



Australian Capital Territory

Crimes Amendment Act 2001 (No 2)

No 75 of 2001

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Act amended	2
4 Stalking	
Section 34A (2) (f)	2
5 Section 34A (2)	2
6 New section 92NC	2



Australian Capital Territory

Crimes Amendment Act 2001 (No 2)

No 75 of 2001

An Act to amend the *Crimes Act 1900*

*Notified under the Legislation Act 2001 on 14 September 2001
(see www.legislation.act.gov.au)*

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

1 Name of Act

This Act is the *Crimes Amendment Act 2001 (No 2)*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Crimes Act 1900*.

**4 Stalking
Section 34A (2) (f)**

substitute

- (f) telephones, sends electronic messages to or otherwise contacts the stalked person;
- (fa) sends electronic messages about the stalked person to anybody else;
- (fb) makes electronic messages about the stalked person available to anybody else;

5 Section 34A (2)

renumber paragraphs when Act next republished under the Legislation Act 2001.

6 New section 92NC

insert

92NC Using the Internet etc to deprave young people

- (1) A person must not, using electronic means, suggest to a young person that the young person commit or take part in, or watch someone else committing or taking part in, an act of a sexual nature.

Maximum penalty:

- (a) for a 1st offence—imprisonment for 5 years; or
 - (b) for a 2nd or subsequent offence—imprisonment for 10 years.
- (2) A person must not, using electronic means, send or make available pornographic material to a young person.

Maximum penalty: 100 penalty units, imprisonment for 5 years or both.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant—
- (a) is an Internet service provider; and
 - (b) had no knowledge that the defendant's facilities were used to commit the offence.
- (4) It is not a defence to a prosecution for an offence against this section that the young person had consented to—
- (a) the suggestion being made; or
 - (b) the material being sent or made available.
- (5) However, it is a defence to a prosecution for an offence against this section if the defendant proves that the defendant believed on reasonable grounds that the young person to whom the suggestion was made, or the material was sent or made available, was at least 16 years old.

- (6) In this section:

act of a sexual nature means sexual intercourse or an act of indecency.

classified—see the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

pornographic material means material that has been, or is likely to be, classified RC, X or R.

using electronic means means using email, Internet chat rooms, SMS messages and real time audio/video.

young person means a person under 16 years old.

Endnotes

Act amended

- 1 Republished as in force on 10 November 1999. (Republication No 6). See also Acts 1999 Nos 71, 79 and 91; 2000 Nos 3, 56, 58, 66 and 85; 2001 No 8.

Penalty units

- 2 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

[Presentation speech made in Assembly on 9 August 2001]

I certify that the above is a true copy of the Crimes Amendment Bill 2001 (No 2) which originated in the Assembly as the Crimes Amendment Bill 2001 and was passed by the Legislative Assembly on 22 August 2001.

M J McRae
Clerk of the Legislative Assembly