

Serial 44  
Criminal Code Amendment (Child Abuse Material) Bill 2013  
Mr Elferink

A Bill for an Act to amend the Criminal Code

NORTHERN TERRITORY OF AUSTRALIA

CRIMINAL CODE AMENDMENT (CHILD ABUSE MATERIAL) ACT 2013

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Act No. [ ] of 2013

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2013

An Act to amend the Criminal Code

[Assented to [ ] 2013]  
[Second reading [ ] 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 2013*.

## 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.

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**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.

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**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 2013**

**450 Application of section 125B**

- (1) Section 125B, as amended by the *Criminal Code Amendment (Child Abuse Material) Act 2013*, 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 the day after it commences.