

Serial 162  
Criminal Code  
Amendment (No. 2)  
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA  
CRIMINAL CODE AMENDMENT BILL (NO. 2) 1996

TABLE OF PROVISIONS

Clause

1. Short title
2. Interpretation
3. Possession of child pornography and certain indecent articles
4. New section:

"125D. OFFENCES BY BODIES CORPORATE"



u  
v  
w  
x  
y  
z



1  
2  
3  
4  
5  
6  
7  
8  
9  
10





## NORTHERN TERRITORY OF AUSTRALIA

### A BILL for AN ACT

to amend the Criminal Code

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Criminal Code Amendment Act (No. 2) 1996*.

2. INTERPRETATION

Section 125A of the Criminal Code is amended -

- (a) by omitting from subsection (1) the definition of "indecent article" and substituting the following:

"'indecent article' means an article that -

- (a) promotes crime or violence, or incites or instructs in matters of crime or violence; or
- (b) describes or depicts, in a manner that is likely to cause offence to a reasonable adult -
- (i) the use of violence or coercion to compel a person to participate in, or submit to, sexual conduct;

*Criminal Code Amendment (No. 2)*

- (ii) sexual conduct with or on the body of a dead person;
- (iii) the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct;
- (iv) bestiality;
- (v) acts of torture or the infliction of extreme violence or extreme cruelty; or
- (vi) a person (whether or not engaged in sexual activity) who is a child who has not attained the age of 16 years or who looks like a child who has not attained that age;" and

(b) by adding at the end the following:

"(3) In the definitions of 'child pornography' and 'indecent article' the phrase 'is likely to cause offence to a reasonable adult' has the meaning given to that phrase in the Commonwealth Act."

3. POSSESSION OF CHILD PORNOGRAPHY AND CERTAIN INDECENT ARTICLES

Section 125B of the Criminal Code is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) A person who has in his or her possession -

- (a) child pornography; or
- (b) an article that is an indecent article by virtue of paragraph (b)(vi) of the definition 'indecent article',

is guilty of an offence and is liable -

- (c) in the case of an individual to imprisonment for 2 years; and
- (d) in the case of a corporation to a fine of \$20,000." and
- (b) by omitting from subsection (2) "guilty of an offence and is liable to imprisonment for 10 years." and substituting the following:

"guilty of an offence and is liable -

- (a) in the case of an individual to imprisonment for 10 years; and

*Criminal Code Amendment (No. 2)*

- (b) in the case of a corporation to a fine of \$100,000."

4. NEW SECTION

The Criminal Code is amended by inserting in Subdivision 1 of Part V, after section 125C, the following:

"125D. OFFENCES BY BODIES CORPORATE

"(1) Where a body corporate is convicted of an offence under this Subdivision, each person who is a director of the body corporate or otherwise concerned in its management shall be deemed to have committed that offence, and is liable to be proceeded against accordingly and punished as an individual.

"(2) In proceedings brought against a person by virtue of subsection (1), it is a defence for that person to prove that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate."

---

○

○

○

○