

LEGISLATIVE COUNCIL

CRIMES AMENDMENT (CHILD PORNOGRAPHY AND OTHER MATTERS) BILL  
2015

(Amendments and New Clauses to be proposed in Committee by Ms. PATTEN)

1. Clause 1, page 1, lines 5 and 6, omit all words and expressions on these lines and insert—  
    "(i) to create 3 new offences related to child sexual abuse material; and".
2. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines and insert—  
    "(ii) to substitute references to child pornography with references to child sexual abuse material and to increase the penalty for the offence of possession of such material; and".
3. Clause 1, page 2, line 5, omit "pornography" and insert "sexual abuse material".
4. Clause 1, page 2, line 12, omit "pornography" and insert "sexual abuse material".
5. Clause 3, page 3, line 13, omit "***pornography***" and insert "***sexual abuse material***".
6. Clause 3, page 3, line 22, omit "pornography" and insert "sexual abuse material".
7. Clause 3, page 3, line 25, omit "pornography" and insert "sexual abuse material".
8. Clause 3, page 3, line 26, omit "pornography" and insert "sexual abuse material".
9. Clause 3, page 3, line 29, omit "pornography" and insert "sexual abuse material".
10. Clause 3, page 4, line 8, omit "pornography" and insert "sexual abuse material".
11. Clause 3, page 4, line 14, omit "pornography" and insert "sexual abuse material".
12. Clause 4, line 18, omit "**pornography**" and insert "**sexual abuse material**".
13. Clause 5, line 26, omit "**pornography**" and insert "**sexual abuse material**".
14. Clause 6, page 5, line 5, omit "**pornography**" and insert "**sexual abuse material**".
15. Clause 6, page 5, line 11, omit "pornography" and insert "sexual abuse material".
16. Clause 6, page 5, line 15, omit "pornography" and insert "sexual abuse material".
17. Clause 6, page 5, line 18, omit "pornography" and insert "sexual abuse material".
18. Clause 6, page 5, line 22, omit "pornography" and insert "sexual abuse material".
19. Clause 6, page 5, line 27, omit "pornography" and insert "sexual abuse material".

20. Clause 6, page 5, line 33, omit "pornography" and insert "sexual abuse material".
21. Clause 6, page 6, line 5, omit "pornography" and insert "sexual abuse material".
22. Clause 6, page 6, line 8, omit "pornography" and insert "sexual abuse material".
23. Clause 6, page 6, line 12, omit "pornography" and insert "sexual abuse material".
24. Clause 6, page 6, line 18, omit "pornography" and insert "sexual abuse material".
25. Clause 6, page 6, line 25, omit "pornography" and insert "sexual abuse material".
26. Clause 6, page 6, line 32, omit "pornography" and insert "sexual abuse material".
27. Clause 6, page 7, line 19, omit "or X18+".
28. Clause 6, page 7, line 21, omit "or X18+".
29. Clause 6, page 7, line 29, omit "pornography" and insert "sexual abuse material".
30. Clause 6, page 7, line 32, omit "pornography" and insert "sexual abuse material".
31. Clause 6, page 8, line 2, omit "pornography" and insert "sexual abuse material".
32. Clause 6, page 8, line 4, omit "pornography" and insert "sexual abuse material".
33. Clause 6, page 8, line 13, omit "**pornography**" and insert "**sexual abuse material**".
34. Clause 6, page 8, line 19, omit "pornography" and insert "sexual abuse material".
35. Clause 6, page 8, line 25, omit "pornography" and insert "sexual abuse material".
36. Clause 6, page 8, line 29, omit "pornography" and insert "sexual abuse material".
37. Clause 6, page 8, line 31, omit "pornography" and insert "sexual abuse material".
38. Clause 6, page 9, line 2, omit "pornography" and insert "sexual abuse material".
39. Clause 6, page 9, line 24, omit "pornography" and insert "sexual abuse material".
40. Clause 6, page 10, line 7, omit "pornography" and insert "sexual abuse material".
41. Clause 6, page 10, line 9, omit "pornography" and insert "sexual abuse material".
42. Clause 6, page 11, line 2, omit "**pornography**" and insert "**sexual abuse material**".
43. Clause 6, page 11, line 4, omit "pornography" and insert "sexual abuse material".
44. Clause 6, page 11, line 7, omit "pornography" and insert "sexual abuse material".
45. Clause 6, page 11, line 16, omit "pornography" and insert "sexual abuse material".
46. Clause 6, page 11, line 23, omit "pornography" and insert "sexual abuse material".
47. Clause 6, page 12, line 11, omit "pornography" and insert "sexual abuse material".

- 48. Clause 7, line 4, omit "pornography" and insert "sexual abuse material".
- 49. Clause 11, line 5, omit "**Pornography**" and insert "**Sexual Abuse Material**".
- 50. Clause 11, line 13, omit "**Pornography**" and insert "**Sexual Abuse Material**".

NEW CLAUSE

- 51. Insert the following New Clause to follow clause 11—

**'A Minor amendments**

- (1) In the heading to Subdivision (13) of Division 1 of Part I of the **Crimes Act 1958**, for "*pornography*" substitute "*sexual abuse material*".
  - (2) In section 67A of the **Crimes Act 1958**, in the definition of "*child pornography*", for "*pornography*" substitute "*sexual abuse material*".
  - (3) **Insert** the following heading to section 68 of the **Crimes Act 1958**—  
"**Production of child sexual abuse material**".
  - (4) In section 68(1), (2), (3) and (4) of the **Crimes Act 1958**, for "pornography" (wherever occurring) substitute "sexual abuse material".
  - (5) In the heading to section 69 of the **Crimes Act 1958**, for "**pornography**" substitute "**sexual abuse material**".
  - (6) In section 69(1) of the **Crimes Act 1958**, for "pornography" (wherever occurring) substitute "sexual abuse material".
  - (7) **Insert** the following heading to section 70 of the **Crimes Act 1958**—  
"**Possession of child sexual abuse material**".
  - (8) In section 70(1), (4), (5) and (6) of the **Crimes Act 1958**, for "pornography" (wherever occurring) substitute "sexual abuse material".
  - (9) In section 70AAA(1), (2), (3), (4) and (5) of the **Crimes Act 1958**, for "pornography" (wherever occurring) substitute "sexual abuse material".
  - (10) In section 70AA(1), (2), (3), (6), (7) and (8) of the **Crimes Act 1958**, for "pornography" (wherever occurring) substitute "sexual abuse material".
- 52. Clause 12, line 6, omit "*pornography*" and insert "*sexual abuse material*".
  - 53. Clause 14, page 18, line 17, omit "**pornography**" and insert "**sexual abuse material**".
  - 54. Clause 14, page 18, line 22, omit "pornography" and insert "sexual abuse material".
  - 55. Clause 14, page 18, line 32, omit "pornography" and insert "sexual abuse material".
  - 56. Clause 15, line 10, omit "pornography" and insert "sexual abuse material".
  - 57. Clause 17, line 7, omit "pornography" and insert "sexual abuse material".
  - 58. Clause 18, line 14, omit "pornography" and insert "sexual abuse material".
  - 59. Clause 21, line 5, omit "**pornography**" and insert "**sexual abuse material**".

- 60. Clause 21, line 12, omit "pornography" and insert "sexual abuse material".
- 61. Clause 23, line 5, omit "**Pornography**" and insert "**Sexual Abuse Material**".
- 62. Clause 23, line 8, omit "**Pornography**" and insert "**Sexual Abuse Material**".
- 63. Clause 23, line 13, omit "14" and insert "15".

NEW CLAUSE

- 64. Insert the following New Clauses to follow the heading to Part 4—

**B Bus Safety Act 2009**

In section 3(1) of the **Bus Safety Act 2009**, in paragraph (g) of the definition of *tier 1 offence*, for "pornography" substitute "sexual abuse material".

**C Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**

- (1) In the heading to section 57A of the **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**, for "pornography" substitute "sexual abuse material".
- (2) In section 57A(3), (4), (6) and (7) of the **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**, for "pornography" (wherever occurring) substitute "sexual abuse material".
- (3) In section 57A(9) of the **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**, for "*pornography*" substitute "*sexual abuse material*".

- 65. Clause 24, lines 3 to 7, omit all words and expressions on these lines and insert—

- (1) In section 7C(a)(ii) of the **Confiscation Act 1997**, for "pornography" substitute "sexual abuse material".
- (2) After section 7C(a)(ii) of the **Confiscation Act 1997** insert—
  - (ia) an offence against section 70AAAB, 70AAAC or 70AAAD of the **Crimes Act 1958**;
- (3) In item 16 of Schedule 1 to the **Confiscation Act 1997**, for "pornography" substitute "sexual abuse material".

- 66. Clause 26, after line 14 insert—

(1) In section 89DC of the **Sentencing Act 1991**, in subparagraph (c)(xxxii) of the definition of *relevant offence*, for "pornography" substitute "sexual abuse material".

- 67. Clause 26, line 15, omit "(1)" and insert "(2)".
- 68. Clause 26, line 19, omit "pornography" and insert "sexual abuse material".
- 69. Clause 26, line 22, omit "pornography" and insert "sexual abuse material".

70. Clause 26, line 25, omit "(2)" and insert "(3)".
71. Clause 26, line 28, omit "pornography" and insert "sexual abuse material".
72. Clause 26, line 31, omit "pornography" and insert "sexual abuse material".
73. Clause 26, after line 33 insert—
- "(4) In Schedule 1 to the **Sentencing Act 1991**, in clauses 1(a)(xvii), 1(a)(xviii) and 1(a)(xix) for "pornography" **substitute** "sexual abuse material".
- (5) In Schedule 1 to the **Sentencing Act 1991**, in clause 1(da), for "pornography" **substitute** "sexual abuse material".
74. Clause 27, lines 3 to 14, omit all words and expressions on these lines and insert—
- '(1) In Schedule 1 to the **Serious Sex Offenders (Detention and Supervision) Act 2009**, in items 23, 24, 25 and 33 for "pornography" **substitute** "sexual abuse material".
- (2) In Schedule 1 to the **Serious Sex Offenders (Detention and Supervision) Act 2009**, after item 25 **insert**—
- "25A An offence against section 70AAAB of the **Crimes Act 1958** (administering a child sexual abuse material website).
- 25B An offence against section 70AAAC of the **Crimes Act 1958** (encouraging use of a website to deal with child sexual abuse material).
- 25C An offence against section 70AAAD of the **Crimes Act 1958** (assisting a person to avoid apprehension)."'.
75. Clause 28, page 24, after line 18 insert—
- "(2) In Schedule 2 to the **Sex Offenders Registration Act 2004**, in items 16, 17, 18 and 25, for "pornography" **substitute** "sexual abuse material".
76. Clause 28, page 24, line 19, omit "(2)" and insert "(3)".
77. Clause 28, page 24, line 23, omit "pornography" and insert "sexual abuse material".
78. Clause 28, page 24, line 26, omit "pornography" and insert "sexual abuse material".
79. Clause 28, page 25, line 1, omit "(3)" and insert "(4)".

#### NEW CLAUSE

80. Insert the following New Clause to follow clause 28—
- D Summary Offences Act 1966**
- In the Notes at the foot of section 41D(2) of the **Summary Offences Act 1966**, for "pornography" **substitute** "sexual abuse material".
- E Transport (Compliance and Miscellaneous) Act 1983**

- (1) In section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**, in paragraph (e) of the definition of *category 1 offence*, for "pornography" **substitute** "sexual abuse material".
- (2) In section 130A(1) of the **Transport (Compliance and Miscellaneous) Act 1983**, in paragraph (d) of the definition of *tier 1 offence*, for "pornography" **substitute** "sexual abuse material".

81. Clause 30, lines 13 to 30, omit all words and expressions on these lines and insert—

- '(1) In section 3(1) of the **Working with Children Act 2005**, for the definition of *child pornography offence* **substitute**—
  - "*child sexual abuse material offence* means—
    - (a) an offence against any of the following provisions of the **Crimes Act 1958**—
      - (i) section 68(1) (production of child sexual abuse material);
      - (ii) section 69 (procurement of minor for child sexual abuse material);
      - (iii) section 70(1) (possession of child sexual abuse material);
      - (iv) section 70AAAB (administering a child sexual abuse material website);
      - (v) section 70AAAC (encouraging use of a website to deal with child sexual abuse material);
      - (vi) section 70AAAD (assisting a person to avoid apprehension); or
    - (b) an offence against section 57A of the **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995** (publication or transmission of child sexual abuse material); or
    - (c) an offence against section 233BAB(5) or 233BAB(6) of the Customs Act 1901 of the Commonwealth (special offence relating to tier 2 goods) where the goods are goods covered by section 233BAB(1)(h) of that Act; or
    - (d) an offence referred to in subparagraphs (ii), (iii), (iv), (v), (vi) or (vii) of paragraph (df) of clause 1 of Schedule 1 to the **Sentencing Act 1991**;"
- (2) In clauses 1 and 2 of Schedule 1 to the **Working with Children Act 2005**, for "pornography" **substitute** "sexual abuse material".
- (3) In clause 1 of Schedule 2 to the **Working with Children Act 2005**, for "pornography" **substitute** "sexual abuse material".

#### AMENDMENT OF THE LONG TITLE

82. Long title, omit "in relation to child pornography offences, proceedings related to child pornography offences and warrants, to amend the **Criminal Procedure Act 2009** to restrict inspection by an accused of evidence that is child pornography," and insert "to create 3 new offences related to child sexual abuse material, to substitute references to child pornography with references to child sexual abuse material, to increase the penalty for the offence of possession of such material, to provide for the use of random sample evidence in proceedings related to such material and warrants, to amend the **Criminal Procedure Act 2009** to restrict inspection by an accused of evidence that is child sexual abuse material,".

AMENDMENT OF THE SHORT TITLE

83. Short title, omit "**Pornography**" and insert "**Sexual Abuse Material**".