

South Australia

**Criminal Law Consolidation (Child Pornography)
Amendment Bill 2009**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Child Pornography) Amendment Act 2009*.

5 2—Amendment provisions

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*

3—Amendment of section 62—Interpretation

- 10 (1) Section 62, definition of *child*—delete the definition
- (2) Section 62, definition of *child pornography*, (a)(i)—after "child" insert:
 - under, or apparently under, the age of 18 years
- (3) Section 62, definition of *child pornography*, (a)(ii)—delete "of a child or bodily parts of a child (or what appears to be the image of a child or bodily parts of a child) or in the production of which" and substitute:
 - 15 of (or what appears to be the image of) a child under, or apparently under, the age of 18 years, or of the bodily parts of such a child, or in the production of which such

4—Amendment of section 63B—Procuring child to commit indecent act etc

- 20 (1) Section 63B(1)(a)—delete "by a child of an indecent act" and substitute:
 - of an indecent act by a child under the age of 17 years
- (2) Section 63B(1)(b)(i)—after "child" insert:
 - under the age of 17 years
- (3) Section 63B(1)(b)(ii)—after "child" insert:
 - 25 under the age of 18 years

- (4) Section 63B(3)(a)—after "child" wherever occurring insert:
under the age of 17 years
- (5) Section 63B(3)(b)—after "child" insert:
under the age of 17 years
- 5 (6) Section 63B—after subsection (3) insert:
- (4) It is a defence to a charge under subsection (1)(a), (b)(i) or (3) to
prove that—
- (a) the child was, on the date on which the offence is alleged to
have been committed, of or above the age of 16 years; and
- 10 (b) the accused—
- (i) was, on the date on which the offence is alleged to
have been committed, under the age of 17 years; or
- (ii) believed on reasonable grounds that the child was
of or above the age of 17 years.
- 15 (5) This section does not apply if the person and the child are legally
married to each other.