



SUMMARY OFFENCES (CHILD PORNOGRAPHY) AMENDMENT ACT 1992

No. 32 of 1992

SUMMARY OF PROVISIONS

Section

1. Short title
2. Amendment of s. 33



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ELIZABETHAE II REGINAE

A.D. 1992

No. 32 of 1992

An Act to amend the Summary Offences Act 1953.

[Assented to 21 May 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Summary Offences (Child Pornography) Amendment Act 1992*.

(2) The *Summary Offences Act 1953* is referred to in this Act as “the principal Act”.

Amendment of s. 33

2. Section 33 of the principal Act is amended—

(a) by inserting after the definition of “child” the following definitions:

“**child pornography**” means indecent or offensive material in which a child (whether engaged in sexual activity or not) is depicted or described in a way that is likely to cause offence to reasonable adult members of the community;

“**computer data**” means electronic data from which an image, sound or text may be created by means of a computer;

“**computer record or system**” means a computer disk or tape or other object or device on which computer data is stored;

(b) by inserting after paragraph (d) of the definition of “material” in subsection (1) the following paragraph:

(da) any computer data or the computer record or system containing the data;

(c) by inserting at the end of subsection (2)—

Penalty—

(a) if the offence involves child pornography—for a first offence, division 5 imprisonment and for a second or subsequent offence, division 4 imprisonment;

(b) in any other case—division 4 fine or division 7 imprisonment.;

(d) by striking out subsection (3) and inserting the following subsection:

(3) A person who is in possession of child pornography is guilty of an offence.

Penalty: Division 6 fine or imprisonment.;

(e) by striking out from subsection (4) "or delivery" and substituting ", delivery or possession";

(f) by striking out from subsection (5) (a) "or delivery" and substituting ", delivery or possession";

(g) by striking out from subsection (5) (b) "or delivery" and substituting ", delivery or possession".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor