



Criminal Code Amendment (Protecting Minors Online) Act 2017

No. 50, 2017

**An Act to amend the *Criminal Code Act 1995*, and
for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 50, 2017

An Act to amend the *Criminal Code Act 1995*, and for related purposes

[Assented to 22 June 2017]

The Parliament of Australia enacts:

1 Short title

This Act is the *Criminal Code Amendment (Protecting Minors Online) Act 2017*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	23 June 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Criminal Code Act 1995

1 Subdivision F of Division 474 of the *Criminal Code* (heading)

Repeal the heading, substitute:

Subdivision F—Offences relating to use of carriage service involving sexual activity with, or causing harm to, person under 16

2 After section 474.25B of the *Criminal Code*

Insert:

474.25C Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16

A person (the *first person*) commits an offence if:

- (a) the first person does any act in preparation for doing, or planning to do, any of the following:
 - (i) causing harm to a person under 16 years of age;
 - (ii) engaging in sexual activity with a person under 16 years of age;
 - (iii) procuring a person under 16 years of age to engage in sexual activity; and
- (b) the first person is at least 18 years of age; and
- (c) the act is done using a carriage service.

Penalty: Imprisonment for 10 years.

Example: A person misrepresents their age online as part of a plan to cause harm to another person under 16 years of age.

Schedule 2—Other amendments

Crimes Act 1914

1 Subsection 3(1) (subparagraph (a)(iv) of the definition of Commonwealth child sex offence)

Omit “and sexual activity involving children”, substitute “, sexual activity involving children and harm to children”.

2 Paragraph 15Y(1)(cba)

After “sexual activity with”, insert “, or harm to,”.

Telecommunications (Interception and Access) Act 1979

3 Subsection 5D(3B) (heading)

Repeal the heading, substitute:

Sexual offences against children and offences involving child pornography or harm to children

[Minister’s second reading speech made in—
House of Representatives on 30 March 2017
Senate on 14 June 2017]

(74/17)
