

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (CHILD ABUSE MATERIAL) ACT 2014

Act No. 1 of 2014

Table of provisions

1	Short title	1
2	Commencement	1
3	Criminal Code amended	1
4	Section 125A amended	1
5	Sections 125AB and 125AC inserted	2
	125AB Child abuse material and related articles may be destroyed	
	125AC Article containing child abuse material may be returned	
6	Section 125B amended	3
7	Part XI, Division 7 inserted	3
	Division 7 Criminal Code Amendment (Child Abuse Material) Act 2014	
	450 Application of section 125B	
8	Expiry	3



NORTHERN TERRITORY OF AUSTRALIA

Act No. 1 of 2014

An Act to amend the Criminal Code

[Assented to 6 March 2014]
[Second reading 9 October 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Child Abuse Material) Act 2014*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Criminal Code amended

This Act amends the Criminal Code.

4 Section 125A amended

Section 125A(1)

insert (in alphabetical order)

senior rank means a rank of or above the rank of Commander.

5 Sections 125AB and 125AC inserted

After section 125A

insert

125AB Child abuse material and related articles may be destroyed

- (1) This section applies if any of the following things are seized by a police officer:
 - (a) child abuse material;
 - (b) an article that contains child abuse material;
 - (c) an article that a police officer of a senior rank reasonably believes contains child abuse material.
- (2) A police officer of a senior rank may authorise the forfeiture and destruction by a police officer of the thing.
- (3) Subsection (2) applies whether or not a person has been charged, or is to be charged with an offence in relation to the thing.
- (4) The thing may be destroyed at the place at which it was forfeited or at any other place that a police officer of a senior rank thinks fit.
- (5) If the operation of this section would, apart from this subsection, result in an acquisition of property from a person otherwise than on just terms:
 - (a) the person is entitled to receive from the Territory the compensation necessary to ensure the acquisition is on just terms; and
 - (b) a court of competent jurisdiction may decide the amount of compensation or make the orders it considers necessary to ensure the acquisition is on just terms.

125AC Article containing child abuse material may be returned

- (1) If an article that contains, or is believed to contain, child abuse material is forfeited by a police officer under section 125AB, a police officer of a senior rank may authorise a police officer to return the article to the owner of the article.
- (2) The authorisation must not be given unless the police officer of a senior rank is satisfied the child abuse material has been removed from the article.

6 Section 125B amended

Section 125B(6)

omit

convicts a person of a crime

insert

finds a person guilty of an offence

7 Part XI, Division 7 inserted

After section 449

insert

Division 7 Criminal Code Amendment (Child Abuse Material) Act 2014

450 Application of section 125B

- (1) Section 125B, as amended by the *Criminal Code Amendment (Child Abuse Material) Act 2014*, applies only in relation to offences committed after the commencement of this section (*commencement*).
- (2) Section 125B, as in force before commencement, continues to apply in relation to offences committed before commencement.
- (3) For this section:
 - (a) an offence is taken to have been committed after commencement only if all the conduct constituting the offence occurred after commencement; and
 - (b) any other offence is taken to have been committed before commencement.

8 Expiry

This Act expires on the day after it commences.