

Annexure K — Guidelines for handling child exploitation material matters (CEM)

Background

Child Exploitation Material (CEM) can have a traumatic impact on staff who are exposed to viewing it, or who deal with cases involving CEM, in the course of their employment. People who may be exposed to viewing CEM include Legal Aid Queensland staff, as well as preferred suppliers.

The following guidelines for the handling of CEM have been developed in accordance with other relevant best practice guidelines from the Queensland Police Service and the Office of the Director of Public Prosecutions (Qld). The following guidelines are mandatory for LAQ staff members and preferred suppliers.

Obligations

LAQ has a responsibility under the *Work Health and Safety Act 2011 (Qld)* (hereafter referred to as “the Act”), as well as the *Work Health and Safety Regulations 2011 (Qld)* to manage health and safety risks. Pursuant to s. 4 of the Act, health includes psychological health (see section 4 of the Act).

LAQ has a responsibility to manage health and safety risks ‘so far as is reasonably practicable’ (see section 19 of the Act). The content contained within this Annexure attempts to mitigate the risks associated with CEM.

Application

(A) LAQ employees

The following guidelines apply to all LAQ staff who act in matters where child exploitation material is a feature of the matter:

1. Working on a matter involving CEM by a staff member is entirely voluntary on the part of the staff member. The following applies:
 - i. If a staff member does not wish to work on a matter involving CEM, the Principal Lawyer of the team within which the staff member works, and the Director, Criminal Law Services, must be notified. Another practitioner will then be allocated to the case.
 - ii. Decisions by staff to undertake work on matters involving CEM, including decisions not to work on matters involving CEM, must be documented by the Director, Criminal Law Services.
2. A decision to view CEM would almost always occur as a result of receiving instructions to do so by a client. Any decision to view CEM must be discussed with the Director, Criminal Law Services.
3. Any viewing of CEM must be undertaken in the company of the nominated law enforcement representatives (ie. the Queensland Police Service, Australian Federal Police, the Office of the Director of Public Prosecutions (Qld), or Office of the Director of Public Prosecutions (Cth)).
4. Any viewing of CEM must not exceed 3 hours in total duration in any 24 hour period. The 3 hours must be completed by midday on any given day.
5. Any staff member who views CEM must notify the Principal Lawyer of the team within which the staff member works, and the Director of Criminal Law Services, within 24 hours of viewing the material.

6. Any practitioner viewing CEM must undertake Psychological Debriefing between 72 hours and 14 days after viewing the CEM. This includes:
 - a. An initial review; and
 - b. Any further Psychological Debriefing at the discretion of the practitioner or the counsellor.
7. Any staff member who undertakes work on a matter involving CEM, but who does not actually view any CEM in the course of the preparation of the matter, can access Psychological Debriefing if they wish to do so. It should be noted, however, that Psychological Debriefing is not mandatory where viewing of CEM has not occurred.
8. LAQ's Human Resources Department, in consultation with the Director, Criminal Law Services, will make arrangements to facilitate a staff member attending Psychological Debriefing.
9. LAQ's Human Resources Department will maintain records to ensure no in-house practitioner views CEM in excess of 30 hours in any calendar year.

(B) Preferred suppliers

The following guidelines apply to all preferred suppliers who act in matters where child exploitation material is a feature of the matter:

10. Working on a matter involving CEM by a preferred supplier is entirely voluntary on the part of the preferred supplier. The following applies:
 - i. If a preferred supplier does not wish to work on a matter involving CEM, the Director of the Grants division must be notified. Another preferred supplier will then be allocated to the case.
 - ii. Decisions by preferred suppliers to undertake work on matters involving CEM, including decisions not to work on matters involving CEM, must be documented by the Director of the Grants division.
11. A decision to view CEM would almost always occur as a result of receiving instructions to do so by a client.
12. Any viewing of CEM must be undertaken in the company of the nominated law enforcement representatives (ie. the Queensland Police Service, Australian Federal Police, the Office of the Director of Public Prosecutions (Qld), or Office of the Director of Public Prosecutions (Cth)).
13. Any viewing of CEM must not exceed 3 hours in total duration in any 24 hour period. The 3 hours must be completed by midday on any given day.
14. Psychological Debriefing must be considered by a preferred supplier for any staff member of their firm who views CEM.
15. It is recommended by LAQ that preferred suppliers consider maintaining a register of the viewing of CEM by their staff.