qld), a child under 10 is not criminally responsible, and a child under 14 is not criminally responsible unless it is proved that the child had capacity to know that they ought not do the relevant act. The *Youth Justice Act 1992* (Qld) also provides a separate sentencing framework that recognises a child's age, maturity and individual circumstances. These safeguards are important but do not fully resolve whether the elements of the new offence appropriately distinguish different levels of culpability, particularly for young people aged 14 to 17.

The proposed amendments to section 229A provide a useful comparison. Section 229A addresses the deliberate act of making a threat to create or distribute intimate material. The threatened conduct need not ultimately occur, and it is immaterial whether the material exists or whether the person intends to cause, or actually causes, the fear contemplated by the provision.

By comparison, proposed section 224 applies where intimate material has been created, but does not expressly require that the creation was deliberate or reckless. This distinction is particularly

significant for children and young people, where the fact that material has been created may not, of itself, reflect the same degree of culpability as deliberate or reckless creation.

The seriousness of the resulting harm is not diminished by the age or motivation of the person responsible. However, the fact that intimate material has been created does not necessarily establish the same degree of culpability as deliberate or reckless creation.

ISQ therefore recommends that, in its application to children and young people, proposed section 224 more clearly distinguish deliberate or reckless creation from less culpable conduct. Consideration should be given to whether an express fault element, such as intention or recklessness as to the creation of intimate material, or another appropriate legislative safeguard is necessary to achieve this distinction.

## Further information

ISQ welcomes the opportunity to provide further information if required or to participate in future consultation in this work.

Please contact Director, Education & School Services, Yvonne Ries via YRies@isq.qld.edu.au or office@isq.qld.edu.au. You may also call us on 07 3228 1515.



Independent Schools Queensland
choice & diversity

**Independent Schools Queensland Ltd**
**ACN** 614 893 140 **ABN** 88 662 995 577

**Independent Schools Queensland**
Level 7, 189 Grey Street, South Brisbane Q 4101
**P** (07) 3228 1515 **E** office@isq.qld.edu.au

**www.isq.qld.edu.au**