

Legislative Council—No 95A

As reported with amendments and an amended title, report adopted, Standing Orders suspended and passed remaining stages, 11 September 2019

South Australia

Criminal Law Consolidation (Child-Like Sex Dolls Prohibition) Amendment Bill 2019

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935* and to make related amendments to the *Summary Offences Act 1953*.

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Schedule 1—Related Amendments

Part 1—Amendment of *Summary Offences Act 1953*

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Criminal Law Consolidation (Child-Like Sex Dolls Prohibition) Amendment Act 2019*.

2—Commencement

- (1) Subject to subsection (2), this Act will come into operation 3 months after the day on which it is assented to by the Governor.
- (2) Schedule 1 will come into operation—
 - 10 (a) 3 months after the day on which this Act is assented to by the Governor; or
 - (b) immediately after section 11 of the *Statutes Amendment (Child Exploitation and Encrypted Material) Act 2019* comes into operation,whichever occurs later.

3—Amendment provisions

- 15 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 62—Interpretation

- (1) Section 62, definition of *child exploitation material*—delete the definition and substitute:

child exploitation material means material—

(a) —

(i) that—

(A) describes or depicts a child under, or apparently under, the age of 17 years engaging in sexual activity; or

(B) consists of, or contains, the image or representation of (or what appears to be the image or representation of) a child under, or apparently under, the age of 17 years, or the bodily parts of such a child, or in the production of which such a child has been or appears to have been involved; or

(C) (without limiting subparagraph (B)) consists of, or contains, the image or representation of (or what appears to be the image or representation of) a child-like sex doll, or part of a child-like sex doll; and

(ii) that is of a pornographic nature; or

(b) that is a child-like sex doll;

child-like sex doll means an actual doll or other object that—

(a) resembles—

(i) a person who is, or appears to be, under 17 years of age; or

(ii) a part of the body of such a person; and

(b) a reasonable person would consider it likely that the doll or other object is intended to be used by a person to simulate sexual intercourse;

- (2) Section 62, definition of *disseminate*, paragraph (a)—delete "exhibits," and substitute:
sells, exhibits, distributes,

- (3) Section 62, definition of *material*, paragraph (c)—after "sculpture," insert:
doll,

5—Amendment of section 63—Production or dissemination of child exploitation material

Section 63—after "child exploitation material" wherever occurring insert:

, other than a child-like sex doll,

6—Insertion of section 63AA

After section 63 insert:

63AA—Production or dissemination of child-like sex dolls

A person who—

- (a) produces, or takes any step in the production of, a child-like sex doll; or
- (b) disseminates, or takes any step in the dissemination of, a child-like sex doll,

is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

7—Amendment of section 63A—Possession of child exploitation material

(1) Section 63A(1)(a)—after "child exploitation material" insert:

, other than a child-like sex doll,

(2) Section 63A(1)(b)—delete paragraph (b) and substitute:

- (b) intending to obtain access to child exploitation material, other than a child-like sex doll, obtains access, or takes a step towards obtaining access, to child exploitation material (other than a child-like sex doll),

8—Insertion of section 63AB

After section 63A insert:

63AB—Possession of child-like sex dolls

A person who is in possession of a child-like sex doll is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

Schedule 1—Related Amendments

Part 1—Amendment of *Summary Offences Act 1953*

1—Amendment of section 74BN

Section 74BN(1), definition of *child exploitation offence*—delete the definition and substitute:

child exploitation offence means—

- (a) an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*; or
- (b) any other offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest;