

Western Australia

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

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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:

**s. 1**

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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;

**s. 6**

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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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