



AUSTRALIAN CAPITAL TERRITORY

## **Crimes (Amendment) Act (No. 4) 1991**

**No. 120 of 1991**

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### **An Act to amend the Crimes Act, 1900 of the State of New South Wales in its application in the Territory**

*[Notified in ACT Gazette S162: 10 January 1992]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Crimes (Amendment) Act (No. 4) 1991*.

#### **Crimes Act**

2. In this Act, “the Crimes Act” means the Crimes Act 1900, of the State of New South Wales in its application in the Territory.

#### **Interpretation**

3. Clause 4 of the Principal Act is amended by inserting the following definition:

“ ‘X-Film’ has the same meaning as in the *Publications Control Act 1989*.”.

**Insertion**

4. After section 92NA of the Crimes Act the following section is inserted:

**Possession of child pornography**

“92NB. (1) A person who knowingly has in his or her possession a film, photograph, drawing, audio tape, video tape or any other thing depicting or otherwise representing a young person engaged in, or in the presence of another person engaged in, an act of a sexual nature, being a depiction or representation that would offend a reasonable adult person, is guilty of an offence punishable, on conviction, by imprisonment for 5 years.

“(2) It is a defence to a prosecution for an offence against subsection (1) that the defendant reasonably believed that the person depicted or otherwise represented as a young person was not under the age of 16 years.

“(3) In this section—

‘young person’ means a person who is under the age of 16 years.”.

*[Presentation speech made in Assembly on 16 October 1991]*