

Western Australia

Criminal Code Amendment (Child Sex Offences) Bill 2013

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 187 amended	2
5.	Section 204B amended	2
6.	Section 557K amended	3

Western Australia

LEGISLATIVE COUNCIL

**Criminal Code Amendment (Child Sex
Offences) Bill 2013**

A Bill for

An Act to amend *The Criminal Code*.

The Parliament of Western Australia enacts as follows:

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1 **1. Short title**

2 This is the *Criminal Code Amendment (Child Sex Offences)*
3 *Act 2013*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on the day after that day.

9 **3. Act amended**

10 This Act amends *The Criminal Code*.

11 **4. Section 187 amended**

12 Delete section 187(1) and insert:

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- 14 (1) In this section —

15 *prohibited conduct* means the doing of an act in a
16 place outside Western Australia in respect of a child
17 that, if done in Western Australia, would constitute an
18 offence under Chapter XXXI.
19

20 **5. Section 204B amended**

- 21 (1) In section 204B(1) delete the definition of *electronic*
22 *communication*.

- 23 (2) In section 204B(1) insert in alphabetical order:

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25 *electronic* includes electrical, digital, magnetic, optical,
26 electromagnetic, biometric and photonic;

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electronic communication —

- (a) means a communication by electronic means;
and
- (b) without limiting paragraph (a), includes a communication by any of these means —
 - (i) email;
 - (ii) the Internet;
 - (iii) facsimile;
 - (iv) telephone, including mobile telephone;
 - (v) radio;
 - (vi) television;

6. Section 557K amended

In section 557K(1) in the definition of *child sex offender* after paragraph (c) insert:

- (da) an offence under any of these provisions of *The Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* (Commonwealth) —
 - (i) Division 272 — Child sex offences outside Australia;
 - (ii) Division 273 — Offences involving child pornography material or child abuse material outside Australia;
 - (iii) Division 474 Subdivision D — Offences relating to use of carriage service for child pornography material or child abuse material;
 - (iv) Division 474 Subdivision F — Offences relating to use of carriage service involving sexual activity with person under 16;

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or
(db) an offence under the repealed Part IIIA
Division 2 of the *Crimes Act 1914*
(Commonwealth); or

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