

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Osborne)

Crimes Amendment Bill 2001

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2001 115B

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Crimes Amendment Bill 2001

A Bill for

An Act to amend the *Crimes Act 1900*

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

2001 115B

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1 Name of Act

This Act is the *Crimes Amendment Act 2001*.

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.

1 Maximum penalty:

2 (a) for a 1st offence—imprisonment for 5 years; or

3 (b) for a 2nd or subsequent offence—imprisonment for 10 years.

4 **Examples of electronic means**

5 1 email

6 2 Internet chat room

7 3 SMS message

8 (2) A person must not, using electronic means, send or make available
9 pornographic material to a young person.

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

12 (3) It is not a defence to a prosecution for an offence against this section
13 that—

14 (a) the defendant did not know that the person to whom the
15 suggestion was made, or the material was sent or made
16 available, was a young person; or

17 (b) the young person had consented to receiving the material or
18 suggestion.

19 (4) In this section:

20 *act of a sexual nature* means sexual intercourse or an act of
21 indecency.

22 *pornographic material* means material depicting, describing or
23 otherwise representing—

24 (a) a person engaged in, or in the presence of someone else
25 engaged in, an act of a sexual nature; or

26 (b) a naked or partially naked person in a way that a reasonable
27 adult person would find offensive.

28 *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.

Penalty units

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

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