

1991

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Collaery)

**Crimes (Amendment) Bill (No. 4) 1991**

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**A BILL**

**FOR**

**An Act to amend the Crimes Act, 1900 of the State of  
New South Wales in its application in the Territory**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5 1. This Act may be cited as the *Crimes (Amendment) Act (No. 4) 1991*.

**Crimes Act**

2. In this Act, "the Crimes Act" means the Crimes Act 1900, of the State of New South Wales in its application in the Territory.

**Insertion**

- 10 3. After section 92NA of the Crimes Act the following section is inserted:

**Possession of child pornography**

- 15 "92NB. (1) A person who has in his or her possession a film, photograph, drawing, audio tape, video tape or any other thing depicting or otherwise representing a young person engaged in, or in the presence of

another person engaged in, an act of a sexual nature, being a depiction or representation that would offend a reasonable adult person, is guilty of an offence punishable, on conviction, by imprisonment for 5 years.

“(2) In this section—

5 ‘young person’ means a person who is under the age of 16 years.”.

#### **Insertion**

4. After section 345 of the Crimes Act the following section is inserted:

#### **Aiding and abetting—inter-State offences**

10 “345A. A person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of an offence under a law of a State or another Territory is guilty of an offence punishable, on conviction, by imprisonment for 3 years.

#### **15 Incitement**

5. Section 348 of the Crimes Act is amended by inserting “or of a State or another Territory” after “Territory”.

#### **Conspiracy**

6. Section 349 of the Crimes Act is amended—

- 20 (a) by omitting from subparagraph (1) (a) (ii) all the words after “outside the Territory”;
- (b) by omitting subsection (2) and substituting the following subsection:

25 “(2) Notwithstanding subsection (1), a person convicted of conspiring with another person to commit an offence is punishable:

- (a) in the case of an offence punishable by imprisonment for a period exceeding 3 years—as if he or she had committed that offence; or
- 30 (b) in the case of an offence under the law of a place outside the Territory—by imprisonment for 5 years.”; and
- (c) by omitting subsection (5).