1. The Member for Moggill and Shadow Minister for Education and Training, Dr Bruce Flegg, introduced the Criminal Code (Filming or Possessing Images of Violence Against Schoolchildren) Amendment Bill 2010 as a Private Member’s Bill in March 2010.
2. The Bill replaced the Criminal Code (Filming or Possessing Images of Violence Against Children) Amendment Bill 2009, which Dr Flegg withdrew.
3. The Explanatory Notes to the Bill state the objective of the Bill is to amend the Criminal Code to ‘provide protection for children who are the targets of cyberbullying through the confiscation of devices used by bullies. Because the aim of cyberbullying is the capture of the image of bullying, the confiscation of the device effectively stops the mode and the intent of the offence.’. The Bill provides for forfeiture of seized devices. The Bill also creates specific offences involving a child in making; making; distributing and possessing schoolchild bullying material.
4. School principals and teachers currently have the power to confiscate student property. There are sufficient powers of seizure for police in the *Police Powers and Responsibilities Act 2000.*
5. Where bullying or cyberbullying incidents constitute criminal behaviour, the behaviour would be adequately captured by offences in the Queensland Criminal Code and the Commonwealth *Criminal Code Act 1995.* Queensland and national education policies and guides address bullying, including cyberbullying.
6. The Bill is also not supported for the reason that its drafting is problematic. In particular, ‘schoolchild bullying material’ is defined as material depicting a schoolchild under 16 years. As a result, a significant cohort of students in senior year levels and no mature age students would be captured as victims of cyberbullying under the proposed offences.
7. Cabinet decided to oppose the Criminal Code (Filming or Possessing Images of Violence Against Schoolchildren) Amendment Bill 2010.
8. *Attachments*
* [Criminal Code (Filming or Possessing Images of Violence Against Schoolchildren) Amendment Bill 2010](Attachments/FilmPIVASchAB10_P.pdf)
* [Explanatory Notes](Attachments/FilmPIVASchAB10_PExp.pdf)