

South Australia

Criminal Law Consolidation (General) (Child Exploitation Material) Variation Regulations 2019

under the *Criminal Law Consolidation Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) (Child Exploitation Material) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which Part 3 of the *Statutes Amendment (Child Exploitation and Encrypted Material) Act 2019* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Criminal Law Consolidation (General) Regulations 2006*

4—Insertion of regulations 4AAAA and 4AAAB

After regulation 4 insert:

4AAAA—Certain activities or functions not to constitute administering a website

For the purposes of the definition of *administering* a website in section 62 of the Act, the following are activities or functions of a kind excluded from the ambit of that definition:

- (a) the administration, or assisting in the administration, of a website by a police officer or other law enforcement officer acting in the course of the officer's duties;
- (b) the administration, or assisting in the administration, of a website by any other person acting in the course of the person's duties in the administration of the criminal justice system.

4AAAB—Certain activities or functions not to constitute hosting a website

For the purposes of the definition of *hosting* a website in section 62 of the Act, the following are activities or functions of a kind excluded from the ambit of that definition:

- (a) the hosting, or assisting in the hosting, of a website by a police officer or other law enforcement officer acting in the course of the officer's duties;
- (b) the hosting, or assisting in the hosting, of a website by any other person acting in the course of the person's duties in the administration of the criminal justice system.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 24 October 2019

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