Criminal Code Amendment (Protecting Minors Online) Act 2017

No. 50, 2017

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

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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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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)