Criminal Code Act 1995

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This compilation is in 3 volumes

Volume 1: sections 1-5
Schedule (sections 1.1-261.3)
Volume 2: Schedule (sections 268.1-395.50)
Volume 3: Schedule (sections 400.1-490.7)
Schedule (Dictionary)
Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Criminal Code Act 1995* that shows the text of the law as amended and in force on 22 January 2026 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Schedule—The Criminal Code

Chapter 10—National infrastructure

Part 10.2—Money laundering

Division 400—Money laundering

400.1 Definitions

(1) In this Division:

ADI (authorised deposit-taking institution) means:

(a) a body corporate that is an ADI for the purposes of the *Banking Act 1959*; or

(b) the Reserve Bank of Australia; or

(c) a person who carries on State banking within the meaning of paragraph 51(xiii) of the Constitution.

Australian Capital Territory indictable offence means an offence against a law of the Australian Capital Territory that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

banking transaction includes:

(a) any transaction made at an ADI; and

(b) any transaction involving a money order.

Commonwealth indictable offence means an offence against a law of the Commonwealth, or a law of a Territory (other than the Australian Capital Territory and the Northern Territory), that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

deals with money or other property has the meaning given by section 400.2.

director, in relation to a company, means:

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(a) any person occupying or acting in the position of director of the company, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; and

(b) any person in accordance with whose directions or instructions the directors of the company are accustomed to act, other than when those directors only do so:

(i) in the proper performance of the functions attaching to the person's professional capacity; or

(ii) in their business relationship with the person.

effective control has a meaning affected by section 400.2AA.

export money or other property, from Australia, includes transfer money or other property from Australia by an electronic communication.

foreign indictable offence means an offence against a law of a foreign country constituted by conduct that, if it had occurred in Australia, would have constituted an offence against:

(a) a law of the Commonwealth; or

(b) a law of a State or Territory connected with the offence;

that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

Note: See subsection (3) for when a law of a State or Territory is connected with the offence.

foreign offence means an offence against a law of a foreign country constituted by conduct that, if it had occurred in Australia, would have constituted an offence against:

(a) a law of the Commonwealth; or

(b) a law of a State; or

(c) a law of a Territory.

import money or other property, into Australia, includes transfer money or other property to Australia by an electronic communication.

instrument of crime: money or other property is an instrument of crime if it is used in the commission of, or used to facilitate the

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commission of, an offence against a law of the Commonwealth, a State, a Territory or a foreign country that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

Northern Territory indictable offence means an offence against a law of the Northern Territory that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

proceeds of general crime means any money or other property that is wholly or partly derived or realised, directly or indirectly, by any person from the commission of:

(a) an offence against a law of the Commonwealth, a State or a Territory; or

(b) a foreign offence.

proceeds of general crime offence provision means an offence against any of the following provisions:

(a) subsection 400.2B(2);
(b) subsection 400.2B(3);
(c) subsection 400.2B(5);
(d) subsection 400.2B(6);
(e) subsection 400.2B(8);
(f) subsection 400.2B(9);
(g) subsection 400.3(1A);
(h) subsection 400.3(1B);
(i) subsection 400.3(2A);
(j) subsection 400.3(2B);
(k) subsection 400.3(3A);
(l) subsection 400.3(3B);
(m) subsection 400.4(1A);
(n) subsection 400.4(1B);
(o) subsection 400.4(2A);
(p) subsection 400.4(2B);
(q) subsection 400.4(3A);
(r) subsection 400.4(3B).

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proceeds of indictable crime means:

(a) any money or other property that is wholly or partly derived or realised, directly or indirectly, by any person from the commission of a particular offence against a law of the Commonwealth, a State, a Territory or a foreign country that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence); or

(b) any money or other property that is wholly or partly derived or realised, directly or indirectly, by any person from the commission of an offence of a particular kind against a law of the Commonwealth, a State, a Territory or a foreign country that may be dealt with as an indictable offence (even if an offence of that kind may, in some circumstances, be dealt with as a summary offence).

property means real or personal property of every description, whether situated in Australia or elsewhere and whether tangible or intangible, and includes an interest in any such real or personal property.

State indictable offence means an offence against a law of a State that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence).

(2) To avoid doubt, a reference in this Division to ***money or other property*** includes a reference to financial instruments, cards and other objects that represent money or can be exchanged for money, whether or not they have intrinsic value.

(3) For the purposes of the definition of ***foreign indictable offence*** in subsection (1), a State or Territory is connected with the offence if:

(a) a dealing in money or property takes place in the State or Territory; and

(b) the money or property would be proceeds of indictable crime, or could become an instrument of crime, in relation to the offence if the offence were a foreign indictable offence.

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400.2 Definition of *deals with money or other property*

(1) For the purposes of this Division, a person ***deals with money or other property*** if the person does any of the following:

(a) receives, possesses, conceals or disposes of money or other property;

(b) imports money or other property into Australia;

(c) exports money or other property from Australia;

(d) engages in a banking transaction relating to money or other property.

(2) For the purposes of this Division, if:

(a) a person (the ***first person***) engages in conduct; and

(b) the first person's conduct causes another person to deal with money or other property (within the meaning of subsection (1)); and

(c) the first person is reckless as to whether the first person's conduct causes the other person to deal with the money or property;

the first person is taken to have dealt with the money or property.

(3) For the purposes of subsection (2), it is immaterial whether the identity of the other person can be established.

(4) For the purposes of subsection (2), the conduct of a person ***causes*** another person to deal with money or other property (within the meaning of subsection (1)) if the conduct substantially contributes to the other person dealing with the money or property (within the meaning of subsection (1)).

(5) For the purposes of subsection (4), it is immaterial whether the identity of the other person can be established.

400.2AA Effective control of money or property

(1) For the purposes of this Division, a person may have ***effective control*** of money or other property whether or not the person has:

(a) a legal or equitable estate or interest in the money or property; or

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(b) a right, power or privilege in connection with the money or property.

(2) For the purposes of this Division, if money or other property is held on trust for the ultimate benefit of a person, the person is taken to have ***effective control*** of the money or property.

(3) For the purposes of this Division, in determining whether or not a person has effective control of money or other property, regard may be had to:

(a) shareholdings in, debentures over or directorships of a company that has an interest (whether direct or indirect) in the money or property; and

(b) a trust that has a relationship to the money or property; and

(c) family, domestic and business relationships between:

(i) persons having an interest in the money or property, or in companies of the kind referred to in paragraph (a) or trusts of the kind referred to in paragraph (b); and

(ii) other persons.

(4) For the purposes of this section, family relationships are taken to include the following (without limitation):

(a) relationships between de facto partners;

(b) relationships of child and parent that arise if someone is the child of a person because of the definition of ***child*** in the Dictionary;

(c) relationships traced through relationships mentioned in paragraphs (a) and (b).

(5) To avoid doubt, for the purposes of this Division, more than one person may have ***effective control*** of money or other property.

400.2A Application of offences relating to possible instruments of crime

(1) This section affects the application of sections 400.2B, 400.3, 400.4, 400.5, 400.6, 400.7 and 400.8 so far as they relate to a person dealing with money or other property that:

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(a) is intended by the person to become an instrument of crime; or

(b) is at risk of becoming an instrument of crime.

(2) Those sections apply if either or both of the following apply:

(a) a circumstance described in subsection (3) exists;

(b) a circumstance described in subsection (4) exists.

(3) One circumstance is that money or other property is intended to become, or at risk of becoming, an instrument of crime in relation to an offence that is:

(a) a Commonwealth indictable offence; or

(b) a foreign indictable offence; or

(c) a State indictable offence that has a federal aspect; or

(d) an Australian Capital Territory indictable offence; or

(e) a Northern Territory indictable offence.

Note: The prosecution need not prove the existence of any fault element for the nature of the offence: see section 400.11.

(4) Another circumstance is that the dealing with the money or other property occurs:

(a) in the course of or for the purposes of importation of goods into, or exportation of goods from, Australia; or

(b) by means of a communication using a postal, telegraphic, telephonic or other like service within the meaning of paragraph 51(v) of the Constitution; or

(c) in the course of banking (other than State banking that does not extend beyond the limits of the State concerned); or

(d) outside Australia.

(5) Absolute liability applies to subsections (3) and (4).

Note: For absolute liability, see section 6.2.

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400.2B Proceeds of crime etc.—money or property worth $10,000,000 or more

Tier 1 offences

(1) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or

(ii) the person intends that the money or property will become an instrument of crime; and

(c) at the time of the dealing, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for life.

(2) A person commits an offence if:

(a) the person engages in conduct in relation to money or other property; and

(b) the money or property is, and the person believes it to be, proceeds of general crime; and

(c) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(d) when the conduct occurs, the value of the money and other property is $10,000,000 or more.

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Penalty: Imprisonment for life.

(3) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is, and the person believes it to be, proceeds of general crime; and

(c) for each occasion, the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(d) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $10,000,000 or more.

Penalty: Imprisonment for life.

Tier 2 offences

(4) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there

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is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for 15 years, or 900 penalty units, or both.

(5) A person commits an offence if:

(a) the person engages in conduct in relation to money or other property; and

(b) the money or property is proceeds of general crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of general crime; and

(d) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) when the conduct occurs, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for 15 years, or 900 penalty units, or both.

(6) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is proceeds of general crime; and

(c) for each occasion, the person is reckless as to the fact that the money or property is proceeds of general crime; and

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(d) for each occasion, the conduct concealed or disguised any or all of the following:
  (i) the nature of the money or property;
  (ii) the value of the money or property;
  (iii) the source of the money or property;
  (iv) the location of the money or property;
  (v) any disposition of the money or property;
  (vi) any movement of the money or property;
  (vii) any rights in respect of the money or property;
  (viii) the identity of any person who has rights in respect of the money or property;
  (ix) the identity of any person who has effective control of the money or property; and
(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $10,000,000 or more.

Penalty: Imprisonment for 15 years, or 900 penalty units, or both.

Tier 3 offences

(7) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
  (i) the money or property is proceeds of indictable crime; or
  (ii) there is a risk that the money or property will become an instrument of crime; and
(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and
(d) at the time of the dealing, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for 6 years, or 360 penalty units, or both.

(8) A person commits an offence if:

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(a) the person engages in conduct in relation to money or other property; and
(b) the money or property is proceeds of general crime; and
(c) the person is negligent as to the fact that the money or property is proceeds of general crime; and
(d) the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;
(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and
(e) when the conduct occurs, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for 6 years, or 360 penalty units, or both.

(9) A person commits an offence if:
(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and
(b) for each occasion, the money or property is proceeds of general crime; and
(c) for each occasion, the person is negligent as to the fact that the money or property is proceeds of general crime; and
(d) for each occasion, the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;
(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;

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(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and

(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $10,000,000 or more.

Penalty: Imprisonment for 6 years, or 360 penalty units, or both.

Absolute liability

(10) Absolute liability applies to paragraphs (1)(c), (2)(d), (3)(d), (4)(d), (5)(e), (6)(e), (7)(d), (8)(e) and (9)(e).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:
(a) is intended by the person to become an instrument of crime; or
(b) is at risk of becoming an instrument of crime.

400.3 Proceeds of crime etc.—money or property worth $1,000,000 or more

Tier 1 offences

(1) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or
(ii) the person intends that the money or property will become an instrument of crime; and
(c) at the time of the dealing, the value of the money and other property is $1,000,000 or more.

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Penalty: Imprisonment for 25 years, or 1500 penalty units, or both.

(1A) A person commits an offence if:

(a) the person engages in conduct in relation to money or other property; and

(b) the money or property is, and the person believes it to be, proceeds of general crime; and

(c) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(d) when the conduct occurs, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 25 years, or 1500 penalty units, or both.

(1B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is, and the person believes it to be, proceeds of general crime; and

(c) for each occasion, the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

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(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and

(d) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $1,000,000 or more.

Penalty: Imprisonment for 25 years, or 1500 penalty units, or both.

Tier 2 offences

(2) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is proceeds of indictable crime; or
(ii) there is a risk that the money or property will become an instrument of crime; and
(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and
(d) at the time of the dealing, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 12 years, or 720 penalty units, or both.

(2A) A person commits an offence if:
(a) the person engages in conduct in relation to money or other property; and
(b) the money or property is proceeds of general crime; and

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(c) the person is reckless as to the fact that the money or property is proceeds of general crime; and

(d) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) when the conduct occurs, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 12 years, or 720 penalty units, or both.

(2B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is proceeds of general crime; and

(c) for each occasion, the person is reckless as to the fact that the money or property is proceeds of general crime; and

(d) for each occasion, the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

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(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $1,000,000 or more.

Penalty: Imprisonment for 12 years, or 720 penalty units, or both.

Tier 3 offences

(3) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

(3A) A person commits an offence if:

(a) the person engages in conduct in relation to money or other property; and

(b) the money or property is proceeds of general crime; and

(c) the person is negligent as to the fact that the money or property is proceeds of general crime; and

(d) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

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(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and

(e) when the conduct occurs, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

(3B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and
(b) for each occasion, the money or property is proceeds of general crime; and
(c) for each occasion, the person is negligent as to the fact that the money or property is proceeds of general crime; and
(d) for each occasion, the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;
(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and
(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $1,000,000 or more.

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Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

Absolute liability

(4) Absolute liability applies to paragraphs (1)(c), (1A)(d), (1B)(d), (2)(d), (2A)(e), (2B)(e), (3)(d), (3A)(e) and (3B)(e).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:
(a) is intended by the person to become an instrument of crime; or
(b) is at risk of becoming an instrument of crime.

400.4 Proceeds of crime etc.—money or property worth $100,000 or more

Tier 1 offences

(1) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or
(ii) the person intends that the money or property will become an instrument of crime; and
(c) at the time of the dealing, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 20 years, or 1200 penalty units, or both.

(1A) A person commits an offence if:
(a) the person engages in conduct in relation to money or other property; and
(b) the money or property is, and the person believes it to be, proceeds of general crime; and
(c) the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;

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(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and

(d) when the conduct occurs, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 20 years, or 1200 penalty units, or both.

(1B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and
(b) for each occasion, the money or property is, and the person believes it to be, proceeds of general crime; and
(c) for each occasion, the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;
(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and
(d) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $100,000 or more.

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Penalty: Imprisonment for 20 years, or 1200 penalty units, or both.

Tier 2 offences

(2) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

(2A) A person commits an offence if:

(a) the person engages in conduct in relation to money or other property; and

(b) the money or property is proceeds of general crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of general crime; and

(d) the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

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(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) when the conduct occurs, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

(2B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is proceeds of general crime; and

(c) for each occasion, the person is reckless as to the fact that the money or property is proceeds of general crime; and

(d) for each occasion, the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $100,000 or more.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

Tier 3 offences

(3) A person commits an offence if:

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(a) the person deals with money or other property; and
(b) either:
(i) the money or property is proceeds of indictable crime; or
(ii) there is a risk that the money or property will become an instrument of crime; and
(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and
(d) at the time of the dealing, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 4 years, or 240 penalty units, or both.

(3A) A person commits an offence if:
(a) the person engages in conduct in relation to money or other property; and
(b) the money or property is proceeds of general crime; and
(c) the person is negligent as to the fact that the money or property is proceeds of general crime; and
(d) the conduct concealed or disguised any or all of the following:
(i) the nature of the money or property;
(ii) the value of the money or property;
(iii) the source of the money or property;
(iv) the location of the money or property;
(v) any disposition of the money or property;
(vi) any movement of the money or property;
(vii) any rights in respect of the money or property;
(viii) the identity of any person who has rights in respect of the money or property;
(ix) the identity of any person who has effective control of the money or property; and
(e) when the conduct occurs, the value of the money and other property is $100,000 or more.

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Penalty: Imprisonment for 4 years, or 240 penalty units, or both.

(3B) A person commits an offence if:

(a) on 2 or more occasions, the person engages in conduct in relation to money or other property; and

(b) for each occasion, the money or property is proceeds of general crime; and

(c) for each occasion, the person is negligent as to the fact that the money or property is proceeds of general crime; and

(d) for each occasion, the conduct concealed or disguised any or all of the following:

(i) the nature of the money or property;

(ii) the value of the money or property;

(iii) the source of the money or property;

(iv) the location of the money or property;

(v) any disposition of the money or property;

(vi) any movement of the money or property;

(vii) any rights in respect of the money or property;

(viii) the identity of any person who has rights in respect of the money or property;

(ix) the identity of any person who has effective control of the money or property; and

(e) the sum of the values of the money and other property (where each value is worked out as at the time when the relevant conduct occurred) is $100,000 or more.

Penalty: Imprisonment for 4 years, or 240 penalty units, or both.

Absolute liability

(4) Absolute liability applies to paragraphs (1)(c), (1A)(d), (1B)(d), (2)(d), (2A)(e), (2B)(e), (3)(d), (3A)(e) and (3B)(e).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:

(a) is intended by the person to become an instrument of crime; or

(b) is at risk of becoming an instrument of crime.

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400.5 Proceeds of crime etc.—money or property worth $50,000 or more

(1) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or

(ii) the person intends that the money or property will become an instrument of crime; and

(c) at the time of the dealing, the value of the money and other property is $50,000 or more.

Penalty: Imprisonment for 15 years, or 900 penalty units, or both.

(2) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $50,000 or more.

Penalty: Imprisonment for 7 years, or 420 penalty units, or both.

(3) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

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(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $50,000 or more.

Penalty: Imprisonment for 3 years, or 180 penalty units, or both.

(4) Absolute liability applies to paragraphs (1)(c), (2)(d) and (3)(d).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:
(a) is intended by the person to become an instrument of crime; or
(b) is at risk of becoming an instrument of crime.

400.6 Proceeds of crime etc.—money or property worth $10,000 or more

(1) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or
(ii) the person intends that the money or property will become an instrument of crime; and
(c) at the time of the dealing, the value of the money and other property is $10,000 or more.

Penalty: Imprisonment for 10 years, or 600 penalty units, or both.

(2) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is proceeds of indictable crime; or
(ii) there is a risk that the money or property will become an instrument of crime; and

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(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $10,000 or more.

Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

(3) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $10,000 or more.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

(4) Absolute liability applies to paragraphs (1)(c), (2)(d) and (3)(d).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:

(a) is intended by the person to become an instrument of crime; or

(b) is at risk of becoming an instrument of crime.

400.7 Proceeds of crime etc.—money or property worth $1,000 or more

(1) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

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(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or

(ii) the person intends that the money or property will become an instrument of crime; and

(c) at the time of the dealing, the value of the money and other property is $1,000 or more.

Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

(2) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $1,000 or more.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

(3) A person commits an offence if:

(a) the person deals with money or other property; and

(b) either:

(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires); and

(d) at the time of the dealing, the value of the money and other property is $1,000 or more.

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Penalty: Imprisonment for 12 months, or 60 penalty units, or both.

(4) Absolute liability applies to paragraphs (1)(c), (2)(d) and (3)(d).

Note 1: Section 400.10 provides for a defence of mistake of fact in relation to these paragraphs.

Note 2: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:
(a) is intended by the person to become an instrument of crime; or
(b) is at risk of becoming an instrument of crime.

400.8 Proceeds of crime etc.—money or property of any value

(1) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is, and the person believes it to be, proceeds of indictable crime; or
(ii) the person intends that the money or property will become an instrument of crime.

Penalty: Imprisonment for 12 months, or 60 penalty units, or both.

(2) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:
(i) the money or property is proceeds of indictable crime; or
(ii) there is a risk that the money or property will become an instrument of crime; and
(c) the person is reckless as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires).

Penalty: Imprisonment for 6 months, or 30 penalty units, or both.

(3) A person commits an offence if:
(a) the person deals with money or other property; and
(b) either:

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(i) the money or property is proceeds of indictable crime; or

(ii) there is a risk that the money or property will become an instrument of crime; and

(c) the person is negligent as to the fact that the money or property is proceeds of indictable crime or the fact that there is a risk that it will become an instrument of crime (as the case requires).

Penalty: 10 penalty units.

Note: Section 400.2A affects the application of this section so far as it relates to a person dealing with money or other property that:
(a) is intended by the person to become an instrument of crime; or
(b) is at risk of becoming an instrument of crime.

400.9 Dealing with property reasonably suspected of being proceeds of crime etc.

(1AA) A person commits an offence if:

(a) the person deals with money or other property; and

(b) it is reasonable to suspect that the money or property is proceeds of indictable crime; and

(c) at the time of the dealing, the value of the money and other property is $10,000,000 or more.

Penalty: Imprisonment for 5 years, or 300 penalty units, or both.

(1AB) A person commits an offence if:

(a) the person deals with money or other property; and

(b) it is reasonable to suspect that the money or property is proceeds of indictable crime; and

(c) at the time of the dealing, the value of the money and other property is $1,000,000 or more.

Penalty: Imprisonment for 4 years, or 240 penalty units, or both.

(1) A person commits an offence if:

(a) the person deals with money or other property; and

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(b) it is reasonable to suspect that the money or property is proceeds of indictable crime; and

(c) at the time of the dealing, the value of the money and other property is $100,000 or more.

Penalty: Imprisonment for 3 years, or 180 penalty units, or both.

(1A) A person commits an offence if:

(a) the person deals with money or other property; and

(b) it is reasonable to suspect that the money or property is proceeds of indictable crime; and

(c) at the time of the dealing, the value of the money and other property is less than $100,000.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

(2) For the purposes of this section, it is taken to be reasonable to suspect that money or other property is proceeds of indictable crime if:

(a) the conduct constituting the offence involves a number of transactions that are structured or arranged to avoid the reporting requirements of the repealed *Financial Transaction Reports Act 1988* that would otherwise apply to the transactions; or

(aa) the conduct involves a number of transactions that are structured or arranged to avoid the reporting requirements of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* that would otherwise apply to the transactions; or

(b) the conduct involves using one or more accounts held with ADIs in false names; or

(ba) the conduct amounts to an offence against section 139, 140 or 141 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*; or

(c) the value of the money and property involved in the conduct is, in the opinion of the trier of fact, grossly out of proportion to the defendant's income and expenditure over a reasonable period within which the conduct occurs; or

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(d) the conduct involves a significant cash transaction within the meaning of the repealed *Financial Transaction Reports Act 1988*, and the defendant:

(i) has contravened his or her obligations under that Act relating to reporting the transaction; or

(ii) has given false or misleading information in purported compliance with those obligations; or

(da) the conduct involves a threshold transaction (within the meaning of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*) and the defendant:

(i) has contravened the defendant's obligations under that Act relating to reporting the transaction; or

(ii) has given false or misleading information in purported compliance with those obligations; or

(e) the defendant:

(i) has stated that the conduct was engaged in on behalf of or at the request of another person; and

(ii) has not provided information enabling the other person to be identified and located.

(4) Absolute liability applies to paragraphs (1AA)(b) and (c), (1AB)(b) and (c), (1)(b) and (c) and (1A)(b) and (c).

(5) This section does not apply if the defendant proves that he or she had no reasonable grounds for suspecting that the money or property was derived or realised, directly or indirectly, from some form of unlawful activity.

Note: A defendant bears a legal burden in relation to the matter in subsection (5) (see section 13.4).

400.10 Mistake of fact as to the value of money or property

(1) A person is not criminally responsible for an offence against section 400.2B, 400.3, 400.4, 400.5, 400.6, 400.7 or 400.9 (other than an offence against a proceeds of general crime offence provision) in relation to money or property if:

(a) at or before the time of dealing with the money or property, the person considered what was the value of the money or

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property, and was under a mistaken but reasonable belief about that value; and

(aa) in a case where the dealing continued during a period—the person had that belief throughout that period; and

(b) had the value been what the person believed it to be, the person's conduct would have constituted another offence against this Division for which the maximum penalty, in penalty units, is less than the maximum penalty, in penalty units, for the offence charged.

Example: Assume that a person deals with money or property that is the proceeds of indictable crime. While the person believes it to be proceeds of indictable crime, he or she is under a mistaken but reasonable belief that it is worth $90,000 when it is in fact worth $120,000.

That belief is a defence to an offence against subsection 400.4(1) (which deals with money or property of a value of $100,000 or more). However, the person would commit an offence against subsection 400.5(1) (which deals with money or property of a value of $10,000 or more). Section 400.14 allows for an alternative verdict of guilty of an offence against subsection 400.5(1).

Note: A defendant bears an evidential burden in relation to the matter in subsection (1) (see subsection 13.3(3)).

(1A) A person is not criminally responsible for an offence against a proceeds of general crime offence provision that relates to engaging in conduct in relation to money or property if:

(a) at or before the time of engaging in the conduct, the person considered what was the value of the money or property, and was under a mistaken but reasonable belief about that value; and

(b) in a case where the conduct continued during a period—the person had that belief throughout that period; and

(c) had the value been what the person believed it to be, the person's conduct would have constituted another offence against this Division for which the maximum penalty, in penalty units, is less than the maximum penalty, in penalty units, for the offence charged.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3)).

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(2) A person may be regarded as having considered what the value of the money or property was if:

(a) he or she had considered, on a previous occasion, what the value of the money or property was in the circumstances surrounding that occasion; and

(b) he or she honestly and reasonably believed that the circumstances surrounding the present occasion were the same, or substantially the same, as those surrounding the previous occasion.

400.10A Effect of money or property being provided as part of a controlled operation—proceeds of indictable crime

(1) In a prosecution for an offence by a person against section 400.2B, 400.3, 400.4, 400.5, 400.6, 400.7 or 400.8 (other than an offence against a proceeds of general crime offence provision) in relation to the person dealing with money or other property, it is not necessary to prove that the money or property is proceeds of indictable crime if it is proved that, as part of a controlled operation in relation to suspected offences against this Division, either of the following provided the money or property:

(a) a law enforcement participant in the controlled operation;

(b) a civilian participant in the controlled operation, acting in accordance with the instructions of a law enforcement officer.

(2) In this section:

civilian participant in a controlled operation has the meaning given by Part IAB of the *Crimes Act 1914*.

controlled operation has the meaning given by Part IAB of the *Crimes Act 1914*.

law enforcement officer has the meaning given by subsection 3(1) of the *Crimes Act 1914*.

law enforcement participant in a controlled operation has the meaning given by Part IAB of the *Crimes Act 1914*.

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400.10B Effect of money or property being provided as part of a controlled operation—proceeds of general crime

(1) In a prosecution for an offence against a proceeds of general crime offence provision by a person in relation to the person engaging in conduct in relation to money or other property, it is not necessary to prove that the money or property is proceeds of general crime if it is proved that, as part of a controlled operation in relation to suspected offences against this Division, either of the following provided the money or property:

(a) a law enforcement participant in the controlled operation;

(b) a civilian participant in the controlled operation, acting in accordance with the instructions of a law enforcement officer.

(2) In this section:

civilian participant in a controlled operation has the meaning given by Part IAB of the *Crimes Act 1914*.

controlled operation has the meaning given by Part IAB of the *Crimes Act 1914*.

400.11 Proof of certain matters relating to kinds of offences not required

In a prosecution for an offence against a provision of this Division, it is not necessary to prove the existence of any fault element in relation to any of the following:

(a) whether an offence may be dealt with as an indictable offence;

(b) whether an offence is an indictable offence;

(c) whether an offence is a Commonwealth indictable offence;

(d) whether an offence is a foreign indictable offence;

(e) whether an offence is a State indictable offence;

(f) whether an offence is an Australian Capital Territory indictable offence;

(g) whether an offence is a Northern Territory indictable offence;

(h) whether an offence is a foreign offence.

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400.12 Combining several contraventions in a single charge

(1) A single charge of an offence against a provision of this Division (other than a proceeds of general crime offence provision) may be about 2 or more instances of the defendant engaging in conduct (at the same time or different times) that constitutes an offence against a provision of this Division (other than a proceeds of general crime offence provision).

(2) If:

(a) a single charge is about 2 or more such instances; and

(b) the value of the money and other property dealt with is an element of the offence in question;

that value is taken to be the sum of the values of the money and other property dealt with in respect of each of those instances.

400.13 Proof of other offences is not required

(1) To avoid doubt, it is not necessary, in order to prove for the purposes of this Division that money or property is proceeds of general crime, to establish that:

(a) a particular offence, or an offence of a particular kind, was committed in relation to the money or property; or

(b) a particular person committed an offence, or an offence of a particular kind, in relation to the money or property.

(1A) To avoid doubt, it is not necessary, in order to prove for the purposes of this Division that money or property is proceeds of indictable crime covered by paragraph (a) of the definition of ***proceeds of indictable crime*** in subsection 400.1(1), to establish that a particular person committed an offence in relation to the money or property.

(1B) To avoid doubt, it is not necessary, in order to prove for the purposes of this Division that money or property is proceeds of indictable crime covered by paragraph (b) of the definition of ***proceeds of indictable crime*** in subsection 400.1(1), to establish that:

(a) a particular offence was committed in relation to the money or property; or

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(b) a particular person committed an offence in relation to the money or property.

(2) To avoid doubt, it is not necessary, in order to prove for the purposes of this Division an intention or risk that money or property will be an instrument of crime, to establish that:

(a) an intention or risk that a particular offence will be committed in relation to the money or property; or

(b) an intention or risk that a particular person will commit an offence in relation to the money or property.

400.14 Alternative verdicts

If, on a trial for an offence against a provision of this Division (the ***offence charged***), the trier of fact:

(a) is not satisfied that the defendant is guilty of the offence charged; but

(b) is otherwise satisfied that the defendant is guilty of another offence against this Division for which the maximum penalty, in penalty units, is less than the maximum penalty, in penalty units, for the offence charged;

the trier of fact may find the defendant not guilty of the offence charged but guilty of the other offence, so long as the person has been accorded procedural fairness in relation to that finding of guilt.

400.14A Recklessness as to nature of money or property sufficient for offence of attempt to commit an offence against certain provisions of this Part

(1) Despite subsection 11.1(3), for the offence of attempting to commit an offence against any of the following provisions:

(a) subsection 400.2B(4);

(b) subsection 400.2B(5);

(c) subsection 400.2B(6);

(d) subsection 400.2B(7);

(e) subsection 400.2B(8);

(f) subsection 400.2B(9);

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(g) subsection 400.3(2);
(h) subsection 400.3(2A);
(i) subsection 400.3(2B);
(j) subsection 400.3(3);
(k) subsection 400.3(3A);
(l) subsection 400.3(3B);
(m) subsection 400.4(2);
(n) subsection 400.4(2A);
(o) subsection 400.4(2B);
(p) subsection 400.4(3);
(q) subsection 400.4(3A);
(r) subsection 400.4(3B);
(s) subsection 400.5(2);
(t) subsection 400.5(3);
(u) subsection 400.6(2);
(v) subsection 400.6(3);
(w) subsection 400.7(2);
(x) subsection 400.7(3);
(y) subsection 400.8(2);
(z) subsection 400.8(3);

recklessness is the fault element in relation to whichever of the following is a physical element of the offence attempted:

(za) that money or property is proceeds of indictable crime;
(zb) that money or property is proceeds of general crime.

Note: Proof of intention, knowledge or recklessness will satisfy a fault element of recklessness: see subsection 5.4(4)

400.15 Geographical jurisdiction

(1) A person does not commit an offence against this Division unless:
(a) the conduct constituting the alleged offence occurs:
(i) wholly or partly in Australia; or
(ii) wholly or partly on board an Australian aircraft or an Australian ship; or

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(b) except in the case of an alleged offence against a proceeds of general crime offence provision—the conduct constituting the alleged offence occurs wholly outside Australia (but not on board an Australian aircraft or an Australian ship) and the money or other property:

(i) is proceeds of indictable crime; or

(ii) is intended to become an instrument of crime; or

(iii) is at risk of becoming an instrument of crime;

in relation to a Commonwealth indictable offence, a State indictable offence, an Australian Capital Territory indictable offence or a Northern Territory indictable offence; or

(ba) in the case of an alleged offence against a proceeds of general crime offence provision:

(i) the conduct constituting the alleged offence occurs wholly outside Australia (but not on board an Australian aircraft or an Australian ship); and

(ii) the money or other property is proceeds of general crime in relation to an offence against a law of the Commonwealth, an offence against a law of a State, an offence against a law of the Australian Capital Territory or an offence against a law of the Northern Territory; or

(c) the conduct constituting the alleged offence occurs wholly outside Australia and:

(i) at the time of the alleged offence, the person is an Australian citizen; or

(ii) at the time of the alleged offence, the person is a resident of Australia; or

(iii) at the time of the alleged offence, the person is a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; or

(d) all of the following conditions are satisfied:

(i) the alleged offence is an ancillary offence;

(ii) the conduct constituting the alleged offence occurs wholly outside Australia;

(iii) the conduct constituting the primary offence to which the ancillary offence relates occurs, or is intended by the person to occur, wholly or partly in Australia or wholly

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or partly on board an Australian aircraft or an Australian ship.

Note: The expression ***offence*** is given an extended meaning by subsection 11.2(1), section 11.3 and subsection 11.6(1).

Defence—primary offence

(2) A person does not commit an offence against this Division if:
  (a) the alleged offence is a primary offence; and
  (b) the conduct constituting the alleged offence occurs wholly in a foreign country, but not on board an Australian aircraft or an Australian ship; and
  (c) paragraph (1)(b) of this section does not apply; and
  (d) the person is neither:
    (i) an Australian citizen; nor
    (ii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; and
  (e) there is not in force in:
    (i) the foreign country where the conduct constituting the alleged offence occurs; or
    (ii) the part of the foreign country where the conduct constituting the alleged offence occurs;

  a law of that foreign country, or a law of that part of that foreign country, that creates an offence that corresponds to the offence against this Division.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2). See subsection 13.3(3).

(3) For the purposes of the application of subsection 13.3(3) to an offence, subsection (2) of this section is taken to be an exception provided by the law creating the offence.

Defence—ancillary offence

(4) A person does not commit an offence against this Division if:
  (a) the alleged offence is an ancillary offence; and

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(b) the conduct constituting the alleged offence occurs wholly in a foreign country, but not on board an Australian aircraft or an Australian ship; and

(c) the conduct constituting the primary offence to which the ancillary offence relates occurs, or is intended by the person to occur, wholly in a foreign country, but not on board an Australian aircraft or an Australian ship; and

(d) paragraph (1)(b) of this section does not apply (and would not apply if the conduct described in paragraph (c) of this subsection occurred as intended); and

(e) the person is neither:

(i) an Australian citizen; nor

(ii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; and

(f) there is not in force in:

(i) the foreign country where the conduct constituting the primary offence to which the ancillary offence relates occurs, or is intended by the person to occur; or

(ii) the part of the foreign country where the conduct constituting the primary offence to which the ancillary offence relates or is intended by the person to occur;

a law of that foreign country, or a law of that part of that foreign country, that creates an offence that corresponds to the primary offence.

Note: A defendant bears an evidential burden in relation to the matters in subsection (4). See subsection 13.3(3).

(5) For the purposes of the application of subsection 13.3(3) to an offence, subsection (4) of this section is taken to be an exception provided by the law creating the offence.

Extended application of sections 16.1, 16.2 and 16.3

(6) Section 16.1, except paragraph 16.1(1)(a), applies in relation to an offence against this Division (in addition to the application of that section apart from this subsection).

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Note: Section 16.1 requires the Attorney-General's consent for prosecution of an offence if the alleged conduct occurred wholly in a foreign country in certain circumstances.

(7) Sections 16.2 and 16.3 apply for the purposes of this Division in the same way as they apply for the purposes of Part 2.7.

Note: Section 16.2 treats the sending of things and electronic communications into and out of Australia as conduct occurring partly in Australia. Section 16.3 affects the meaning of ***Australia***.

400.16 Saving of other laws

This Division is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.

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Part 10.5—Postal services

Division 470—Preliminary

470.1 Definitions

In this Part:

AFP Minister means the Minister administering the *Australian Federal Police Act 1979*.

article has the same meaning as in the *Australian Postal Corporation Act 1989*.

article in the course of post means an article that is being carried by post, and includes an article that has been collected or received by or on behalf of Australia Post for carriage by post, but has not been delivered by or on behalf of Australia Post.

Australia Post means the Australian Postal Corporation.

carried by post means carried by or through Australia Post.

carry, in relation to an article, has the same meaning as in the *Australian Postal Corporation Act 1989*.

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

mail-receptacle means a mail-bag, package, parcel, container, wrapper, receptacle or similar thing that:

(a) belongs to, or is in the possession of, Australia Post; and

(b) is used, or intended for use, in the carriage of articles by post (whether or not it actually contains such articles).

postage stamp has the same meaning as in the *Australian Postal Corporation Act 1989*.

postal message means:

(a) a material record of an unwritten communication:

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(i) carried by post; or
(ii) collected or received by Australia Post for carriage by post; or

(b) a material record issued by Australia Post as a record of an unwritten communication:
(i) carried by post; or
(ii) collected or received by Australia Post for carriage by post.

postal or similar service means:

(a) a postal service (within the meaning of paragraph 51(v) of the Constitution); or

(b) a courier service, to the extent to which the service is a postal or other like service (within the meaning of paragraph 51(v) of the Constitution); or

(c) a packet or parcel carrying service, to the extent to which the service is a postal or other like service (within the meaning of paragraph 51(v) of the Constitution); or

(d) any other service that is a postal or other like service (within the meaning of paragraph 51(v) of the Constitution); or

(e) a courier service that is provided by a constitutional corporation; or

(f) a packet or parcel carrying service that is provided by a constitutional corporation; or

(g) a courier service that is provided in the course of, or in relation to, trade or commerce:
(i) between Australia and a place outside Australia; or
(ii) among the States; or
(iii) between a State and a Territory or between 2 Territories; or

(h) a packet or parcel carrying service that is provided in the course of, or in relation to, trade or commerce:
(i) between Australia and a place outside Australia; or
(ii) among the States; or
(iii) between a State and a Territory or between 2 Territories.

property has the same meaning as in Chapter 7.

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unwritten communication has the same meaning as in the *Australian Postal Corporation Act 1989*.

470.2 Dishonesty

For the purposes of this Part, ***dishonest*** means:

(a) dishonest according to the standards of ordinary people; and

(b) known by the defendant to be dishonest according to the standards of ordinary people.

470.3 Determination of dishonesty to be a matter for the trier of fact

In a prosecution for an offence against this Part, the determination of dishonesty is a matter for the trier of fact.

470.4 Meaning of expressions used in Subdivisions B and C of Division 471

(1) Subject to subsections (2) and (3), an expression used in Subdivision B or C of Division 471 that is defined in Part 10.6 has the same meaning in that Subdivision as it has in that Part.

Note: One of those expressions is ***child abuse material***.

(2) A reference in Subdivision B or C of Division 471 to a person having possession or control of material includes a reference to the person:

(a) having possession of a computer or data storage device that holds or contains the material; or

(b) having possession of a document in which the material is recorded; or

(c) having control of material held in a computer that is in the possession of another person (whether inside or outside Australia).

(3) A reference in Subdivision B or C of Division 471 to a person producing, supplying or obtaining material includes a reference to the person:

(a) producing, supplying or obtaining material held or contained in a computer or data storage device; or

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(b) producing, supplying or obtaining a document in which the material is recorded.

(4) Section 473.4 applies in relation to Subdivisions B and C of Division 471 as if the reference in that section to Part 10.6 were a reference to those Subdivisions.

Note: Section 473.4 sets out matters that may be taken into account in deciding whether particular material is offensive.

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Division 471—Postal offences

Subdivision A—General postal offences

471.1 Theft of mail-receptacles, articles or postal messages

(1) A person commits an offence if:

(a) the person dishonestly appropriates:

(i) a mail-receptacle; or

(ii) an article in the course of post (including an article that appears to have been lost or wrongly delivered by or on behalf of Australia Post or lost in the course of delivery to Australia Post); or

(iii) a postal message; and

(b) the person does so with the intention of permanently depriving another person of the mail-receptacle, article or postal message.

Penalty: Imprisonment for 10 years.

Dishonesty

(2) For the purposes of this section, a person's appropriation of a mail-receptacle, article or postal message may be dishonest even if the person or another person is willing to pay for the mail-receptacle, article or postal message.

Intention of permanently depriving a person of a mail-receptacle, article or postal message

(3) For the purposes of this section, if:

(a) a person appropriates a mail-receptacle, article or postal message without meaning another permanently to lose the thing itself; and

(b) the person's intention is to treat the thing as the person's own to dispose of regardless of the other's rights;

the person has the intention of permanently depriving the other of it.

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(4) For the purposes of subsection (3), a borrowing or lending of a thing amounts to treating the thing as the borrower's or lender's own to dispose of regardless of another's rights if, and only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.

471.2 Receiving stolen mail-receptacles, articles or postal messages

(1) A person commits an offence if the person dishonestly receives stolen property, knowing or believing the property to be stolen.

Penalty: Imprisonment for 10 years.

Stolen property

(2) For the purposes of this section, property is ***stolen property*** if, and only if:

(a) it is original stolen property (as defined by subsection (3)); or

(b) it is tainted property (as defined by subsection (5)).

This subsection has effect subject to subsection (4).

Original stolen property

(3) For the purposes of this section, ***original stolen property*** is property, or a part of property, that:

(a) was appropriated in the course of an offence against section 471.1 (whether or not the property, or the part of the property, is in the state it was in when it was so appropriated); and

(b) is in the possession or custody of the person who so appropriated the property.

(4) For the purposes of this section, property ceases to be original stolen property:

(a) after the property is restored:

(i) to the person from whom it was appropriated; or

(ii) to other lawful possession or custody; or

(b) after:

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(i) the person from whom the property was appropriated ceases to have any right to restitution in respect of the property; or

(ii) a person claiming through the person from whom the property was appropriated ceases to have any right to restitution in respect of the property.

Tainted property

(5) For the purposes of this section, ***tainted property*** is property that:

(a) is (in whole or in part) the proceeds of sale of, or property exchanged for, original stolen property; and

(b) is in the possession or custody of the person who so appropriated the original stolen property.

Alternative verdicts

(6) If, in a prosecution for an offence against section 471.1, the trier of fact is not satisfied that the defendant is guilty of the offence, but is satisfied beyond reasonable doubt that the defendant is guilty of an offence against this section, the trier of fact may find the defendant not guilty of the offence against section 471.1 but guilty of the offence against this section, so long as the defendant has been accorded procedural fairness in relation to that finding of guilt.

(7) If, in a prosecution for an offence against this section, the trier of fact is not satisfied that the defendant is guilty of the offence, but is satisfied beyond reasonable doubt that the defendant is guilty of an offence against section 471.1, the trier of fact may find the defendant not guilty of the offence against this section but guilty of the offence against section 471.1, so long as the defendant has been accorded procedural fairness in relation to that finding of guilt.

Receiving stolen property before commencement

(8) For the purposes of this section:

(a) it is to be assumed that section 471.1 had been in force at all times before the commencement of this section; and

(b) property that was appropriated at a time before the commencement of this section does not become ***stolen***

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property unless the property was appropriated in circumstances that (apart from paragraph (a)) amounted to an offence against a law of the Commonwealth in force at that time.

471.3 Taking or concealing of mail-receptacles, articles or postal messages

A person commits an offence if the person dishonestly takes or conceals:

(a) a mail-receptacle; or

(b) an article in the course of post (including an article that appears to have been lost or wrongly delivered by or on behalf of Australia Post or lost in the course of delivery to Australia Post); or

(c) a postal message.

Penalty: Imprisonment for 5 years.

471.4 Dishonest removal of postage stamps or postmarks

A person commits an offence if the person dishonestly:

(a) removes any postage stamp affixed to, or printed on, an article; or

(b) removes any postmark from a postage stamp that has previously been used for postal services.

Penalty: Imprisonment for 12 months.

471.5 Dishonest use of previously used, defaced or obliterated stamps

(1) A person commits an offence if the person dishonestly uses for postal services a postage stamp:

(a) that has previously been used for postal services; or

(b) that has been obliterated; or

(c) that has been defaced.

Penalty: Imprisonment for 12 months.

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(2) If, in proceedings for an offence against subsection (1), it is proved that the defendant caused an article to or on which was affixed or printed a postage stamp:

(a) that had previously been used for postal services; or

(b) that had been obliterated; or

(c) that had been defaced;

to be carried by post, it is presumed, in the absence of evidence to the contrary, that the defendant used the stamp for postal services.

(3) The burden of proof in respect of evidence to the contrary is an evidential burden of proof.

471.6 Damaging or destroying mail-receptacles, articles or postal messages

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the person's conduct causes damage to, or the destruction of:

(i) a mail-receptacle; or

(ii) an article in the course of post (including an article that appears to have been lost or wrongly delivered by or on behalf of Australia Post or lost in the course of delivery to Australia Post); or

(iii) a postal message; and

(c) the person:

(i) intends that his or her conduct cause that damage; or

(ii) is reckless as to whether his or her conduct causes that damage.

Penalty: Imprisonment for 10 years.

(2) For the purposes of this section, a person's conduct is taken to cause the destruction of a thing if the person's conduct causes the physical loss of the thing by interfering with the thing (including by removing any restraint over the thing or abandoning the thing).

(3) For the purposes of this section, a person's conduct is taken to cause damage to a thing if:

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(a) the person's conduct causes any loss of a use of the function of the thing by interfering with the thing; or
(b) the person's conduct causes the thing to be defaced.

471.7 Tampering with mail-receptacles

(1) A person commits an offence if the person dishonestly:
(a) opens a mail-receptacle; or
(b) tampers with a mail-receptacle.

Penalty: Imprisonment for 5 years.

(2) A person commits an offence if:
(a) the person intentionally opens a mail-receptacle; and
(b) the person is not authorised by Australia Post to open the mail-receptacle; and
(c) the person does so knowing that he or she is not authorised by Australia Post to open the mail-receptacle.

Penalty: Imprisonment for 2 years.

471.8 Dishonestly obtaining delivery of articles

A person commits an offence if the person dishonestly obtains delivery of, or receipt of, an article in the course of post that is not directed to the person.

Penalty: Imprisonment for 5 years.

471.9 Geographical jurisdiction

Section 15.3 (extended geographical jurisdiction—category C) applies to an offence against section 471.1, 471.2, 471.3, 471.4, 471.5, 471.6, 471.7 or 471.8.

471.10 Hoaxes—explosives and dangerous substances

(1) A person commits an offence if:
(a) the person causes an article to be carried by a postal or similar service; and

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(b) the person does so with the intention of inducing a false belief that:

(i) the article consists of, encloses or contains an explosive or a dangerous or harmful substance or thing; or

(ii) an explosive, or a dangerous or harmful substance or thing, has been or will be left in any place.

Penalty: Imprisonment for 10 years.

(2) To avoid doubt, the definition of ***carried by post*** in section 470.1 does not apply to this section.

471.11 Using a postal or similar service to make a threat

Threat to kill

(1) A person (the ***first person***) commits an offence if:

(a) the first person uses a postal or similar service to make to another person (the ***second person***) a threat to kill the second person or a third person; and

(b) the first person intends the second person to fear that the threat will be carried out.

Penalty: Imprisonment for 10 years.

Threat to cause serious harm

(2) A person (the ***first person***) commits an offence if:

(a) the first person uses a postal or similar service to make to another person (the ***second person***) a threat to cause serious harm to the second person or a third person; and

(b) the first person intends the second person to fear that the threat will be carried out.

Penalty: Imprisonment for 7 years.

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Actual fear not necessary

(3) In a prosecution for an offence against this section, it is not necessary to prove that the person receiving the threat actually feared that the threat would be carried out.

Definitions

(4) In this section:

fear includes apprehension.

threat to cause serious harm to a person includes a threat to substantially contribute to serious harm to the person.

471.12 Using a postal or similar service to menace, harass or cause offence

A person commits an offence if:

(a) the person uses a postal or similar service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

471.13 Causing a dangerous article to be carried by a postal or similar service

Offence

(1) A person (the ***first person***) commits an offence if:

(a) the first person causes an article to be carried by a postal or similar service; and

(b) the person does so in a way that gives rise to a danger of death or serious harm to another person; and

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(c) the first person is reckless as to the danger of death or serious harm.

Penalty: Imprisonment for 10 years.

Danger of death or serious harm

(2) For the purposes of this section, if a person's conduct exposes another person to the risk of catching a disease that may give rise to a danger of death or serious harm to the other person, the conduct is taken to give rise to a danger of death or serious harm to the other person.

(3) For the purposes of this section, a person's conduct gives rise to a danger of death or serious harm if the conduct is ordinarily capable of creating a real, and not merely a theoretical, danger of death or serious harm.

(4) For the purposes of this section, a person's conduct may give rise to a danger of death or serious harm whatever the statistical or arithmetical calculation of the degree of risk of death or serious harm involved.

(5) In a prosecution for an offence against subsection (1), it is not necessary to prove that a specific person was actually placed in danger of death or serious harm by the conduct concerned.

Definition

(6) To avoid doubt, the definition of ***carried by post*** in section 470.1 does not apply to this section.

471.14 Geographical jurisdiction

Section 15.1 (extended geographical jurisdiction—category A) applies to an offence against section 471.10, 471.11, 471.12 or 471.13.

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471.15 Causing an explosive, or a dangerous or harmful substance, to be carried by post

Offence

(1) A person commits an offence if:
  (a) the person causes an article to be carried by post; and
  (b) the article consists of, encloses or contains:
    (i) an explosive; or
    (ii) a dangerous or harmful substance or thing that the regulations say must not, without exception, be carried by post.

Penalty: Imprisonment for 10 years.

Geographical jurisdiction

(2) Section 15.3 (extended geographical jurisdiction—category C) applies to an offence against subsection (1).

Subdivision B—Offences relating to use of postal or similar service for child abuse material

471.19 Using a postal or similar service for child abuse material

(1) A person commits an offence if:
  (a) the person causes an article to be carried by a postal or similar service; and
  (b) the article is, or contains, child abuse material.

Penalty: Imprisonment for 15 years.

(2) A person commits an offence if:
  (a) the person requests another person to cause an article to be carried by a postal or similar service; and
  (b) the article is, or contains, child abuse material.

Penalty: Imprisonment for 15 years.

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471.20 Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service

(1) A person commits an offence if:

(a) the person:

(i) has possession or control of material; or

(ii) produces, supplies or obtains material; and

(b) the material is child abuse material; and

(c) the person has that possession or control, or engages in that production, supply or obtaining, with the intention that the material be used:

(i) by that person; or

(ii) by another person;

in committing an offence against section 471.19 (using a postal or similar service for child abuse material).

Penalty: Imprisonment for 15 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against section 471.19 (using a postal or similar service for child abuse material) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

471.21 Defences in respect of child abuse material

(1) A person is not criminally responsible for an offence against section 471.19 (using a postal or similar service for child abuse material) or 471.20 (possessing etc. child abuse material for use through a postal or similar service) because of engaging in particular conduct if the conduct:

(a) is of public benefit; and

(b) does not extend beyond what is of public benefit.

In determining whether the person is, under this subsection, not criminally responsible for the offence, the question whether the conduct is of public benefit is a question of fact and the person's motives in engaging in the conduct are irrelevant.

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Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(2) For the purposes of subsection (1), conduct is of public benefit if, and only if, the conduct is necessary for or of assistance in:

(a) enforcing a law of the Commonwealth, a State or a Territory; or

(b) monitoring compliance with, or investigating a contravention of, a law of the Commonwealth, a State or a Territory; or

(c) the administration of justice; or

(d) conducting scientific, medical or educational research that has been approved by the AFP Minister in writing for the purposes of this section.

(3) A person is not criminally responsible for an offence against section 471.19 (using a postal or similar service for child abuse material) or 471.20 (possessing etc. child abuse material for use through a postal or similar service) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

471.22 Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people

(1) A person commits an offence against this section if:

(a) the person commits an offence against either of the following provisions on 3 or more separate occasions:

(iii) section 471.19 (using a postal or similar service for child abuse material);

(iv) section 471.20 (possessing etc. child abuse material for use through a postal or similar service); and

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(b) the commission of each such offence involves 2 or more people.

Penalty: Imprisonment for 30 years.

(2) There is no fault element for any of the physical elements described in paragraph (1)(a) other than the fault elements (however described), if any, for the offence against section 471.19 or 471.20.

(3) To avoid doubt, a person does not commit an offence against section 471.19 or 471.20 for the purposes of paragraph (1)(a) if the person has a defence to that offence.

Offence or conduct need not be the same

(4) For the purposes of subsection (1), it is immaterial whether the offence, or the conduct constituting the offence, is the same on each occasion.

Double jeopardy etc.

(5) A person who has been convicted or acquitted of an offence (the ***aggravated offence***) against this section may not be convicted of an offence against section 471.19 or 471.20 in relation to the conduct that constituted the aggravated offence.

(6) Subsection (5) does not prevent an alternative verdict under section 471.23.

(7) A person who has been convicted or acquitted of an offence (the ***underlying offence***) against section 471.19 or 471.20 may not be convicted of an offence against this section in relation to the conduct that constituted the underlying offence.

471.23 Alternative verdict if aggravated offence not proven

If, on a trial for an offence (the ***aggravated offence***) against subsection 471.22(1), the trier of fact:

(a) is not satisfied that the defendant is guilty of the aggravated offence; but

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(b) is satisfied beyond reasonable doubt that he or she is guilty of an offence (the ***underlying offence***) against section 471.19 or 471.20;

it may find the defendant not guilty of the aggravated offence but guilty of the underlying offence, so long as the defendant has been accorded procedural fairness in relation to that finding of guilt.

Subdivision C—Offences relating to use of postal or similar service involving sexual activity with person under 16

471.24 Using a postal or similar service to procure persons under 16

(1) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of procuring the recipient to engage in sexual activity with the sender; and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the sender is at least 18.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of procuring the recipient to engage in sexual activity with another person (the ***participant***); and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the participant is someone who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

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(b) the sender does this with the intention of procuring the recipient to engage in sexual activity with another person; and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the other person referred to in paragraph (b) is someone who is, or who the sender believes to be, under 18; and

(e) the sender intends that the sexual activity referred to in paragraph (b) will take place in the presence of:

(i) the sender; or

(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

471.25 Using a postal or similar service to "groom" persons under 16

(1) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with the sender; and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the sender is at least 18.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with another person (the ***participant***); and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

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(d) the participant is someone who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with another person; and

(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the other person referred to in paragraph (b) is someone who is, or who the sender believes to be, under 18; and

(e) the sender intends that the sexual activity referred to in paragraph (b) will take place in the presence of:

(i) the sender; or

(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

471.25A Using a postal or similar service to "groom" another person to make it easier to procure persons under 16

(1) A person (the ***sender***) commits an offence if:

(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and

(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with the sender; and

(c) the child is someone who is, or who the sender believes to be, under 16; and

(d) the sender is at least 18.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:

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(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and
(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with another person (the ***participant***); and
(c) the child is someone who is, or who the sender believes to be, under 16; and
(d) the participant is someone who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:
(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and
(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with another person; and
(c) the child is someone who is, or who the sender believes to be, under 16; and
(d) the other person referred to in paragraph (b) is someone who is, or who the sender believes to be, under 18; and
(e) the sender intends that the sexual activity referred to in paragraph (b) will take place in the presence of:
(i) the sender; or
(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18.

Penalty: Imprisonment for 15 years.

471.26 Using a postal or similar service to send indecent material to person under 16

(1) A person (the ***sender***) commits an offence if:
(a) the sender causes an article to be carried by a postal or similar service to another person (the ***recipient***); and
(b) the article is, or contains, material that is indecent; and

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(c) the recipient is someone who is, or who the sender believes to be, under 16; and

(d) the sender is at least 18.

Penalty: Imprisonment for 10 years.

(2) In a prosecution for an offence against subsection (1), whether material is indecent is a matter for the trier of fact.

(3) In this section:

indecent means indecent according to the standards of ordinary people.

471.27 Age-related provisions relating to offences against this Subdivision

Application of absolute liability

(1) For the purposes of an offence against this Subdivision (other than section 471.25A), absolute liability applies to the physical element of circumstance of the offence that the recipient is someone who is under 16.

Note 1: For absolute liability, see section 6.2.

Note 2: For a defence based on belief about age, see section 471.29.

(1A) For the purposes of an offence against section 471.25A, absolute liability applies to the physical element of circumstance of the offence that the child is someone who is under 16.

Note 1: For absolute liability, see section 6.2.

Note 2: For a defence based on belief about age, see section 471.29.

(2) For the purposes of an offence against subsection 471.24(2) or (3), 471.25(2) or (3) or 471.25A(2) or (3), absolute liability applies to the physical element of circumstance of the offence that the participant is at least 18.

Note 1: For absolute liability, see section 6.2.

Note 2: For a defence based on belief about age, see section 471.29.

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Proof of belief about age—evidence of representation

(3) For the purposes of this Subdivision, evidence that a person was represented to the defendant as being under, of, at least or over a particular age is, in the absence of evidence to the contrary, proof that the defendant believed the person to be under, of, at least or over that age (as the case requires).

Determining age—admissible evidence

(5) In determining for the purposes of this Subdivision how old a person is or was at a particular time, a jury or court may treat any of the following as admissible evidence:
  (a) the person's appearance;
  (b) medical or other scientific opinion;
  (c) a document that is or appears to be an official or medical record from a country outside Australia;
  (d) a document that is or appears to be a copy of such a record.

(6) Subsection (5) does not make any other kind of evidence inadmissible, and does not affect a prosecutor's duty to do all he or she can to adduce the best possible evidence for determining the question.

(7) If, on a trial for an offence against this Subdivision, evidence may be treated as admissible because of subsection (5), the court must warn the jury that it must be satisfied beyond reasonable doubt in determining the question.

471.28 Other provisions relating to offences against this Subdivision

Impossibility of sexual activity taking place

(1) A person may be found guilty of an offence against section 471.24, 471.25 or 471.25A even if it is impossible for the sexual activity referred to in that section to take place.

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Fictitious persons

(2) For the purposes of an offence against this Subdivision, it does not matter that the recipient to whom the sender believes the sender is causing an article to be carried is a fictitious person represented to the sender as a real person.

(2A) For the purposes of an offence against section 471.25A, it does not matter that the child is a fictitious person represented to the sender as a real person.

Attempt not offence

(3) It is not an offence to attempt to commit an offence against section 471.24, 471.25 or 471.25A.

471.29 Defences to offences against this Subdivision

Belief that certain persons at least 16

(1) It is a defence to a prosecution for an offence against this Subdivision (other than section 471.25A) if the defendant proves that, at the time he or she caused the article to be carried, the defendant believed that the recipient was at least 16.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

(1A) It is a defence to a prosecution for an offence against section 471.25A if the defendant proves that, at the time he or she caused the article to be carried, the defendant believed that the child was at least 16.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Procuring and "grooming" offences involving child engaging in sexual activity with other participant—belief that participant under 18

(2) It is a defence to a prosecution for an offence against subsection 471.24(2) or (3), 471.25(2) or (3) or 471.25A(2) or (3) if the defendant proves that, at the time he or she caused the article

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to be carried, the defendant believed that the participant was under 18.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Trier of fact may take into account whether belief reasonable

(3) In determining whether the defendant had the belief mentioned in subsection (1), (1A) or (2), the trier of fact may take into account whether the alleged belief was reasonable in the circumstances.

471.29A Sentencing

(1) In determining the sentence to be passed, or the order to be made, in respect of a person for an offence against this Subdivision, the court must take into account the following matters:
   (a) the age and maturity of the person in relation to whom the offence was committed;
   (b) if that person was under 10 when the offence was committed—that fact as a reason for aggravating the seriousness of the criminal behaviour to which the offence relates;
   (c) the number of people involved in the commission of the offence.

(2) However, the court need only take into account a matter mentioned in subsection (1) so far as the matter is known to the court and, for a matter mentioned in paragraph (1)(a) or (c), relevant.

(3) The matters mentioned in subsection (1) are in addition to any other matters the court must take into account (for example, the matters mentioned in section 16A of the *Crimes Act 1914*).

Subdivision D—Miscellaneous

471.30 Geographical jurisdiction

Section 15.1 (extended geographical jurisdiction—category A) applies to an offence against Subdivision B or C of this Division.

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Section 471.31

471.31 Definition of *carried by post* does not apply

To avoid doubt, the definition of ***carried by post*** in section 470.1 does not apply in relation to Subdivision B or C of this Division.

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Division 472—Miscellaneous

472.1 Saving of other laws

This Part is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.

472.2 Interpretation of other laws

In determining the meaning of a provision of:

(a) Part VIIA of the *Crimes Act 1914*; or

(b) the *Australian Postal Corporation Act 1989*;

this Part is to be disregarded.

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Part 10.6—Telecommunications Services

Division 473—Preliminary

473.1 Definitions

In this Part:

abattoir means a place where animals are slaughtered (whether or not for human consumption), but does not include a restaurant.

access in relation to material includes:

(a) the display of the material by a computer or any other output of the material from a computer; or

(b) the copying or moving of the material to any place in a computer or to a data storage device; or

(c) in the case of material that is a program—the execution of the program.

account identifier means:

(a) something that:

(i) contains subscription-specific secure data; and

(ii) is installed, or capable of being installed, in a mobile telecommunications device; or

(b) anything else that:

(i) allows a particular mobile telecommunications account to be identified; and

(ii) is prescribed by the regulations as an account identifier for the purposes of this Part.

Note: Paragraph (a)—This would include a SIM card.

AFP Minister means the Minister administering the *Australian Federal Police Act 1979*.

agricultural land means land in Australia that is used for a primary production business. For the purposes of this definition, it is immaterial:

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(a) whether a part of the land is used for residential purposes; or
(b) whether a part of the land is used for a business that is not a primary production business.

ASIO officer means:
(a) the Director-General of Security; or
(b) an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*); or
(c) an ASIO affiliate (within the meaning of that Act).

Australian hosting service provider has the same meaning as in the *Online Safety Act 2021*.

carriage service provider has the same meaning as in the *Telecommunications Act 1997*.

Note: See also section 474.3 respecting persons who are taken to be carriage service providers in relation to certain matters.

carrier has the same meaning as in the *Telecommunications Act 1997*.

Note: See also section 474.3 respecting persons who are taken to be carriers in relation to certain matters.

carry includes transmit, switch and receive.

child abuse material means:
(a) material that depicts a person, or a representation of a person, who:
(i) is, or appears to be, under 18 years of age; and
(ii) is, or appears to be, a victim of torture, cruelty or physical abuse;
and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or
(b) material that describes a person who:
(i) is, or is implied to be, under 18 years of age; and
(ii) is, or is implied to be, a victim of torture, cruelty or physical abuse;
and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

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(c) material that depicts a person, or a representation of a person, who is, or appears to be, under 18 years of age and who:
  (i) is engaged in, or appears to be engaged in, a sexual pose or sexual activity (whether or not in the presence of other persons); or
  (ii) is in the presence of a person who is engaged in, or appears to be engaged in, a sexual pose or sexual activity;

and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

(d) material the dominant characteristic of which is the depiction, for a sexual purpose, of:
  (i) a sexual organ or the anal region of a person who is, or appears to be, under 18 years of age; or
  (ii) a representation of such a sexual organ or anal region; or
  (iii) the breasts, or a representation of the breasts, of a female person who is, or appears to be, under 18 years of age;

in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

(e) material that describes a person who is, or is implied to be, under 18 years of age and who:
  (i) is engaged in, or is implied to be engaged in, a sexual pose or sexual activity (whether or not in the presence of other persons); or
  (ii) is in the presence of a person who is engaged in, or is implied to be engaged in, a sexual pose or sexual activity;

and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

(f) material that describes:
  (i) a sexual organ or the anal region of a person who is, or is implied to be, under 18 years of age; or
  (ii) the breasts of a female person who is, or is implied to be, under 18 years of age;

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and does this in a way that reasonable persons would regard as being, in all the circumstances, offensive; or

(g) material that is a doll or other object that resembles:

(i) a person who is, or appears to be, under 18 years of age; or

(ii) a part of the body of such a person;

if a reasonable person would consider it likely that the material is intended to be used by a person to simulate sexual intercourse.

communication in the course of telecommunications carriage means a communication that is being carried by a carrier or carriage service provider, and includes a communication that has been collected or received by a carrier or carriage service provider for carriage, but has not yet been delivered by the carrier or carriage service provider.

connected, in relation to a telecommunications network, includes connection otherwise than by means of physical contact (for example, a connection by means of radiocommunication).

control of data, or material that is in the form of data, has the meaning given by section 473.2.

Crown land means land that is the property of:

(a) the Commonwealth, a State or a Territory; or

(b) a statutory authority;

but does not include land that is subject to a lease to a person other than:

(c) the Commonwealth, a State or a Territory; or

(d) a statutory authority.

Defence Department means the Department of State that deals with defence and that is administered by the Minister administering section 1 of the *Defence Act 1903*.

depict includes contain data from which a visual image (whether still or moving) can be generated.

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describe includes contain data from which text or sounds can be generated.

emergency call person has the same meaning as in the *Telecommunications Act 1997*.

emergency service number has the same meaning as in the *Telecommunications Act 1997*.

emergency service organisation has the same meaning as in section 147 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

facility has the same meaning as in the *Telecommunications Act 1997*.

forestry means:

(a) planting or tending trees in a plantation or forest that are intended to be felled; or

(b) felling trees in a plantation or forest.

intelligence or security officer means an officer or employee of:

(a) the Australian Security Intelligence Organisation; or

(b) the Australian Secret Intelligence Service; or

(ba) the Australian Signals Directorate; or

(c) the Office of National Intelligence; or

(e) that part of the Defence Department known as the Defence Intelligence Organisation;

and includes a staff member (within the meaning of the *Intelligence Services Act 2001*) of the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service or the Australian Signals Directorate.

interception device means an apparatus or device that:

(a) is of a kind that is capable of being used to enable a person to intercept a communication passing over a telecommunications system; and

(b) could reasonably be regarded as having been designed:

(i) for the purpose of; or

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(ii) for purposes including the purpose of;

using it in connection with the interception of communications passing over a telecommunications system; and

(c) is not designed principally for the reception of communications transmitted by radiocommunications.

Terms used in this definition that are defined in the *Telecommunications (Interception and Access) Act 1979* have the same meaning in this definition as they have in that Act.

internet service provider has the same meaning as in the *Online Safety Act 2021*.

law enforcement officer means any of the following:

(a) the Commissioner of the Australian Federal Police, a Deputy Commissioner of the Australian Federal Police, an AFP employee or a special member of the Australian Federal Police (all within the meaning of the *Australian Federal Police Act 1979*);

(b) a member, or employee, of the police force of a State or Territory;

(c) a member of the staff of the Australian Crime Commission (within the meaning of the *Australian Crime Commission Act 2002*);

(d) a member of a police force, or other law enforcement agency, of a foreign country;

(e) the Director of Public Prosecutions or a person performing a similar function under a law of a State or Territory;

(f) a member of the staff of the Office of the Director of Public Prosecutions (within the meaning of the *Director of Public Prosecutions Act 1983*) or of a similar body established under a law of a State or Territory;

(g) a member of the New South Wales Crime Commission or a member of the staff of that Commission;

(h) an officer of the Independent Commission Against Corruption of New South Wales, being a person who is an officer as defined by the *Independent Commission Against Corruption Act 1988* of New South Wales;

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(i) any of the following:
  (i) the Chief Commissioner of the Law Enforcement Conduct Commission of New South Wales;
  (ii) the Commissioner for Integrity of the Commission;
  (iii) an Assistant Commissioner of the Commission;
  (iv) a member of staff of the Commission (within the meaning of the *Law Enforcement Conduct Commission Act 2016* (NSW));

(ia) an IBAC Officer within the meaning of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic.);

(j) an officer of the Corruption and Crime Commission of Western Australia within the meaning of the *Corruption and Crime Commission Act 2003* of Western Australia;

(k) an authorised commission officer of the Crime and Corruption Commission of Queensland within the meaning of the *Crime and Corruption Act 2001* (Qld);

(l) any of the following:
  (i) the Commissioner of the Independent Commission Against Corruption of South Australia;
  (ii) the Deputy Commissioner of the Commission;
  (iii) a person engaged as an employee of the Commission under subsection 12(1) of the *Independent Commission Against Corruption Act 2012* (SA);
  (iv) an examiner or investigator (within the meaning of that Act) of the Commission;

(m) a staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*).

loss means a loss in property, whether temporary or permanent, and includes not getting what one might get.

material includes material in any form, or combination of forms, capable of constituting a communication.

meat by-product includes skin, hide, tallow, meat meal and inedible offal.

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mobile telecommunications account means an account with a carriage service provider for the supply of a public mobile telecommunications service to an end-user.

mobile telecommunications device means an item of customer equipment (within the meaning of the *Telecommunications Act 1997*) that is used, or is capable of being used, in connection with a public mobile telecommunications service.

National Relay Service has the same meaning as in the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

nominated carrier has the same meaning as in the *Telecommunications Act 1997*.

NRS provider means:

(a) a person who:
  (i) is a contractor (within the meaning of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*); and
  (ii) provides the whole or a part of the National Relay Service; or

(b) a person who:
  (i) is a grant recipient (within the meaning of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*); and
  (ii) provides the whole or a part of the National Relay Service.

obtaining includes:

(a) obtaining for another person; and
(b) inducing a third person to do something that results in another person obtaining.

obtaining data, or material that is in the form of data, has the meaning given by section 473.3.

possession of data, or material that is in the form of data, has the meaning given by section 473.2.

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primary production business means any of the following:

(a) a business of grazing;
(b) a business of operating animal feedlots;
(c) a business of dairy farming;
(d) a business of farming animals for the purpose of producing meat or meat by-products;
(e) a business of poultry farming;
(f) a business of aquaculture;
(g) a business of bee-keeping;
(h) a business of operating an abattoir;
(i) a business of operating livestock sale yards;
(j) a business of operating a registered establishment (within the meaning of the *Export Control Act 2020*);
(k) a business of operating a fish processing facility;
(l) a business of growing fruit;
(m) a business of growing vegetables;
(n) a business of growing nuts;
(o) a business of growing crops;
(p) a business of viticulture;
(pa) a business of operating:
  (i) a wood processing facility; or
  (ii) a wood fibre processing facility;
(q) a business of forestry that is carried on on private land.

private land means land other than Crown land.

producing data, or material that is in the form of data, has the meaning given by section 473.3.

property has the same meaning as in Chapter 7.

public mobile telecommunications service has the same meaning as in the *Telecommunications Act 1997*.

radiocommunication has the same meaning as in the *Radiocommunications Act 1992*.

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serious offence against a foreign law means an offence against a law of a foreign country constituted by conduct that, if it had occurred in Australia, would have constituted a serious offence against a law of the Commonwealth, a State or a Territory.

serious offence against a law of the Commonwealth, a State or a Territory means an offence against a law of the Commonwealth, a State or a Territory that is punishable by imprisonment:

(a) for life; or

(b) for a period of 5 or more years.

statutory authority means a body established for a public purpose by or under a law of the Commonwealth, a State or a Territory.

subscription-specific secure data means data that is used, or is capable of being used, to:

(a) allow a carrier to identify a particular mobile telecommunications account (whether an existing account or an account that may be set up in the future); and

(b) allow a mobile telecommunications device in which an account identifier that contains the data is installed to access the public mobile telecommunication service to which that account relates.

supplying data, or material that is in the form of data, has the meaning given by section 473.3.

telecommunications device identifier means:

(a) an electronic identifier of a mobile telecommunications device that is:

(i) installed in the device by the manufacturer; and

(ii) is capable of being used to distinguish that particular device from other mobile telecommunications devices; or

(b) any other form of identifier that is prescribed by the regulations as a telecommunications device identifier for the purposes of this Part.

Note: Paragraph (a)—For example, GSM mobile phones use an industry-recognised International Mobile Equipment Identity (IMEI) number. This number identifies the particular phone, as compared to

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the SIM card number which identifies a particular telecommunications account. Carriers are able to block service to lost and stolen mobile phones based on their IMEI numbers.

telecommunications network has the same meaning as in the *Telecommunications Act 1997*.

use, a carriage service, has a meaning affected by section 473.5.

473.2 Possession or control of data or material in the form of data

A reference in this Part to a person having possession or control of data, or material that is in the form of data, includes a reference to the person:

(a) having possession of a computer or data storage device that holds or contains the data; or

(b) having possession of a document in which the data is recorded; or

(c) having control of data held in a computer that is in the possession of another person (whether inside or outside Australia).

473.3 Producing, supplying or obtaining data or material in the form of data

A reference in this Part to a person producing, supplying or obtaining data, or material that is in the form of data, includes a reference to the person:

(a) producing, supplying or obtaining data held or contained in a computer or data storage device; or

(b) producing, supplying or obtaining a document in which the data is recorded.

473.4 Determining whether material is offensive

The matters to be taken into account in deciding for the purposes of this Part whether reasonable persons would regard particular material, or a particular use of a carriage service, as being, in all the circumstances, offensive, include:

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(a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
(b) the literary, artistic or educational merit (if any) of the material; and
(c) the general character of the material (including whether it is of a medical, legal or scientific character).

473.5 Use of a carriage service

For the purposes of this Part, a person is taken not to use a carriage service by engaging in particular conduct if:

(a) the person is a carrier and, in engaging in that conduct, is acting solely in the person's capacity as a carrier; or
(b) the person is a carriage service provider and, in engaging in that conduct, is acting solely in the person's capacity as a carriage service provider; or
(c) the person is an internet service provider and, in engaging in that conduct, is acting solely in the person's capacity as an internet service provider; or
(d) the person is an Australian hosting service provider and, in engaging in that conduct, is acting solely in the person's capacity as an Australian hosting service provider.

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Division 474—Telecommunications offences

Subdivision A—Dishonesty with respect to carriage services

474.1 Dishonesty

(1) For the purposes of this Subdivision, ***dishonest*** means:
  (a) dishonest according to the standards of ordinary people; and
  (b) known by the defendant to be dishonest according to the standards of ordinary people.

(2) In a prosecution for an offence against this Subdivision, the determination of dishonesty is a matter for the trier of fact.

474.2 General dishonesty with respect to a carriage service provider

Obtaining a gain

(1) A person commits an offence if the person does anything with the intention of dishonestly obtaining a gain from a carriage service provider by way of the supply of a carriage service.

Penalty: Imprisonment for 5 years.

Causing a loss

(2) A person commits an offence if the person does anything with the intention of dishonestly causing a loss to a carriage service provider in connection with the supply of a carriage service.

Penalty: Imprisonment for 5 years.

(3) A person commits an offence if:
  (a) the person dishonestly causes a loss, or dishonestly causes a risk of loss, to a carriage service provider in connection with the supply of a carriage service; and
  (b) the person knows or believes that the loss will occur or that there is a substantial risk of the loss occurring.

Penalty: Imprisonment for 5 years.

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Subdivision B—Interference with telecommunications

474.3 Person acting for a carrier or carriage service provider

(1) For the purposes of this Subdivision, a person who does any thing for or on behalf of a carrier, or on behalf of persons at least one of whom is a carrier, is, in respect of:

(a) the doing by that person of that thing; or

(b) any rental, fee or charge payable for or in relation to the doing by that person of that thing; or

(c) the operation by that person of a facility in connection with the doing of that thing; or

(d) a facility belonging to that person; or

(e) the operation by that person of a satellite;

taken to be a carrier.

(2) For the purposes of this Subdivision, a person who does any thing for or on behalf of a carriage service provider, or on behalf of persons at least one of whom is a carriage service provider, is, in respect of:

(a) the doing by that person of that thing; or

(b) any rental, fee or charge payable for or in relation to the doing by that person of that thing; or

(c) the operation by that person of a facility in connection with the doing of that thing; or

(d) a facility belonging to that person; or

(e) the operation by that person of a satellite;

taken to be a carriage service provider.

474.4 Interception devices

(1) A person commits an offence if:

(a) the person:

(i) manufactures; or

(ii) advertises, displays or offers for sale; or

(iii) sells; or

(iv) possesses;

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an apparatus or device (whether in an assembled or unassembled form); and

(b) the apparatus or device is an interception device.

Penalty: Imprisonment for 5 years.

(2) A person is not criminally responsible for an offence against subsection (1) if the person possesses the interception device in the course of the person's duties relating to the interception of communications that does not constitute a contravention of subsection 7(1) of the *Telecommunications (Interception and Access) Act 1979*.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(3) A person is not criminally responsible for an offence against subsection (1) if the applicable conduct mentioned in subparagraphs (1)(a)(i) to (iv) is in circumstances specified in regulations made for the purposes of this subsection.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

474.5 Wrongful delivery of communications

(1) A person commits an offence if:

(a) a communication is in the course of telecommunications carriage; and

(b) the person causes the communication to be received by a person or carriage service other than the person or service to whom it is directed.

Penalty: Imprisonment for 1 year.

(2) A person is not criminally responsible for an offence against subsection (1) if the person engages in the conduct referred to in paragraph (1)(b) with the consent or authorisation of the person to whom, or the person operating the carriage service to which, the communication is directed.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

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474.6 Interference with facilities

(1) A person commits an offence if the person tampers with, or interferes with, a facility owned or operated by:

(a) a carrier; or

(b) a carriage service provider; or

(c) a nominated carrier.

Penalty: Imprisonment for 1 year.

(2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the facility is owned or operated by a carrier, a carriage service provider or a nominated carrier.

(3) A person commits an offence if:

(a) the person tampers with, or interferes with, a facility owned or operated by:

(i) a carrier; or

(ii) a carriage service provider; or

(iii) a nominated carrier; and

(b) this conduct results in hindering the normal operation of a carriage service supplied by a carriage service provider.

Penalty: Imprisonment for 2 years.

(4) For the purposes of an offence against subsection (3), absolute liability applies to the following physical elements of circumstance of the offence:

(a) that the facility is owned or operated by a carrier, a carriage service provider or a nominated carrier;

(b) that the carriage service is supplied by a carriage service provider.

(4A) A person is not criminally responsible for an offence against subsection (1) or (3) if:

(a) the person is, at the time of the offence, an ASIO officer acting in good faith in the course of the person's duties; and

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(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: See also subsection 475.1(2) for the interaction between this defence and the *Radiocommunications Act 1992*.

(5) A person commits an offence if:

(a) the person uses or operates any apparatus or device (whether or not it is comprised in, connected to or used in connection with a telecommunications network); and

(b) this conduct results in hindering the normal operation of a carriage service supplied by a carriage service provider.

Penalty: Imprisonment for 2 years.

(6) For the purposes of an offence against subsection (5), absolute liability applies to the physical element of circumstance of the offence, that the carriage service is supplied by a carriage service provider.

(7) A person is not criminally responsible for an offence against subsection (5) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in good faith in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: See also subsection 475.1(2) for the interaction between this defence and the *Radiocommunications Act 1992*.

(7A) A person is not criminally responsible for an offence against subsection (5) if the conduct of the person:

(a) is in accordance with a technical assistance request; or

(b) is in compliance with a technical assistance notice; or

(c) is in compliance with a technical capability notice.

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(8) For the purposes of this section, a facility is taken to be owned or operated by a nominated carrier if the *Telecommunications Act 1997* applies, under section 81A of that Act, as if that facility were owned or operated by the nominated carrier.

474.7 Modification etc. of a telecommunications device identifier

(1) A person commits an offence if the person:

(a) modifies a telecommunications device identifier; or

(b) interferes with the operation of a telecommunications device identifier.

Penalty: Imprisonment for 2 years.

(2) A person is not criminally responsible for an offence against subsection (1) if the person is:

(a) the manufacturer of the mobile telecommunications device in which the telecommunications device identifier is installed; or

(b) an employee or agent of the manufacturer who is acting on behalf of the manufacturer; or

(c) acting with the consent of the manufacturer.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(3) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) and does not operate to authorise any conduct that requires a warrant under some other law.

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474.8 Possession or control of data or a device with intent to modify a telecommunications device identifier

(1) A person commits an offence if:

(a) the person has possession or control of any thing or data; and

(b) the person has that possession or control with the intention that the thing or data be used:

(i) by the person; or

(ii) by another person;

in committing an offence against subsection 474.7(1) (modification of a telecommunications device identifier).

Penalty: Imprisonment for 2 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against subsection 474.7(1) (modification of a telecommunications device identifier) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

(4) A person is not criminally responsible for an offence against subsection (1) if the person is:

(a) the manufacturer of the mobile telecommunications device in which the telecommunications device identifier is installed; or

(b) an employee or agent of the manufacturer who is acting on behalf of the manufacturer; or

(c) acting with the consent of the manufacturer.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(5) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

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(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) and does not operate to authorise any conduct that requires a warrant under some other law.

474.9 Producing, supplying or obtaining data or a device with intent to modify a telecommunications device identifier

(1) A person commits an offence if:

(a) the person produces, supplies or obtains any thing or data; and

(b) the person does so with the intention that the thing or data be used:

(i) by the person; or

(ii) by another person;

in committing an offence against subsection 474.7(1) (modification of a telecommunications device identifier).

Penalty: Imprisonment for 2 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against subsection 474.7(1) (modification of a telecommunications device identifier) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

(4) A person is not criminally responsible for an offence against subsection (1) if the person is:

(a) the manufacturer of the mobile telecommunications device in which the telecommunications device identifier is installed; or

(b) an employee or agent of the manufacturer who is acting on behalf of the manufacturer; or

(c) acting with the consent of the manufacturer.

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Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(5) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) and does not operate to authorise any conduct that requires a warrant under some other law.

474.10 Copying subscription-specific secure data

Copying subscription-specific secure data from an existing account identifier

(1) A person commits an offence if the person:

(a) copies the subscription-specific secure data from an account identifier; and

(b) does so with the intention that the data will be copied (whether by the person or by someone else) onto something that:

(i) is an account identifier; or

(ii) will, once the data is copied onto it, be capable of operating as an account identifier.

Penalty: Imprisonment for 2 years.

Copying subscription-specific secure data onto a new account identifier

(2) A person commits an offence if:

(a) subscription-specific secure data is copied from an account identifier (whether by the person or by someone else); and

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(b) the person copies that data onto something that:
(i) is an account identifier; or
(ii) will, once the data is copied onto it, be capable of operating as an account identifier.

This is so whether or not the person knows which particular account identifier the subscription-specific secure data is copied from.

Penalty: Imprisonment for 2 years.

Defences

(3) A person is not criminally responsible for an offence against subsection (1) or (2) if the person is:
(a) the carrier who operates the facilities used, or to be used, in the supply of the public mobile telecommunications service to which the subscription-specific secure data relates; or
(b) an employee or agent of that carrier who is acting on behalf of that carrier; or
(c) acting with the consent of that carrier.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(4) A person is not criminally responsible for an offence against subsection (1) or (2) if:
(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and
(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) or (2) and does not operate to authorise any conduct that requires a warrant under some other law.

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474.11 Possession or control of data or a device with intent to copy an account identifier

(1) A person commits an offence if:

(a) the person has possession or control of any thing or data; and

(b) the person has that possession or control with the intention that the thing or data be used:

(i) by the person; or

(ii) by another person;

in committing an offence against subsection 474.10(1) (copying subscription-specific secure data from an account identifier) or 474.10(2) (copying subscription-specific secure data onto an account identifier).

Penalty: Imprisonment for 2 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against subsection 474.10(1) (copying subscription-specific secure data from an account identifier) or 474.10(2) (copying subscription-specific secure data onto an account identifier) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

Defences

(4) A person is not criminally responsible for an offence against subsection (1) if the person is:

(a) the carrier who operates the facilities used, or to be used, in the supply of the public mobile telecommunications service to which the subscription-specific secure data relates; or

(b) an employee or agent of that carrier who is acting on behalf of that carrier; or

(c) acting with the consent of that carrier.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

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(5) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) and does not operate to authorise any conduct that requires a warrant under some other law.

474.12 Producing, supplying or obtaining data or a device with intent to copy an account identifier

(1) A person commits an offence if:

(a) the person produces, supplies or obtains any thing or data; and

(b) the person does so with the intention that the thing or data be used:

(i) by the person; or

(ii) by another person;

in committing an offence against subsection 474.10(1) (copying subscription-specific secure data from an account identifier) or 474.10(2) (copying subscription-specific secure data onto an account identifier).

Penalty: Imprisonment for 2 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against subsection 474.10(1) (copying subscription-specific secure data from an account identifier) or 474.10(2) (copying subscription-specific secure data onto an account identifier) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

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Defences

(4) A person is not criminally responsible for an offence against subsection (1) if the person is:

(a) the carrier who operates the facilities used, or to be used, in the supply of the public mobile telecommunications service to which the subscription-specific secure data relates; or

(b) an employee or agent of that carrier who is acting on behalf of that carrier; or

(c) acting with the consent of that carrier.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(5) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note 1: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Note 2: This subsection merely creates a defence to an offence against subsection (1) and does not operate to authorise any conduct that requires a warrant under some other law.

Subdivision C—General offences relating to use of telecommunications

474.14 Using a telecommunications network with intention to commit a serious offence

(1) A person commits an offence if:

(a) the person:

(i) connects equipment to a telecommunications network; and

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(ii) intends by this to commit, or to facilitate the commission of, an offence (whether by that person or another person); and

(b) the offence is:

(i) a serious offence against a law of the Commonwealth, a State or a Territory; or

(ii) a serious offence against a foreign law.

(2) A person commits an offence if:

(a) the person uses equipment connected to a telecommunications network in the commission of, or to facilitate the commission of, an offence (whether by that person or another person); and

(b) the offence is:

(i) a serious offence against a law of the Commonwealth, a State or a Territory; or

(ii) a serious offence against a foreign law.

(3) A person who commits an offence against subsection (1) or (2) is punishable, on conviction, by a penalty not exceeding the penalty applicable to the serious offence.

(4) Absolute liability applies to paragraphs (1)(b) and (2)(b).

Note: For ***absolute liability***, see section 6.2.

(5) A person may be found guilty of an offence against subsection (1) or (2) even if committing the serious offence is impossible.

(6) It is not an offence to attempt to commit an offence against subsection (1) or (2).

474.15 Using a carriage service to make a threat

Threat to kill

(1) A person (the ***first person***) commits an offence if:

(a) the first person uses a carriage service to make to another person (the ***second person***) a threat to kill the second person or a third person; and

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(b) the first person intends the second person to fear that the threat will be carried out.

Penalty: Imprisonment for 10 years.

Threat to cause serious harm

(2) A person (the ***first person***) commits an offence if:
(a) the first person uses a carriage service to make to another person (the ***second person***) a threat to cause serious harm to the second person or a third person; and
(b) the first person intends the second person to fear that the threat will be carried out.

Penalty: Imprisonment for 7 years.

Actual fear not necessary

(3) In a prosecution for an offence against this section, it is not necessary to prove that the person receiving the threat actually feared that the threat would be carried out.

Definitions

(4) In this section:

fear includes apprehension.

threat to cause serious harm to a person includes a threat to substantially contribute to serious harm to the person.

474.16 Using a carriage service for a hoax threat

A person commits an offence if:
(a) the person uses a carriage service to send a communication; and
(b) the person does so with the intention of inducing a false belief that an explosive, or a dangerous or harmful substance or thing, has been or will be left in any place.

Penalty: Imprisonment for 10 years.

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474.17 Using a carriage service to menace, harass or cause offence

(1) A person commits an offence if:

(a) the person uses a carriage service; and

(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.

Penalty: Imprisonment for 5 years.

(2) Without limiting subsection (1), that subsection applies to menacing, harassing or causing offence to:

(a) an employee of an NRS provider; or

(b) an emergency call person; or

(c) an employee of an emergency service organisation; or

(d) an APS employee in the Department administered by the AFP Minister acting as a National Security Hotline call taker.

474.17A Using a carriage service to transmit sexual material without consent

Offence

(1) A person (the ***first person***) commits an offence if:

(a) the first person uses a carriage service to transmit material of another person; and

(b) the other person is, or appears to be, 18 years of age or older; and

(c) the material depicts, or appears to depict:

(i) the other person engaging in a sexual pose or sexual activity (whether or not in the presence of other persons); or

(ii) a sexual organ or the anal region of the other person; or

(iii) if the other person is female—the other person's breasts; and

(d) the first person:

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(i) knows that the other person does not consent to the transmission of the material; or

(ii) is reckless as to whether the other person consents to the transmission of the material.

Note: For material that relates to a person who is, or appears to be, under 18 years of age, see:

(a) the definition of ***child abuse material***; and

(b) the offences relating to child abuse material in Subdivision D.

Penalty: Imprisonment for 6 years.

(2) For the purposes of subsection (1), it is irrelevant whether the material transmitted:

(a) is in an unaltered form; or

(b) has been created, or altered in any way, using technology.

Note: Paragraph (b) includes images, videos or audio depicting a person that have been edited or entirely created using digital technology (including artificial intelligence), generating a realistic but false depiction of the person. Examples of such material are "deepfakes".

Exceptions

(3) Subsection (1) does not apply if:

(a) transmitting the material is necessary for, or of assistance in:

(i) enforcing a law of the Commonwealth, a State or a Territory; or

(ii) monitoring compliance with, or investigating a contravention of, a law of the Commonwealth, a State or a Territory; or

(b) transmitting the material is for the purposes of proceedings in a court or tribunal; or

(c) transmitting the material is for a genuine medical or scientific purpose; or

(d) a reasonable person would consider transmitting the material to be acceptable, having regard to the following:

(i) the nature and content of the material;

(ii) the circumstances in which the material was transmitted;

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(iii) the age, intellectual capacity, vulnerability or other relevant circumstances of the person depicted, or appearing to be depicted, in the material;

(iv) the degree to which the transmission of the material affects the privacy of the person depicted, or appearing to be depicted, in the material;

(v) the relationship between the person transmitting the material and the person depicted, or appearing to be depicted, in the material;

(vi) any other relevant matters.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3). See subsection 13.3(3).

Interpretation

(4) In this section:

transmit includes make available, publish, distribute, advertise and promote.

(5) In this section, being ***reckless*** in relation to consent includes not giving any thought to whether or not the person is consenting.

474.17AA Aggravated offences involving transmission of sexual material without consent

Aggravated offence—transmission of sexual material without consent after certain civil penalty orders were made

(1) A person commits an offence against this subsection if:

(a) the person commits an offence (the ***underlying offence***) against subsection 474.17A(1); and

(b) before the commission of the underlying offence, 3 or more civil penalty orders were made against the person under the *Regulatory Powers (Standard Provisions) Act 2014* in relation to either or both of the following:

(i) contraventions of subsection 75(1) of the *Online Safety Act 2021*;

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(ii) contraventions of section 91 of the *Online Safety Act 2021* that relate to removal notices given under section 89 of that Act.

Penalty: Imprisonment for 7 years.

(2) There is no fault element for the physical element described in paragraph (1)(a) other than the fault elements (however described), if any, for the underlying offence.

(3) To avoid doubt, a person does not commit the underlying offence for the purposes of paragraph (1)(a) if the person has a defence to the underlying offence.

(4) Absolute liability applies to paragraph (1)(b).

Aggravated offence—creation or alteration of sexual material transmitted without consent

(5) A person commits an offence against this subsection if:
(a) the person commits an offence (the ***underlying offence***) against subsection 474.17A(1); and
(b) the person was responsible for the creation or alteration of the material.

Penalty: Imprisonment for 7 years.

(6) There is no fault element for the physical element described in paragraph (5)(a) other than the fault elements (however described), if any, for the underlying offence.

(7) To avoid doubt, a person does not commit the underlying offence for the purposes of paragraph (5)(a) if the person has a defence to the underlying offence.

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474.17AB Double jeopardy etc. provisions—offences involving transmission of sexual material without consent

Double jeopardy

(1) A person who has been convicted or acquitted of an offence (the ***aggravated offence***) specified in column 1 of an item of the following table may not be convicted of an offence specified in column 2 of the item in relation to the conduct that constituted the aggravated offence.

Double jeopardy

Item	Column 1 Aggravated offence	Column 2 Other offence
1	subsection 474.17AA(1)	subsection 474.17A(1) or 474.17AA(5)
2	subsection 474.17AA(5)	subsection 474.17A(1) or 474.17AA(1)

(2) Subsection (1) does not prevent an alternative verdict under section 474.17B.

(3) A person who has been convicted or acquitted of an offence (the ***underlying offence***) against subsection 474.17A(1) may not be convicted of an offence against subsection 474.17AA(1) or (5) in relation to the conduct that constituted the underlying offence.

When conviction must be set aside

(4) If:

(a) a person has been convicted by a court of an offence against subsection 474.17AA(1) on the basis that 3 or more civil penalty orders were made against the person under the *Regulatory Powers (Standard Provisions) Act 2014* in relation to either or both of the following:

(i) contraventions of subsection 75(1) of the *Online Safety Act 2021*;

(ii) contraventions of section 91 of the *Online Safety Act 2021* that relate to removal notices given under section 89 of that Act; and

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(b) one or more of those civil penalty orders are set aside or reversed on appeal; and

(c) if the civil penalty orders covered by paragraph (b) of this subsection had never been made, the person could not have been convicted of the offence; and

(d) the person applies to the court for the conviction to be set aside;

the court must set aside the conviction.

(5) If:

(a) a person has been convicted by a court of an offence (the ***aggravated offence***) against subsection 474.17AA(1); and

(b) the court sets aside the conviction under subsection (4) of this section;

the setting aside of the conviction does not prevent proceedings from being instituted against the person for an offence against subsection 474.17A(1) or 474.17AA(5) in relation to the conduct that constituted the aggravated offence.

474.17B Alternative verdict if aggravated offence not proven

(1) If, on a trial of a person for an offence specified in column 1 of an item of the following table, the trier of fact:

(a) is not satisfied that the person is guilty of the offence; and

(b) is satisfied beyond reasonable doubt that the person is guilty of an offence against a provision specified in column 2 of the item;

it may find the person not guilty of the offence specified in column 1 but guilty of an offence specified in column 2 of that item.

Alternative verdict if aggravated offence not proven

Item	Column 1 For an offence against:	Column 2 the alternative verdict is an offence against:
1	subsection 474.17AA(1)	either of the following: (a) subsection 474.17A(1); (b) subsection 474.17AA(5)

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Alternative verdict if aggravated offence not proven		
Item	**Column 1** **For an offence against:**	**Column 2** **the alternative verdict is an offence against:**
2	subsection 474.17AA(5)	either of the following: (a) subsection 474.17A(1); (b) subsection 474.17AA(1)

(2) Subsection (1) applies only if the person has been accorded procedural fairness in relation to the finding of guilt for the offence specified in column 2 of the relevant item.

474.17C Using a carriage service to make available etc. personal data of one or more individuals

(1) A person commits an offence if:

(a) the person uses a carriage service to make available, publish or otherwise distribute information; and

(b) the information is personal data of one or more individuals; and

(c) the person engages in the conduct in a way that reasonable persons would regard as being, in all the circumstances, menacing or harassing towards those individuals.

Note: Publishing the name, image and telephone number of an individual on a website and encouraging others to repeatedly contact the individual with violent or threatening messages is an example of conduct (commonly referred to as doxxing) that is covered by this subsection.

Penalty: Imprisonment for 6 years.

(2) For the purposes of paragraph (1)(b), ***personal data*** of an individual means information about the individual that enables the individual to be identified, contacted or located, and includes the following:

(a) the name of the individual;

(b) a photograph or other image of the individual;

(c) a telephone number of the individual;

(d) an email address of the individual;

(e) an online account of the individual;

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(f) a residential address of the individual;
(g) a work or business address of the individual;
(h) a place of education of the individual;
(i) a place of worship of the individual.

474.17D Using a carriage service to make available etc. personal data of one or more members of certain groups

(1) A person commits an offence if:
(a) the person uses a carriage service to make available, publish or otherwise distribute information; and
(b) the information is personal data of one or more members of a group; and
(c) the person engages in the conduct in whole or in part because of the person's belief that the group is distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality or national or ethnic origin; and
(d) the person engages in the conduct in a way that reasonable persons would regard as being, in all the circumstances, menacing or harassing towards those members.

Note: Publishing the names, images and residential addresses of members of a private online religious discussion group across multiple websites and encouraging others to attend those addresses and block entryways, or otherwise harass the members of that group, is an example of conduct (commonly referred to as doxxing) that is covered by this subsection.

Penalty: Imprisonment for 7 years.

(2) For the purposes of paragraph (1)(b), ***personal data*** of one or more members of a group means information about the members that enables the members to be identified, contacted or located, and includes the following:
(a) the names of the members;
(b) photographs or other images of the members;
(c) telephone numbers of the members;
(d) email addresses of the members;
(e) online accounts of the members;

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(f) residential addresses of the members;
(g) work or business addresses of the members;
(h) places of education of the members;
(i) places of worship of the members.

(3) For the purposes of paragraph (1)(c), it is immaterial whether the group is actually distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, nationality or national or ethnic origin.

474.18 Improper use of emergency call service

(1) A person commits an offence if the person:
(a) makes a call to an emergency service number; and
(b) does so with the intention of inducing a false belief that an emergency exists.

Penalty: Imprisonment for 3 years.

(2) A person commits an offence if:
(a) the person makes a call to an emergency service number; and
(b) the person makes the call otherwise than for the purpose of reporting an emergency; and
(c) the call is a vexatious one.

Penalty: Imprisonment for 3 years.

(3) In determining whether a call by a person to an emergency service number is a vexatious one, have regard to:
(a) the content of the call; and
(b) the number, frequency and content of previous calls the person has made to emergency service numbers otherwise than for the purpose of reporting emergencies; and
(c) any other relevant matter.

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Subdivision D—Offences relating to use of carriage service for child abuse material

474.22 Using a carriage service for child abuse material

(1) A person commits an offence if:

(a) the person:

(i) accesses material; or

(ii) causes material to be transmitted to himself or herself; or

(iii) transmits, makes available, publishes, distributes, advertises or promotes material; or

(iv) solicits material; and

(aa) the person does so using a carriage service; and

(b) the material is child abuse material.

Penalty: Imprisonment for 15 years.

(2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):

(a) intention is the fault element for the conduct referred to in paragraph (1)(a);

(b) recklessness is the fault element for the circumstances referred to in paragraph (1)(b).

Note: For the meaning of ***intention*** and ***recklessness*** see sections 5.2 and 5.4.

(2A) Absolute liability applies to paragraph (1)(aa).

Note: For absolute liability, see section 6.2.

(3) As well as the general defences provided for in Part 2.3, defences are provided for under section 474.24 in relation to this section.

474.22A Possessing or controlling child abuse material obtained or accessed using a carriage service

(1) A person commits an offence if:

(a) the person has possession or control of material; and

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(b) the material is in the form of data held in a computer or contained in a data storage device; and
(c) the person used a carriage service to obtain or access the material; and
(d) the material is child abuse material.

Penalty: Imprisonment for 15 years.

(2) Absolute liability applies to paragraph (1)(c).

Note: For absolute liability, see section 6.2.

(3) If the prosecution proves beyond reasonable doubt the matters mentioned in paragraphs (1)(a), (b) and (d), then it is presumed, unless the person proves to the contrary, that the person:
(a) obtained or accessed the material; and
(b) used a carriage service to obtain or access the material.

Note: A defendant bears a legal burden in relation to the matters in this subsection: see section 13.4.

474.23 Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service

(1) A person commits an offence if:
(a) the person:
(i) has possession or control of material; or
(ii) produces, supplies or obtains material; and
(b) the material is child abuse material; and
(c) the person has that possession or control, or engages in that production, supply or obtaining, with the intention that the material be used:
(i) by that person; or
(ii) by another person;
in committing an offence against section 474.22 (using a carriage service for child abuse material).

Penalty: Imprisonment for 15 years.

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(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against section 474.22 (using a carriage service for child abuse material) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

474.23A Conduct for the purposes of electronic service used for child abuse material

(1) A person commits an offence if:

(a) the person engages in any of the following conduct:

(i) creating, developing, altering or maintaining an electronic service;

(ii) controlling or moderating an electronic service;

(iii) making available, advertising or promoting an electronic service;

(iv) assisting in doing anything covered by a preceding subparagraph; and

(b) the person does so with the intention that the electronic service be used:

(i) by that person; or

(ii) by another person;

in committing, or facilitating the commission of, an offence against section 474.22, 474.22A or 474.23.

Penalty: Imprisonment for 20 years.

(2) A person may be found guilty of an offence against subsection (1) even if:

(a) committing the offence against section 474.22, 474.22A or 474.23 is impossible; or

(b) the electronic service is incapable of being used as mentioned in paragraph (1)(b):

(i) at the time the person engages in the conduct mentioned in paragraph (1)(a); or

(ii) at any other time.

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(3) It is not an offence to attempt to commit an offence against subsection (1).

(4) In this Code:

electronic service means a service a purpose of which is to:

(a) allow persons to access material using a carriage service; or

(b) deliver material to persons having equipment appropriate for receiving that material, where the delivery of the service is by means of a carriage service;

but does not include:

(c) a broadcasting service (within the meaning of the *Broadcasting Services Act 1992*); or

(d) a datacasting service (within the meaning of that Act).

474.24 Defences in respect of child abuse material

(1) A person is not criminally responsible for an offence against section 474.22, 474.22A, 474.23 or 474.23A because of engaging in particular conduct if the conduct:

(a) is of public benefit; and

(b) does not extend beyond what is of public benefit.

In determining whether the person is, under this subsection, not criminally responsible for the offence, the question whether the conduct is of public benefit is a question of fact and the person's motives in engaging in the conduct are irrelevant.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(2) For the purposes of subsection (1), conduct is of public benefit if, and only if, the conduct is necessary for or of assistance in:

(a) enforcing a law of the Commonwealth, a State or a Territory; or

(b) monitoring compliance with, or investigating a contravention of, a law of the Commonwealth, a State or a Territory; or

(c) the administration of justice; or

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(d) conducting scientific, medical or educational research that has been approved by the AFP Minister in writing for the purposes of this section.

(3) A person is not criminally responsible for an offence against section 474.22, 474.22A, 474.23 or 474.23A if:

(a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(4) A person is not criminally responsible for an offence against section 474.22, 474.22A, 474.23 or 474.23A if the person engages in the conduct in good faith for the sole purpose of:

(a) assisting the eSafety Commissioner to perform the functions, or exercise the powers, conferred on the eSafety Commissioner by Part 9 of the *Online Safety Act 2021*; or

(b) manufacturing or developing, or updating, content filtering technology (including software) in accordance with:

(i) an industry code registered under Division 7 of Part 9 of the *Online Safety Act 2021*; or

(ii) an industry standard registered under Division 7 of Part 9 of the *Online Safety Act 2021*.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

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474.24A Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people

(1) A person commits an offence against this section if:

(a) the person commits an offence against one or more of the following provisions on 3 or more separate occasions:

(iii) section 474.22 (using a carriage service for child abuse material);

(iiia) section 474.22A (possessing or controlling child abuse material obtained or accessed using a carriage service);

(iv) section 474.23 (possessing etc. child abuse material for use through a carriage service); and

(b) the commission of each such offence involves 2 or more people.

Penalty: Imprisonment for 30 years.

(2) There is no fault element for any of the physical elements described in paragraph (1)(a) other than the fault elements (however described), if any, for the offence against section 474.22, 474.22A or 474.23.

(3) To avoid doubt, a person does not commit an offence against section 474.22, 474.22A or 474.23 for the purposes of paragraph (1)(a) if the person has a defence to that offence.

Offence or conduct need not be the same

(4) For the purposes of subsection (1), it is immaterial whether the offence, or the conduct constituting the offence, is the same on each occasion.

Double jeopardy etc.

(5) A person who has been convicted or acquitted of an offence (the ***aggravated offence***) against this section may not be convicted of an offence against section 474.22, 474.22A or 474.23 in relation to the conduct that constituted the aggravated offence.

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(6) Subsection (5) does not prevent an alternative verdict under section 474.24B.

(7) A person who has been convicted or acquitted of an offence (the ***underlying offence***) against section 474.22, 474.22A or 474.23 may not be convicted of an offence against this section in relation to the conduct that constituted the underlying offence.

474.24B Alternative verdict if aggravated offence not proven

If, on a trial for an offence (the ***aggravated offence***) against subsection 474.24A(1), the trier of fact:

(a) is not satisfied that the defendant is guilty of the aggravated offence; but

(b) is satisfied beyond reasonable doubt that he or she is guilty of an offence (the ***underlying offence***) against section 474.22, 474.22A or 474.23;

it may find the defendant not guilty of the aggravated offence but guilty of the underlying offence, so long as the defendant has been accorded procedural fairness in relation to that finding of guilt.

474.24C Consent to commencement of proceedings where defendant under 18

(1) Proceedings for an offence against this Subdivision must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

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Subdivision E—Offence relating to obligations of internet service providers and internet content hosts

474.25 Obligations of internet service providers and internet content hosts

A person commits an offence if the person:

(a) is an internet service provider or an Australian hosting service provider; and

(b) is aware that the service provided by the person can be used to access particular material that the person has reasonable grounds to believe is child abuse material; and

(c) does not refer details of the material to the Australian Federal Police within a reasonable time after becoming aware of the existence of the material.

Penalty: 800 penalty units.

Subdivision F—Offences relating to use of carriage service involving sexual activity with, or causing harm to, person under 16

474.25A Using a carriage service for sexual activity with person under 16 years of age

Engaging in sexual activity with child using a carriage service

(1) A person commits an offence if:

(a) the person engages in sexual activity with another person (the ***child***) using a carriage service; and

(b) the child is under 16 years of age; and

(c) the person is at least 18 years of age.

Note: Because of the definition of ***engage in sexual activity*** in the Dictionary, this offence covers (for example):

(a) a person using a carriage service to see or hear, in real time, a person under 16 engage in sexual activity; and

(b) a person engaging in sexual activity that is seen or heard, in real time, by a person under 16 using a carriage service.

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Penalty: Imprisonment for 20 years.

Causing child to engage in sexual activity with another person

(2) A person (the ***defendant***) commits an offence if:

(a) the defendant engages in conduct in relation to another person (the ***child***); and

(b) that conduct causes the child to engage in sexual activity with another person (the ***participant***) using a carriage service; and

(c) the child is under 16 years of age when the sexual activity is engaged in; and

(d) the participant is at least 18 years of age when the sexual activity is engaged in.

Note: Because of the definition of ***engage in sexual activity*** in the Dictionary, this offence covers (for example) causing a person under 16:

(a) to engage in sexual activity that is seen or heard, in real time, by another person using a carriage service; or

(b) to use a carriage service to see or hear, in real time, another person engage in sexual activity.

Penalty: Imprisonment for 20 years.

(3) The fault element for paragraph (2)(b) is intention.

Defence—child present but defendant does not intend to derive gratification

(4) It is a defence to a prosecution for an offence against subsection (1) or (2) if:

(a) the conduct constituting the offence consists only of the child being in the presence of a person while sexual activity is engaged in; and

(b) the defendant proves that he or she did not intend to derive gratification from the presence of the child during that activity.

Note 1: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Note 2: For other defences relating to this offence, see section 474.29.

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474.25B Aggravated offence—using a carriage service for sexual activity with person under 16 years of age

(1) A person commits an offence against this section if:

(a) the person commits an offence (the ***underlying offence***) against either of the following provisions in relation to another person (the ***child***):

(i) subsection 474.25A(1) (engaging in sexual activity with child using a carriage service);

(ii) subsection 474.25A(2) (causing child to engage in sexual activity with another person); and

(b) one or more of the following apply:

(i) the child has a mental impairment at the time the person commits the underlying offence;

(ii) the person is in a position of trust or authority in relation to the child, or the child is otherwise under the care, supervision or authority of the person, at the time the person commits the underlying offence;

(iii) the child is subjected to cruel, inhuman or degrading treatment in connection with the sexual activity referred to in subsection 474.25A(1) or (2);

(iv) the child dies as a result of physical harm suffered in connection with the sexual activity referred to in subsection 474.25A(1) or (2).

Penalty: Imprisonment for 30 years.

(2) To avoid doubt, a person does not commit the offence against subsection 474.25A(1) or (2) for the purposes of paragraph (1)(a) if the person has a defence to that offence.

Alternative verdicts

(3) If, on a trial for an offence (the ***aggravated offence***) against subsection (1), the trier of fact:

(a) is not satisfied that the defendant is guilty of the aggravated offence; but

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(b) is satisfied beyond reasonable doubt that he or she is guilty of an offence (the ***underlying offence***) against subsection 474.25A(1) or (2);

it may find the defendant not guilty of the aggravated offence but guilty of the underlying offence, so long as the defendant has been accorded procedural fairness in relation to that finding of guilt.

474.25C Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16

A person (the ***first person***) commits an offence if:

(a) the first person does any act in preparation for doing, or planning to do, any of the following:
  (i) causing harm to a person under 16 years of age;
  (ii) engaging in sexual activity with a person under 16 years of age;
  (iii) procuring a person under 16 years of age to engage in sexual activity; and
(b) the first person is at least 18 years of age; and
(c) the act is done using a carriage service.

Penalty: Imprisonment for 10 years.

Example: A person misrepresents their age online as part of a plan to cause harm to another person under 16 years of age.

474.26 Using a carriage service to procure persons under 16 years of age

(1) A person (the ***sender***) commits an offence if:
  (a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and
  (b) the sender does this with the intention of procuring the recipient to engage in sexual activity with the sender; and
  (c) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

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(d) the sender is at least 18 years of age.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(b) the sender does this with the intention of procuring the recipient to engage in sexual activity with another person (the ***participant***); and

(c) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(d) the participant is someone who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(b) the sender does this with the intention of procuring the recipient to engage in sexual activity with another person; and

(c) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(d) the other person referred to in paragraph (b) is someone who is, or who the sender believes to be, under 18 years of age; and

(e) the sender intends that the sexual activity referred to in paragraph (b) will take place in the presence of:

(i) the sender; or

(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

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474.27 Using a carriage service to "groom" persons under 16 years of age

(1) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(c) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with the sender; and

(d) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(e) the sender is at least 18 years of age.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(c) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with another person (the ***participant***); and

(d) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(e) the participant is someone who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(c) the sender does this with the intention of making it easier to procure the recipient to engage in sexual activity with another person; and

(d) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(e) the other person referred to in paragraph (c) is someone who is, or who the sender believes to be, under 18 years of age; and

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(f) the sender intends that the sexual activity referred to in paragraph (c) will take place in the presence of:
(i) the sender; or
(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

474.27AA Using a carriage service to "groom" another person to make it easier to procure persons under 16 years of age

(1) A person (the ***sender***) commits an offence if:
(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and
(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with the sender; and
(c) the child is someone who is, or who the sender believes to be, under 16 years of age; and
(d) the sender is at least 18 years of age.

Penalty: Imprisonment for 15 years.

(2) A person (the ***sender***) commits an offence if:
(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and
(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with another person (the ***participant***); and
(c) the child is someone who is, or who the sender believes to be, under 16 years of age; and
(d) the participant is someone who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

(3) A person (the ***sender***) commits an offence if:
(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

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(b) the sender does this with the intention of making it easier to procure a person (the ***child***) to engage in sexual activity with another person; and

(c) the child is someone who is, or who the sender believes to be, under 16 years of age; and

(d) the other person referred to in paragraph (b) is someone who is, or who the sender believes to be, under 18 years of age; and

(e) the sender intends that the sexual activity referred to in paragraph (b) will take place in the presence of:

(i) the sender; or

(ii) another person (the ***participant***) who is, or who the sender believes to be, at least 18 years of age.

Penalty: Imprisonment for 15 years.

474.27A Using a carriage service to transmit indecent communication to person under 16 years of age

(1) A person (the ***sender***) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the ***recipient***); and

(b) the communication includes material that is indecent; and

(c) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(d) the sender is at least 18 years of age.

Penalty: Imprisonment for 10 years.

(2) In a prosecution for an offence against subsection (1), whether material is indecent is a matter for the trier of fact.

(3) In this section:

indecent means indecent according to the standards of ordinary people.

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474.28 Provisions relating to offences against this Subdivision

Age-related issues—application of absolute liability

(1) For the purposes of an offence against this Subdivision, absolute liability applies to the physical element of circumstance of the offence that:

(a) in the case of an offence against section 474.25A or 474.27AA—the child is under 16 years of age; and

(b) in the case of an offence against section 474.26, 474.27 or 474.27A—the recipient is someone who is under 16 years of age.

Note 1: For ***absolute liability***, see section 6.2.

Note 2: For a defence based on belief about age, see section 474.29.

(2) For the purposes of an offence against subsection 474.25A(2), 474.26(2) or (3), 474.27(2) or (3) or 474.27AA(2) or (3), absolute liability applies to the physical elements of circumstance of the offence that the participant is at least 18 years of age.

Note 1: For ***absolute liability***, see section 6.2.

Note 2: For a defence based on belief about age, see section 474.29.

Proof of belief about age—evidence of representation

(3) For the purposes of sections 474.26, 474.27, 474.27AA and 474.27A, evidence that a person was represented to the defendant as being under, of, at least or over a particular age is, in the absence of evidence to the contrary, proof that the defendant believed the person to be under, of, at least or over that age (as the case requires).

Determining age—admissible evidence

(5) In determining for the purposes of this Subdivision how old a person is or was at a particular time, a jury or court may treat any of the following as admissible evidence:

(a) the person's appearance;

(b) medical or other scientific opinion;

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(c) a document that is or appears to be an official or medical record from a country outside Australia;

(d) a document that is or appears to be a copy of such a record.

(6) Subsection (5) does not make any other kind of evidence inadmissible, and does not affect a prosecutor's duty to do all he or she can to adduce the best possible evidence for determining the question.

(7) If, on a trial for an offence against a provision of this Subdivision, evidence may be treated as admissible because of subsection (5), the court must warn the jury that it must be satisfied beyond reasonable doubt in determining the question.

Issues relating to aggravated offence involving sexual activity

(7A) For the purposes of an offence against subsection 474.25B(1):

(a) there is no fault element for the physical element described in paragraph (a) of that subsection other than the fault elements (however described), if any, for the underlying offence; and

(b) absolute liability applies to the physical element of circumstance of the offence that the child has a mental impairment; and

(c) strict liability applies to the physical element of circumstance of the offence that the defendant is in a position of trust or authority in relation to the child, or the child is otherwise under the care, supervision or authority of the defendant.

Note 1: For absolute liability, see section 6.2.

Note 2: For strict liability, see section 6.1.

Note 3: For a defence based on belief that the child did not have a mental impairment, see section 474.29.

Impossibility of sexual activity taking place

(8) A person may be found guilty of an offence against section 474.26, 474.27 or 474.27AA even if it is impossible for the sexual activity referred to in that section to take place.

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Fictitious persons

(9) For the purposes of sections 474.26, 474.27, 474.27AA and 474.27A, it does not matter that the recipient to whom the sender believes the sender is transmitting the communication is a fictitious person represented to the sender as a real person.

(9A) For the purposes of an offence against section 474.27AA, it does not matter that the child is a fictitious person represented to the sender as a real person.

Attempt not offence

(10) It is not an offence to attempt to commit an offence against section 474.26, 474.27 or 474.27AA.

474.29 Defences to offences against this Subdivision

Offences involving sexual activity—belief that child at least 16 years of age

(1) It is a defence to a prosecution for an offence against section 474.25A if the defendant proves that, at the time the sexual activity was engaged in, he or she believed that the child was at least 16 years of age.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Offences involving sexual activity with other participant—belief that participant under 18 years of age

(2) It is a defence to a prosecution for an offence against subsection 474.25A(2) if the defendant proves that, at the time the sexual activity was engaged in, he or she believed that the participant was under 18 years of age.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

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Aggravated offence involving sexual activity—belief that child did not have mental impairment

(3) It is a defence to a prosecution for an offence against subsection 474.25B(1) (as that subsection applies because of subparagraph 474.25B(1)(b)(i)) if the defendant proves that, at the time the defendant committed the offence, he or she believed that the child did not have a mental impairment.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Procuring and "grooming" offences involving child engaging in sexual activity with other participant—belief that participant under 18 years of age

(4) It is a defence to a prosecution for an offence against subsection 474.26(2) or (3), 474.27(2) or (3) or 474.27AA(2) or (3) if the defendant proves that, at the time the communication was transmitted, he or she believed that the participant was under 18 years of age.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Offences involving transmission of communication—belief that certain persons at least 16 years of age

(5) It is a defence to a prosecution for an offence against section 474.26, 474.27 or 474.27A if the defendant proves that, at the time the communication was transmitted, he or she believed that the recipient was at least 16 years of age.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

(5A) It is a defence to a prosecution for an offence against section 474.27AA if the defendant proves that, at the time the communication was transmitted, the defendant believed that the child was at least 16 years of age.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

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Trier of fact may take into account whether belief reasonable

(6) In determining whether the defendant had the belief mentioned in one of the preceding subsections of this section, the trier of fact may take into account whether the alleged belief was reasonable in the circumstances.

474.29AA Sentencing

(1) In determining the sentence to be passed, or the order to be made, in respect of a person for an offence against this Subdivision, the court must take into account the following matters:
  (a) the age and maturity of the person in relation to whom the offence was committed;
  (b) if that person was under 10 when the offence was committed—that fact as a reason for aggravating the seriousness of the criminal behaviour to which the offence relates;
  (c) the number of people involved in the commission of the offence.

(2) However, the court need only take into account a matter mentioned in subsection (1) so far as the matter is known to the court and, for a matter mentioned in paragraph (1)(a) or (c), relevant.

(3) The matters mentioned in subsection (1) are in addition to any other matters the court must take into account (for example, the matters mentioned in section 16A of the *Crimes Act 1914*).

Subdivision G—Offences relating to use of carriage service for suicide related material

474.29A Using a carriage service for suicide related material

(1) A person commits an offence if:
  (a) the person:
    (i) uses a carriage service to access material; or
    (ii) uses a carriage service to cause material to be transmitted to the person; or

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(iii) uses a carriage service to transmit material; or
(iv) uses a carriage service to make material available; or
(v) uses a carriage service to publish or otherwise distribute material; and

(b) the material directly or indirectly counsels or incites committing or attempting to commit suicide; and

(c) the person:
(i) intends to use the material to counsel or incite committing or attempting to commit suicide; or
(ii) intends that the material be used by another person to counsel or incite committing or attempting to commit suicide.

Penalty: 1,000 penalty units.

(2) A person commits an offence if:

(a) the person:
(i) uses a carriage service to access material; or
(ii) uses a carriage service to cause material to be transmitted to the person; or
(iii) uses a carriage service to transmit material; or
(iv) uses a carriage service to make material available; or
(v) uses a carriage service to publish or otherwise distribute material; and

(b) the material directly or indirectly:
(i) promotes a particular method of committing suicide; or
(ii) provides instruction on a particular method of committing suicide; and

(c) the person:
(i) intends to use the material to promote that method of committing suicide or provide instruction on that method of committing suicide; or
(ii) intends that the material be used by another person to promote that method of committing suicide or provide instruction on that method of committing suicide; or
(iii) intends the material to be used by another person to commit suicide.

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Penalty: 1,000 penalty units.

(3) To avoid doubt, a person does not commit an offence against subsection (1) merely because the person uses a carriage service to:

(a) engage in public discussion or debate about euthanasia or suicide; or

(b) advocate reform of the law relating to euthanasia or suicide;

if the person does not:

(c) intend to use the material concerned to counsel or incite committing or attempting to commit suicide; or

(d) intend that the material concerned be used by another person to counsel or incite committing or attempting to commit suicide.

(4) To avoid doubt, a person does not commit an offence against subsection (2) merely because the person uses a carriage service to:

(a) engage in public discussion or debate about euthanasia or suicide; or

(b) advocate reform of the law relating to euthanasia or suicide;

if the person does not:

(c) intend to use the material concerned to promote a method of committing suicide or provide instruction on a method of committing suicide; or

(d) intend that the material concerned be used by another person to promote a method of committing suicide or provide instruction on a method of committing suicide; or

(e) intend the material concerned to be used by another person to commit suicide.

474.29B Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service

(1) A person commits an offence if:

(a) the person:

(i) has possession or control of material; or

(ii) produces, supplies or obtains material; and

(b) the material directly or indirectly:

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(i) counsels or incites committing or attempting to commit suicide; or

(ii) promotes a particular method of committing suicide; or

(iii) provides instruction on a particular method of committing suicide; and

(c) the person has that possession or control, or engages in that production, supply or obtaining, with the intention that the material be used:

(i) by that person; or

(ii) by another person;

in committing an offence against section 474.29A (using a carriage service for suicide related material).

Penalty: 1,000 penalty units.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against section 474.29A (using a carriage service for suicide related material) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

Subdivision H—Offences relating to use of carriage service for sharing of abhorrent violent material

474.30 Definitions

In this Subdivision:

abhorrent violent conduct has the meaning given by section 474.32.

abhorrent violent material has the meaning given by section 474.31.

consent means free and voluntary agreement.

content service means:

(a) a social media service (within the meaning of the *Online Safety Act 2021*); or

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(b) a designated internet service (within the meaning of the *Online Safety Act 2021*).

hosting service has the same meaning as in the *Online Safety Act 2021*. For this purpose, disregard subparagraphs 17(a)(ii) and (b)(ii) of that Act.

474.31 Abhorrent violent material

(1) For the purposes of this Subdivision, ***abhorrent violent material*** means material that:

(a) is:

(i) audio material; or

(ii) visual material; or

(iii) audio-visual material;

that records or streams abhorrent violent conduct engaged in by one or more persons; and

(b) is material that reasonable persons would regard as being, in all the circumstances, offensive; and

(c) is produced by a person who is, or by 2 or more persons each of whom is:

(i) a person who engaged in the abhorrent violent conduct; or

(ii) a person who conspired to engage in the abhorrent violent conduct; or

(iii) a person who aided, abetted, counselled or procured, or was in any way knowingly concerned in, the abhorrent violent conduct; or

(iv) a person who attempted to engage in the abhorrent violent conduct.

(2) For the purposes of this section, it is immaterial whether the material has been altered.

(3) For the purposes of this section, it is immaterial whether the abhorrent violent conduct was engaged in within or outside Australia.

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474.32 Abhorrent violent conduct

(1) For the purposes of this Subdivision, a person engages in ***abhorrent violent conduct*** if the person:

(a) engages in a terrorist act; or

(b) murders another person; or

(c) attempts to murder another person; or

(d) tortures another person; or

(e) rapes another person; or

(f) kidnaps another person.

Murder

(2) For the purposes of this section, a person (the ***first person***) murders another person if:

(a) the first person's conduct causes the death of the other person; and

(b) the conduct constitutes an offence.

Torture

(3) For the purposes of this section, a person (the ***first person***) tortures another person if:

(a) the first person inflicts severe physical or mental pain or suffering upon the other person; and

(b) the other person is in the custody, or under the control, of the first person; and

(c) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the International Covenant on Civil and Political Rights (a copy of the English text of which is set out in Schedule 2 to the *Australian Human Rights Commission Act 1986*).

Rape

(4) For the purposes of this section, a person (the ***first person***) rapes another person if:

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(a) the first person sexually penetrates the other person without the consent of the other person; or

(b) the first person causes the other person to sexually penetrate the first person without the consent of the other person.

Kidnapping

(5) For the purposes of this section, a person (the ***first person***) kidnaps another person if:

(a) the first person takes or detains the other person without the other person's consent; and

(b) the first person takes or detains the other person in order to:

(i) hold the other person to ransom or as a hostage; or

(ii) murder, torture or rape the other person or a third person; or

(iii) cause serious harm to the other person or a third person; and

(c) the taking or detention of the other person involves violence or a threat of violence.

Interpretation

(6) In this section:

sexually penetrate means:

(a) penetrate (to any extent) the genitalia or anus of a person by any part of the body of another person or by any object manipulated by that other person; or

(b) penetrate (to any extent) the mouth of a person by the penis of another person; or

(c) continue to sexually penetrate as defined in paragraph (a) or (b).

terrorist act means:

(a) a terrorist act within the meaning of section 100.1 (disregarding paragraphs 100.1(2)(b), (d), (e) and (f)); or

(b) a terrorist act within the meaning of section 110.1 (disregarding paragraphs 110.1(2)(b), (d), (e) and (f)) that is a state terrorist act.

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(7) For the purposes of this section, the genitalia or other parts of the body of a person include surgically constructed genitalia or other parts of the body of the person.

474.33 Notification obligations of internet service providers, content service providers and hosting service providers

(1) A person commits an offence if:

(a) the person:

(i) is an internet service provider; or

(ii) provides a content service; or

(iii) provides a hosting service; and

(b) the person is aware that the service provided by the person can be used to access particular material that the person has reasonable grounds to believe is abhorrent violent material that records or streams abhorrent violent conduct that has occurred, or is occurring, in Australia; and

(c) the person does not refer details of the material to the Australian Federal Police within a reasonable time after becoming aware of the existence of the material.

Penalty: 800 penalty units.

(2) For the purposes of this section:

(a) it is immaterial whether the content service is provided within or outside Australia; and

(b) it is immaterial whether the hosting service is provided within or outside Australia.

(3) Subsection (1) does not apply if the person reasonably believes that details of the material are already known to the Australian Federal Police.

Note: A defendant bears an evidential burden in relation to the matters in this subsection: see subsection 13.3(3).

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474.34 Removing, or ceasing to host, abhorrent violent material

Content service

(1) A person commits an offence if:
  (a) the person provides a content service; and
  (b) the content service can be used to access material; and
  (c) the material is abhorrent violent material; and
  (d) the person does not ensure the expeditious removal of the material from the content service.

(2) For the purposes of subsection (1), it is immaterial whether the content service is provided within or outside Australia.

(3) Subsection (1) does not apply to material unless the material is reasonably capable of being accessed within Australia.

(4) The fault element for paragraphs (1)(b) and (c) is recklessness.

Hosting service

(5) A person commits an offence if:
  (a) the person provides a hosting service; and
  (b) material is hosted on the hosting service; and
  (c) the material is abhorrent violent material; and
  (d) the person does not expeditiously cease hosting the material.

(6) For the purposes of subsection (5), it is immaterial whether the hosting service is provided within or outside Australia.

(7) Subsection (5) does not apply to material unless the material is reasonably capable of being accessed within Australia.

(8) The fault element for paragraphs (5)(b) and (c) is recklessness.

Penalty for individual

(9) An offence against subsection (1) or (5) committed by an individual is punishable on conviction by imprisonment for a period of not more than 3 years or a fine of not more than 10,000 penalty units, or both.

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Penalty for body corporate

(10) An offence against subsection (1) or (5) committed by a body corporate is punishable on conviction by a fine of not more than the greater of the following:

(a) 50,000 penalty units;

(b) 10% of the annual turnover of the body corporate during the period (the ***turnover period***) of 12 months ending at the end of the month in which the conduct constituting the offence occurred.

(11) For the purposes of this section, the ***annual turnover*** of a body corporate, during the turnover period, is the sum of the values of all the supplies that the body corporate, and any body corporate related to the body corporate, have made, or are likely to make, during that period, other than the following supplies:

(a) supplies made from any of those bodies corporate to any other of those bodies corporate;

(b) supplies that are input taxed;

(c) supplies that are not for consideration (and are not taxable supplies under section 72-5 of the *A New Tax System (Goods and Services Tax) Act 1999*);

(d) supplies that are not made in connection with an enterprise that the body corporate carries on.

(12) For the purposes of subsection (11), it is immaterial whether the supplies were made, or are likely to be made, within or outside Australia.

(13) Expressions used in subsections (11) and (12) that are also used in the *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning in those subsections as they have in that Act.

(14) The question whether 2 bodies corporate are related to each other is to be determined for the purposes of this section in the same way as for the purposes of the *Corporations Act 2001*.

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When material is removed from a content service

(15) For the purposes of this section, material is ***removed*** from a content service if the material is not accessible to any of the end-users using the service.

474.35 Notice issued by eSafety Commissioner in relation to a content service—presumptions

(1) The eSafety Commissioner may issue a written notice stating that, at the time the notice was issued:

(a) a specified content service could be used to access specified material; and

(b) the specified material was abhorrent violent material.

(2) The eSafety Commissioner must not issue a notice under subsection (1) unless the eSafety Commissioner is satisfied on reasonable grounds that, at the time the notice was issued:

(a) the specified content service could be used to access the specified material; and

(b) the specified material was abhorrent violent material.

(3) As soon as practicable after issuing a notice under subsection (1), the eSafety Commissioner must give a copy of the notice to the person who provides the content service concerned.

(4) The eSafety Commissioner is not required to observe any requirements of procedural fairness in relation to the issue of a notice under subsection (1).

Presumptions

(5) If:

(a) a notice under subsection (1) is issued in relation to a content service provided by a person; and

(b) in a prosecution of the person for an offence against subsection 474.34(1), it is proven that the content service could be used to access the material specified in the notice at the time the notice was issued;

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then, in that prosecution, it must be presumed that the person was reckless as to whether the content service could be used to access the specified material at the time the notice was issued, unless the person adduces or points to evidence that suggests a reasonable possibility that the person was not reckless as to whether the content service could be used to access the specified material at the time the notice was issued.

(6) If a notice under subsection (1) is issued in relation to a content service provided by a person, then, in a prosecution of the person for an offence against subsection 474.34(1), it must be presumed that, at the time the notice was issued, the person was reckless as to whether the material specified in the notice was abhorrent violent material, unless the person adduces or points to evidence that suggests a reasonable possibility that, at the time the notice was issued, the person was not reckless as to whether the specified material was abhorrent violent material.

Other evidentiary matters

(7) A document purporting to be a notice issued under subsection (1) must, unless the contrary is established, be taken to be such a notice and to have been properly issued.

(8) The eSafety Commissioner may certify that a document is a copy of a notice issued under subsection (1).

(9) Subsections (5), (6) and (7) apply to the certified copy as if it were the original.

Application

(10) This section extends to matters and things outside Australia.

474.36 Notice issued by eSafety Commissioner in relation to a hosting service—presumptions

(1) The eSafety Commissioner may issue a written notice stating that, at the time the notice was issued:

(a) specified material was hosted on a specified hosting service; and

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(b) the specified material was abhorrent violent material.

(2) The eSafety Commissioner must not issue a notice under subsection (1) unless the eSafety Commissioner is satisfied on reasonable grounds that, at the time the notice was issued:

(a) the specified material was hosted on the specified hosting service; and

(b) the specified material was abhorrent violent material.

(3) As soon as practicable after issuing a notice under subsection (1), the eSafety Commissioner must give a copy of the notice to the person who provides the hosting service concerned.

(4) The eSafety Commissioner is not required to observe any requirements of procedural fairness in relation to the issue of a notice under subsection (1).

Presumptions

(5) If:

(a) a notice under subsection (1) is issued in relation to a hosting service provided by a person; and

(b) in a prosecution of the person for an offence against subsection 474.34(5), it is proven that the material specified in the notice was hosted on the hosting service at the time the notice was issued;

then, in that prosecution, it must be presumed that the person was reckless as to whether the specified material was hosted on the hosting service at the time the notice was issued, unless the person adduces or points to evidence that suggests a reasonable possibility that the person was not reckless as to whether specified material was hosted on the hosting service at the time the notice was issued.

(6) If a notice under subsection (1) is issued in relation to a hosting service provided by a person, then, in a prosecution of the person for an offence against subsection 474.34(5), it must be presumed that, at the time the notice was issued, the person was reckless as to whether the material specified in the notice was abhorrent violent material, unless the person adduces or points to evidence that suggests a reasonable possibility that, at the time the notice was

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issued, the person was not reckless as to whether the specified material was abhorrent violent material.

Other evidentiary matters

(7) A document purporting to be a notice issued under subsection (1) must, unless the contrary is established, be taken to be such a notice and to have been properly issued.

(8) The eSafety Commissioner may certify that a document is a copy of a notice issued under subsection (1).

(9) Subsections (5), (6) and (7) apply to the certified copy as if it were the original.

Application

(10) This section extends to matters and things outside Australia.

474.37 Defences in respect of abhorrent violent material

Content service

(1) Subsection 474.34(1) does not apply to material that can be accessed using a service if:
  (a) the accessibility of the material is necessary for enforcing a law of:
    (i) the Commonwealth; or
    (ii) a State; or
    (iii) a Territory; or
    (iv) a foreign country; or
    (v) a part of a foreign country; or
  (b) the accessibility of the material is necessary for monitoring compliance with, or investigating a contravention of, a law of:
    (i) the Commonwealth; or
    (ii) a State; or
    (iii) a Territory; or
    (iv) a foreign country; or

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(v) a part of a foreign country; or

(c) the accessibility of the material is for the purposes of proceedings in a court or tribunal; or

(d) both:

(i) the accessibility of the material is necessary for, or of assistance in, conducting scientific, medical, academic or historical research; and

(ii) the accessibility of the material is reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or historical research; or

(e) the material relates to a news report, or a current affairs report, that:

(i) is in the public interest; and

(ii) is made by a person working in a professional capacity as a journalist; or

(f) both:

(i) the accessibility of the material is in connection with the performance by a public official of the official's duties or functions; and

(ii) the accessibility of the material is reasonable in the circumstances for the purpose of the public official performing that duty or function; or

(g) both:

(i) the accessibility of the material is in connection with an individual assisting a public official in relation to the performance of the public official's duties or functions; and

(ii) the accessibility of the material is reasonable in the circumstances for the purpose of the individual assisting the public official in relation to the performance of the public official's duties or functions; or

(h) the accessibility of the material is for the purpose of advocating the lawful procurement of a change to any matter established by law, policy or practice in:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

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(iv) a foreign country; or

(v) a part of a foreign country;

and the accessibility of the material is reasonable in the circumstances for that purpose; or

(i) the accessibility of the material relates to the development, performance, exhibition or distribution, in good faith, of an artistic work.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Hosting service

(2) Subsection 474.34(5) does not apply to material that is hosted on a hosting service if:

(a) the hosting of the material is necessary for enforcing a law of:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country; or

(b) the hosting of the material is necessary for monitoring compliance with, or investigating a contravention of, a law of:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country; or

(c) the hosting of the material is for the purposes of proceedings in a court or tribunal; or

(d) both:

(i) the hosting of the material is necessary for, or of assistance in, conducting scientific, medical, academic or historical research; and

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(ii) the hosting of the material is reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or historical research; or

(e) the material relates to a news report, or a current affairs report, that:

(i) is in the public interest; and

(ii) is made by a person working in a professional capacity as a journalist; or

(f) both:

(i) the hosting of the material is in connection with the performance by a public official of the official's duties or functions; and

(ii) the hosting of the material is reasonable in the circumstances for the purpose of the public official performing that duty or function; or

(g) both:

(i) the hosting of the material is in connection with an individual assisting a public official in relation to the performance of the public official's duties or functions; and

(ii) the hosting of the material is reasonable in the circumstances for the purpose of the individual assisting the public official in relation to the performance of the public official's duties or functions; or

(h) the hosting of the material is for the purpose of advocating the lawful procurement of a change to any matter established by law, policy or practice in:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country;

and the hosting of the material is reasonable in the circumstances for that purpose; or

(i) the hosting of the material relates to the development, performance, exhibition or distribution, in good faith, of an artistic work.

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Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Functions

(3) The references in this section to function or functions do not, by implication, affect the meaning of the expressions duty or duties when used in any other provision of this Code.

Application

(4) This section extends to matters and things outside Australia.

474.38 Implied freedom of political communication

(1) This Subdivision does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.

(2) Subsection (1) does not limit the application of section 15A of the *Acts Interpretation Act 1901* to this Act.

474.39 Provider of content service

(1) For the purposes of this Subdivision, a person does not provide a content service merely because the person supplies a carriage service that enables material to be accessed.

(2) For the purposes of this Subdivision, a person does not provide a content service merely because the person provides a billing service, or a fee collection service, in relation to a content service.

474.40 Service of copies of notices by electronic means

Paragraphs 9(1)(d) and (2)(d) of the *Electronic Transactions Act 1999* do not apply to a copy of a notice under subsection 474.35(1) or 474.36(1) of this Act.

Note: Paragraphs 9(1)(d) and (2)(d) of the *Electronic Transactions Act 1999* deal with the consent of the recipient of information to the information being given by way of electronic communication.

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474.41 Giving a copy of a notice to a contact person etc.

Contact person

(1) If:

(a) a copy of a notice under subsection 474.35(1) is required to be given to the provider of a content service that is a social media service (within the meaning of the *Online Safety Act 2021*); and

(b) there is an individual who is:

(i) an employee or agent of the provider; and

(ii) designated as the service's contact person for the purposes of that Act; and

(c) the contact details of the contact person have been notified to the eSafety Commissioner;

the copy of the notice is taken to have been given to the provider if it is given to the contact person.

Agent

(2) If:

(a) a copy of a notice under subsection 474.35(1) or 474.36(1) is required to be given to a body corporate incorporated outside Australia; and

(b) the body corporate does not have a registered office or a principal office in Australia; and

(c) the body corporate has an agent in Australia;

the copy of the notice is taken to have been given to the body corporate if it is given to the agent.

Other matters

(3) Subsections (1) and (2) have effect in addition to section 28A of the *Acts Interpretation Act 1901*.

Note: Section 28A of the *Acts Interpretation Act 1901* deals with the service of documents.

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474.42 Attorney-General's consent required for prosecution

Offence against section 474.33

(1) Proceedings for an offence against section 474.33 must not be commenced without the Attorney-General's written consent if:
  (a) the conduct constituting the alleged offence occurs wholly in a foreign country; and
  (b) at the time of the alleged offence, the person alleged to have committed the offence is neither:
    (i) an Australian citizen; nor
    (ii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory.

(2) However, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with, an offence against section 474.33 before the necessary consent has been given.

Offence against section 474.34

(3) Proceedings for an offence against section 474.34 must not be commenced without the Attorney-General's written consent.

(4) However, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with, an offence against section 474.34 before the necessary consent has been given.

474.43 Compensation for acquisition of property

(1) If the operation of this Subdivision would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in:
  (a) the Federal Court of Australia; or

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(b) the Supreme Court of a State or Territory;

for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

474.44 This Subdivision does not limit Part 9 of the *Online Safety Act 2021*

This Subdivision does not limit the operation of Part 9 of the *Online Safety Act 2021*.

474.45 Review of this Subdivision

(1) After the end of the 2-year period beginning at the commencement of this section, the Minister must cause to be conducted a review of the operation of this Subdivision.

Report

(2) A report of the review must be given to the Minister within 12 months after the end of the 2-year period mentioned in subsection (1).

(3) The Minister must cause copies of a report under subsection (2) to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

Subdivision HA—Offences relating to use of carriage service for violent extremist material

474.45A Meaning of *violent extremist material*

(1) Material is ***violent extremist material*** if:

(a) the material:

(i) describes or depicts serious violence; or

(ii) provides instruction on engaging in serious violence; or

(iii) supports or facilitates serious violence; and

(b) a reasonable person would consider that, in all the circumstances, the material is intended to directly or

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indirectly advance a political, religious or ideological cause; and

(c) a reasonable person would consider that, in all the circumstances, the material is intended to assist, encourage or induce a person to:

(i) engage in, plan or prepare for an intimidatory act; or

(ii) do a thing that relates to engaging in, planning or preparing for an intimidatory act; or

(iii) join or associate with an organisation that is directly engaged in the doing of any intimidatory act, or that is preparing, planning, assisting in or fostering the doing of any intimidatory act.

(2) For the purposes of paragraph (1)(a), ***serious violence*** is action that falls within subsection 100.1(2) or 110.1(2).

(3) An ***intimidatory act*** is a violent action, or threat of violent action, where the action is done, or the threat is made, with the intention of:

(a) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(b) intimidating the public or a section of the public.

(4) To avoid doubt:

(a) material may be intended to do a thing referred to in paragraph (1)(b) or (c) even if the material is also intended, or mainly intended, to do one or more other things; and

(b) an action may be done, or a threat may be made, with an intention referred to in subsection (3) even if that intention is not the only intention, or the main intention, with which the action is done or the threat is made.

(5) Material is also ***violent extremist material*** if:

(a) it is reasonable to consider the material together with other material; and

(b) were all of the material to be taken to be a single item of material, it would constitute violent extremist material under subsection (1).

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474.45B Using a carriage service for violent extremist material

(1) A person commits an offence if:

(a) the person:

(i) accesses material; or

(ii) causes material, or an electronic link that can be used to access material, to be transmitted to the person; or

(iii) transmits, makes available, publishes, distributes, advertises or promotes material or an electronic link that can be used to access material; or

(iv) solicits material or an electronic link that can be used to access material; and

(b) the person does so using a carriage service; and

(c) the material is violent extremist material.

Note: A person might commit an aggravated offence if an individual to whom such material is provided, or from whom such material is solicited, is less than 18 years old (see section 474.45BA).

Penalty: Imprisonment for 5 years.

(2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):

(a) intention is the fault element for the conduct referred to in paragraph (1)(a);

(b) recklessness is the fault element for the circumstance referred to in paragraph (1)(c).

(3) Absolute liability applies to paragraph (1)(b).

474.45BA Aggravated offence for using a carriage service for violent extremist material

(1) A person commits an offence if:

(a) the person commits an offence against subsection 474.45B(1) (the ***underlying offence***); and

(b) the person is at least 18 years old; and

(c) the conduct constituting the offence involved either:

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(i) transmitting, making available, publishing, distributing, advertising or promoting material or an electronic link to an individual or individuals; or

(ii) soliciting material or an electronic link from an individual or individuals; and

(d) the person is reckless as to whether, at the time of the conduct, at least one of the individuals is less than 18 years old (whether or not one of those individuals actually is less than 18 years old).

Penalty: Imprisonment for 7 years.

(2) There is no fault element for the physical element of conduct described in paragraph (1)(a) other than the fault elements (however described), if any, for the underlying offence.

(3) Absolute liability applies to paragraph (1)(b).

(4) To avoid doubt:

(a) a person does not commit an underlying offence for the purposes of paragraph (1)(a) if the person has a defence to the underlying offence; and

(b) a person may be convicted of an offence against subsection (1) even if the person has not been convicted of the underlying offence.

Double jeopardy for an aggravated offence

(5) To avoid doubt, if a person has been acquitted or convicted of an underlying offence, the person cannot be convicted of the corresponding aggravated offence for the same conduct.

474.45C Possessing or controlling violent extremist material obtained or accessed using a carriage service

(1) A person commits an offence if:

(a) the person has possession or control of material; and

(b) the material is in the form of data held in a computer or contained in a data storage device; and

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(c) the person used a carriage service to obtain or access the material; and
(d) the material is violent extremist material.

Penalty: Imprisonment for 5 years.

(2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):
(a) intention is the fault element for the conduct referred to in paragraph (1)(a);
(b) recklessness is the fault element for the circumstance referred to in paragraph (1)(d).

(3) Strict liability applies to paragraph (1)(b).

(4) Absolute liability applies to paragraph (1)(c).

(5) If the prosecution proves beyond reasonable doubt the matters mentioned in paragraphs (1)(a), (b) and (d), then it is presumed, unless the person proves to the contrary, that the person:
(a) obtained or accessed the material; and
(b) used a carriage service to obtain or access the material.

Note: A defendant bears a legal burden in relation to the matters in this subsection: see section 13.4.

474.45D Defences in respect of violent extremist material

(1) Subsection 474.45B(1) or 474.45C(1) does not apply to engaging in conduct in relation to material if:
(a) the conduct is necessary for enforcing a law of:
(i) the Commonwealth; or
(ii) a State; or
(iii) a Territory; or
(iv) a foreign country; or
(v) a part of a foreign country; or
(b) the conduct is necessary for monitoring compliance with, or investigating a contravention of, a law of:
(i) the Commonwealth; or
(ii) a State; or

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(iii) a Territory; or
(iv) a foreign country; or
(v) a part of a foreign country; or

(c) the conduct is for the purposes of proceedings in a court or tribunal; or

(d) both:
(i) the conduct is necessary for, or of assistance in, conducting scientific, medical, academic or historical research; and
(ii) the conduct is reasonable in the circumstances for the purpose of conducting that scientific, medical, academic or historical research; or

(e) the material relates to a news report, or a current affairs report, that:
(i) is in the public interest; and
(ii) is made by a person working in a professional journalistic capacity; or

(f) both:
(i) the conduct is in connection with the performance by a public official of the official's duties or functions; and
(ii) the conduct is reasonable in the circumstances for the purpose of the public official performing that duty or function; or

(g) both:
(i) the conduct is in connection with an individual assisting a public official in relation to the performance of the public official's duties or functions; and
(ii) the conduct is reasonable in the circumstances for the purpose of the individual assisting the public official in relation to the performance of the public official's duties or functions; or

(h) the conduct is for the purpose of advocating the lawful procurement of a change to any matter established by law, policy or practice in:
(i) the Commonwealth; or
(ii) a State; or

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(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country;

and the conduct is reasonable in the circumstances for that purpose; or

(i) the conduct relates to the development, performance, exhibition or distribution, in good faith, of an artistic work.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Functions

(2) The references in this section to function or functions do not, by implication, affect the meaning of the expressions duty or duties when used in any other provision of this Code.

474.45E Consent to commencement of proceedings where defendant under 18

(1) Proceedings for an offence against this Subdivision must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time the defendant allegedly engaged in the conduct constituting the offence.

(2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

Subdivision J—Offences relating to use of carriage service for inciting trespass, property damage, or theft, on agricultural land

474.46 Using a carriage service for inciting trespass on agricultural land

(1) A person (the ***offender***) commits an offence if:

(a) the offender transmits, makes available, publishes or otherwise distributes material; and

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(b) the offender does so using a carriage service; and

(c) the offender does so with the intention of inciting another person to trespass on agricultural land; and

(d) the offender is reckless as to whether:

(i) the trespass of the other person on the agricultural land; or

(ii) any conduct engaged in by the other person while trespassing on the agricultural land;

could cause detriment to a primary production business that is being carried on on the agricultural land.

Penalty: Imprisonment for 12 months.

(2) Subsection (1) does not apply to material if the material relates to a news report, or a current affairs report, that:

(a) is in the public interest; and

(b) is made by a person working in a professional capacity as a journalist.

(2A) In a prosecution for an offence against subsection (1), the defendant does not bear an evidential burden in relation to the matters in subsection (2), despite subsection 13.3(3).

(3) Subsection (1) does not apply to conduct engaged in by a person if, as a result of the operation of a law of the Commonwealth, a State or a Territory, the person is not subject to any civil or criminal liability for the conduct.

Note 1: The *Public Interest Disclosure Act 2013* provides that an individual is not subject to any civil or criminal liability for making a public interest disclosure.

Note 2: Section 1317AB of the *Corporations Act 2001* provides that a person who makes a disclosure that qualifies for protection under Part 9.4AAA of that Act is not subject to any civil or criminal liability for making the disclosure.

Note 3: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

(4) Subsection (3) does not limit section 10.5 (lawful authority).

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474.47 Using a carriage service for inciting property damage, or theft, on agricultural land

(1) A person (the ***offender***) commits an offence if:

(a) the offender transmits, makes available, publishes or otherwise distributes material; and

(b) the offender does so using a carriage service; and

(c) the offender does so with the intention of inciting another person to:

(i) unlawfully damage property on agricultural land; or

(ii) unlawfully destroy property on agricultural land; or

(iii) commit theft of property on agricultural land.

Penalty: Imprisonment for 5 years.

(2) Subsection (1) does not apply to material if the material relates to a news report, or a current affairs report, that:

(a) is in the public interest; and

(b) is made by a person working in a professional capacity as a journalist.

(2A) In a prosecution for an offence against subsection (1), the defendant does not bear an evidential burden in relation to the matters in subsection (2), despite subsection 13.3(3).

(3) Subsection (1) does not apply to conduct engaged in by a person if, as a result of the operation of a law of the Commonwealth, a State or a Territory, the person is not subject to any civil or criminal liability for the conduct.

Note 1: The *Public Interest Disclosure Act 2013* provides that an individual is not subject to any civil or criminal liability for making a public interest disclosure.

Note 2: Section 1317AB of the *Corporations Act 2001* provides that a person who makes a disclosure that qualifies for protection under Part 9.4AAA of that Act is not subject to any civil or criminal liability for making the disclosure.

Note 3: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

(4) Subsection (3) does not limit section 10.5 (lawful authority).

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When a person commits theft

(5) For the purposes of this section, a person commits theft of property if:

(a) the property belongs to another person; and

(b) the person dishonestly appropriates the property with the intention of permanently depriving the other person of the property.

(6) An expression used in subsection (5) and in Chapter 7 has the same meaning in that subsection as it has in that Chapter.

(7) In a prosecution for an offence against this section, the determination of dishonesty is a matter for the trier of fact.

(8) Sections 131.2 to 131.11 apply (with appropriate modifications) in determining whether a person commits theft of property (within the meaning of this section).

474.48 Implied freedom of political communication

(1) This Subdivision does not apply to the extent (if any) that it would infringe any constitutional doctrine of implied freedom of political communication.

(2) Subsection (1) does not limit the application of section 15A of the *Acts Interpretation Act 1901* to this Act.

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Division 475—Miscellaneous

475.1A Defences for NRS employees and emergency call persons

(1) A person is not criminally responsible for an offence against a provision of Subdivision C, D, E, F, G, HA or J of Division 474 in relation to particular conduct if the person:

(a) is an employee of an NRS provider; and

(b) engages in the conduct in good faith in the course of the person's duties as such an employee.

(2) A person is not criminally responsible for an offence against a provision of Subdivision C, D, E, F, G, HA or J of Division 474 in relation to particular conduct if the person:

(a) is an emergency call person; and

(b) engages in the conduct in good faith in the course of the person's duties as such an emergency call person.

475.1B Provisions relating to element of offence that particular conduct was engaged in using a carriage service

Presumption that conduct engaged in using carriage service

(1) If:

(a) a physical element of an offence against Subdivision C, D, E, F or J of Division 474 consists of a person using a carriage service to engage in particular conduct; and

(b) the prosecution proves beyond reasonable doubt that the person engaged in that particular conduct;

then it is presumed, unless the person proves to the contrary, that the person used a carriage service to engage in that conduct.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 13.4.

Absolute liability applies to physical element of offence that carriage service was used

(2) If:

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(a) a physical element of an offence against Subdivision C, D, E, F or J of Division 474 consists of a person using a carriage service to engage in particular conduct; and

(b) the prosecution proves beyond reasonable doubt that the person intended to engage in that particular conduct;

then absolute liability applies to the physical element of the offence that a carriage service was used to engage in that particular conduct.

Note: For absolute liability, see section 6.2.

475.1 Saving of other laws

(1) This Part is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.

(2) Without limiting subsection (1), a provision in this Part to the effect that a person is not criminally responsible for an offence against a provision of this Part in relation to particular conduct does not make the conduct lawful if it would otherwise be unlawful under the *Radiocommunications Act 1992*.

475.2 Geographical jurisdiction

(1) Section 15.1 (extended geographical jurisdiction—category A) applies to each offence against this Part (other than Subdivision H of Division 474).

(2) Section 14.1 (standard geographical jurisdiction) does not apply to an offence against Subdivision H of Division 474.

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Part 10.7—Computer offences

Division 476—Preliminary

476.1 Definitions

(1) In this Part:

access to data held in a computer means:

(a) the display of the data by the computer or any other output of the data from the computer; or

(b) the copying or moving of the data to any other place in the computer or to a data storage device; or

(c) in the case of a program—the execution of the program.

ASIO officer means:

(a) the Director-General of Security; or

(b) an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*); or

(c) an ASIO affiliate (within the meaning of that Act).

civil or criminal liability means any civil or criminal liability (whether under this Part, under another law or otherwise).

computer-related act, event, circumstance or result means an act, event, circumstance or result involving:

(a) the reliability, security or operation of a computer; or

(b) access to, or modification of, data held in a computer or on a data storage device; or

(c) electronic communication to or from a computer; or

(d) the reliability, security or operation of any data held in or on a computer, computer disk, credit card, or other data storage device; or

(e) possession or control of data held in a computer or on a data storage device; or

(f) producing, supplying or obtaining data held in a computer or on a data storage device.

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Defence Department means the Department of State that deals with defence and that is administered by the Minister administering section 1 of the *Defence Act 1903*.

electronic communication means a communication of information in any form by means of guided or unguided electromagnetic energy.

impairment of electronic communication to or from a computer includes:

(a) the prevention of any such communication; or

(b) the impairment of any such communication on an electronic link or network used by the computer;

but does not include a mere interception of any such communication.

modification, in respect of data held in a computer, means:

(a) the alteration or removal of the data; or

(b) an addition to the data.

unauthorised access, modification or impairment has the meaning given in section 476.2.

(2) In this Part, a reference to:

(a) access to data held in a computer; or

(b) modification of data held in a computer; or

(c) the impairment of electronic communication to or from a computer;

is limited to such access, modification or impairment caused, whether directly or indirectly, by the execution of a function of a computer.

476.2 Meaning of *unauthorised access, modification or impairment*

(1) In this Part:

(a) access to data held in a computer; or

(b) modification of data held in a computer; or

(c) the impairment of electronic communication to or from a computer; or

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(d) the impairment of the reliability, security or operation of any data held on a computer disk, credit card or other device used to store data by electronic means;

by a person is unauthorised if the person is not entitled to cause that access, modification or impairment.

(2) Any such access, modification or impairment caused by the person is not unauthorised merely because he or she has an ulterior purpose for causing it.

(3) For the purposes of an offence under this Part, a person causes any such unauthorised access, modification or impairment if the person's conduct substantially contributes to it.

(4) For the purposes of subsection (1), if:

(a) a person causes any access, modification or impairment of a kind mentioned in that subsection; and

(b) the person does so:

(i) under a warrant issued under the law of the Commonwealth, a State or a Territory; or

(ii) under an emergency authorisation given to the person under Part 3 of the *Surveillance Devices Act 2004* or under a law of a State or Territory that makes provision to similar effect; or

(iii) under a tracking device authorisation given to the person under section 39 of that Act; or

(iv) in accordance with a technical assistance request; or

(v) in compliance with a technical assistance notice; or

(vi) in compliance with a technical capability notice;

the person is entitled to cause that access, modification or impairment.

476.3 Geographical jurisdiction

Section 15.1 (extended geographical jurisdiction—Category A) applies to offences under this Part.

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476.4 Saving of other laws

(1) This Part is not intended to exclude or limit the operation of any other law of the Commonwealth, a State or a Territory.

(2) Subsection (1) has effect subject to sections 476.6 and 476.7.

476.6 Liability for certain acts—ASIS, ASD or AGO

(1) A staff member or agent of an agency (within the meaning of subsection (10)) is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:

(a) the conduct is engaged in on the reasonable belief that it is likely to cause a computer-related act, event, circumstance or result to take place outside Australia (whether or not it in fact takes place outside Australia); and

(b) the conduct is engaged in in the proper performance of a function of the agency.

(2) A person is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:

(a) the conduct is preparatory to, in support of, or otherwise directly connected with, overseas activities of an agency; and

(b) the conduct:

(i) taken together with a computer-related act, event, circumstance or result that took place, or was intended to take place, outside Australia, could amount to an offence; but

(ii) in the absence of that computer-related act, event, circumstance or result, would not amount to an offence; and

(c) the conduct is engaged in in the proper performance of a function of the agency.

(3) Subsection (2) is not intended to permit any conduct in relation to premises, persons, computers, things, or carriage services in Australia, being:

(a) conduct which ASIO could not engage in without a Minister authorising it by warrant issued under Division 2 of Part III

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of the *Australian Security Intelligence Organisation Act 1979* or under Part 2-2 of the *Telecommunications (Interception and Access) Act 1979*; or

(b) conduct engaged in to obtain information that ASIO could not obtain other than in accordance with Division 3 of Part 4-1 of the *Telecommunications (Interception and Access) Act 1979*.

(4) Subsections (1) and (2) have effect despite anything in a law of the Commonwealth or of a State or Territory, whether passed or made before or after the commencement of this subsection, unless the law expressly provides otherwise.

(5) Subsection (4) does not affect the operation of subsection (3).

Certificate

(6) The Inspector-General of Intelligence and Security may give a certificate in writing certifying any fact relevant to the question of whether conduct was engaged in in the proper performance of a function of an agency.

(7) In any proceedings, a certificate given under subsection (6) is prima facie evidence of the facts certified.

Notice to Inspector-General of Intelligence and Security

(8) If:

(a) a person engages in conduct referred to in subsection (1) or (2) in relation to an agency; and

(b) the conduct causes material damage, material interference or material obstruction to a computer (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*) in Australia; and

(c) apart from this section, the person would commit an offence against this Part;

then the agency head (within the meaning of the *Intelligence Services Act 2001*) of the agency must, as soon as practicable, give a written notice to the Inspector-General of Intelligence and Security that:

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(d) informs the Inspector-General of Intelligence and Security of that fact; and

(e) provides details about the conduct that caused the damage, interference or obstruction to the computer.

(9) This section has effect in addition to, and does not limit, section 14 of the *Intelligence Services Act 2001*.

Definitions

(10) In this section:

agency means ASIS, ASD or AGO.

AGO means that part of the Defence Department known as the Australian Geospatial-Intelligence Organisation.

ASD means the Australian Signals Directorate.

ASIS means the Australian Secret Intelligence Service.

staff member means:

(a) in relation to ASIS:

(i) the Director-General of ASIS; or

(ii) a member of the staff of ASIS (whether an employee of ASIS, a consultant or contractor to ASIS, or a person who is made available by another Commonwealth or State authority or other person to perform services for ASIS); or

(b) in relation to ASD:

(i) the Director-General of ASD; or

(ii) a member of the staff of ASD (whether an employee of ASD, a consultant or contractor to ASD, or a person who is made available by another Commonwealth or State authority or other person to perform services for ASD); or

(c) in relation to AGO:

(i) the Director of AGO; or

(ii) a member of the staff of AGO (whether an employee of AGO, a consultant or contractor to AGO, or a person

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who is made available by another Commonwealth or State authority or other person to perform services for AGO).

476.7 Liability for certain acts—defence officials

(1) A defence official (within the meaning of subsection (8)) is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:

(a) the conduct is engaged in on the reasonable belief that it is likely to cause a computer-related act, event, circumstance or result to take place outside Australia (whether or not it in fact takes place outside Australia); and

(b) the conduct is engaged in in the proper performance of authorised ADF activities.

(2) A person is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:

(a) the conduct is preparatory to, in support of, or otherwise directly connected with, authorised ADF activities outside Australia; and

(b) the conduct:

(i) taken together with a computer-related act, event, circumstance or result that took place, or was intended to take place, outside Australia, could amount to an offence; but

(ii) in the absence of that computer-related act, event, circumstance or result, would not amount to an offence; and

(c) the conduct is engaged in in the proper performance of authorised ADF activities.

(3) Subsection (2) is not intended to permit any conduct in relation to premises, persons, computers, things, or carriage services in Australia, being:

(a) conduct which ASIO could not engage in without a Minister authorising it by warrant issued under Division 2 of Part III of the *Australian Security Intelligence Organisation Act 1979*

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or under Part 2-2 of the *Telecommunications (Interception and Access) Act 1979*; or

(b) conduct engaged in to obtain information that ASIO could not obtain other than in accordance with Division 3 of Part 4-1 of the *Telecommunications (Interception and Access) Act 1979*.

(4) Subsections (1) and (2) have effect despite anything in a law of the Commonwealth or of a State or Territory, whether passed or made before or after the commencement of this subsection, unless the law expressly provides otherwise.

(5) Subsection (4) does not affect the operation of subsection (3).

Requirement to give notice of conduct

(6) If:

(a) a person engages in conduct referred to in subsection (1) or (2); and

(b) the conduct causes material damage, material interference or material obstruction to a computer (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*) in Australia; and

(c) apart from this section, the person would commit an offence against this Part;

then the person must, as soon as practicable, give a written notice of that fact to:

(d) the Chief of the Defence Force; and

(e) if the person is not under the command of the Chief of the Defence Force—the Secretary of the Defence Department.

(7) The notice must also provide details about the conduct that caused the damage, interference or obstruction to the computer.

Definitions

(8) In this section:

authorised ADF activity means an activity, or an activity included in a class of activities, of the Australian Defence Force that is:

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(a) authorised by the Chief of the Defence Force; and
(b) connected with the defence or security of Australia.

defence official means:
(a) a member of the Australian Defence Force; or
(b) a defence civilian (within the meaning of the *Defence Force Discipline Act 1982*); or
(c) the Secretary of the Defence Department; or
(d) an APS employee of the Defence Department; or
(e) a consultant or contractor to the Defence Department; or
(f) a person who is made available by another Commonwealth or State authority or other person to perform services for the Defence Department; or
(g) any other person included in a class of persons specified under subsection (9).

(9) The Secretary of the Defence Department or the Chief of the Defence Force may, by legislative instrument, specify one or more classes of persons for the purposes of paragraph (g) of the definition of ***defence official*** in subsection (8).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

Delegation

(10) The Secretary of the Defence Department may, in writing, delegate the Secretary's power under subsection (9) to an SES employee in the Defence Department.

(11) The Chief of the Defence Force may, in writing, delegate the Chief's power under subsection (9) to:
(a) an officer of the Australian Navy who holds the rank of Commodore or a higher rank; or
(b) an officer of the Australian Army who holds the rank of Brigadier or a higher rank; or
(c) an officer of the Australian Air Force who holds the rank of Air Commodore or a higher rank.

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Division 477—Serious computer offences

477.1 Unauthorised access, modification or impairment with intent to commit a serious offence

Intention to commit a serious Commonwealth, State or Territory offence

(1) A person commits an offence if:

(a) the person causes:

(i) any unauthorised access to data held in a computer; or

(ii) any unauthorised modification of data held in a computer; or

(iii) any unauthorised impairment of electronic communication to or from a computer; and

(c) the person knows the access, modification or impairment is unauthorised; and

(d) the person intends to commit, or facilitate the commission of, a serious offence against a law of the Commonwealth, a State or a Territory (whether by that person or another person) by the access, modification or impairment.

(3) In a prosecution for an offence against subsection (1), it is not necessary to prove that the defendant knew that the offence was:

(a) an offence against a law of the Commonwealth, a State or a Territory; or

(b) a serious offence.

Penalty

(6) A person who commits an offence against this section is punishable, on conviction, by a penalty not exceeding the penalty applicable to the serious offence.

Impossibility

(7) A person may be found guilty of an offence against this section even if committing the serious offence is impossible.

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No offence of attempt

(8) It is not an offence to attempt to commit an offence against this section.

*Meaning of **serious offence***

(9) In this section:

serious offence means an offence that is punishable by imprisonment for life or a period of 5 or more years.

477.2 Unauthorised modification of data to cause impairment

(1) A person commits an offence if:

(a) the person causes any unauthorised modification of data held in a computer; and

(b) the person knows the modification is unauthorised; and

(c) the person is reckless as to whether the modification impairs or will impair:

(i) access to that or any other data held in any computer; or

(ii) the reliability, security or operation, of any such data.

Penalty: 10 years imprisonment.

(2) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, an ASIO officer acting in good faith in the course of the person's duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(3) A person may be guilty of an offence against this section even if there is or will be no actual impairment to:

(a) access to data held in a computer; or

(b) the reliability, security or operation, of any such data.

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(4) A conviction for an offence against this section is an alternative verdict to a charge for an offence against section 477.3 (unauthorised impairment of electronic communication).

477.3 Unauthorised impairment of electronic communication

(1) A person commits an offence if:

(a) the person causes any unauthorised impairment of electronic communication to or from a computer; and

(b) the person knows that the impairment is unauthorised.

Penalty: 10 years imprisonment.

(2) A person is not criminally responsible for an offence against subsection (1) if:

(a) the person is, at the time of the offence, an ASIO officer acting in good faith in the course of the person's duties; and

(b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

(3) A conviction for an offence against this section is an alternative verdict to a charge for an offence against section 477.2 (unauthorised modification of data to cause impairment).

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Division 478—Other computer offences

478.1 Unauthorised access to, or modification of, restricted data

(1) A person commits an offence if:

(a) the person causes any unauthorised access to, or modification of, restricted data; and

(b) the person intends to cause the access or modification; and

(c) the person knows that the access or modification is unauthorised.

Penalty: 2 years imprisonment.

(3) In this section:

restricted data means data:

(a) held in a computer; and

(b) to which access is restricted by an access control system associated with a function of the computer.

478.2 Unauthorised impairment of data held on a computer disk etc.

A person commits an offence if:

(a) the person causes any unauthorised impairment of the reliability, security or operation of data held on:

(i) a computer disk; or

(ii) a credit card; or

(iii) another device used to store data by electronic means; and

(b) the person intends to cause the impairment; and

(c) the person knows that the impairment is unauthorised.

Penalty: 2 years imprisonment.

478.3 Possession or control of data with intent to commit a computer offence

(1) A person commits an offence if:

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(a) the person has possession or control of data; and
(b) the person has that possession or control with the intention that the data be used, by the person or another person, in:
(i) committing an offence against Division 477; or
(ii) facilitating the commission of such an offence.

Penalty: 3 years imprisonment.

(2) A person may be found guilty of an offence against this section even if committing the offence against Division 477 is impossible.

No offence of attempt

(3) It is not an offence to attempt to commit an offence against this section.

Meaning of possession or control of data

(4) In this section, a reference to a person having possession or control of data includes a reference to the person:
(a) having possession of a computer or data storage device that holds or contains the data; or
(b) having possession of a document in which the data is recorded; or
(c) having control of data held in a computer that is in the possession of another person (whether inside or outside Australia).

478.4 Producing, supplying or obtaining data with intent to commit a computer offence

(1) A person commits an offence if:
(a) the person produces, supplies or obtains data; and
(b) the person does so with the intention that the data be used, by the person or another person, in:
(i) committing an offence against Division 477; or
(ii) facilitating the commission of such an offence.

Penalty: 3 years imprisonment.

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(2) A person may be found guilty of an offence against this section even if committing the offence against Division 477 is impossible.

No offence of attempt

(3) It is not an offence to attempt to commit an offence against this section.

Meaning of producing, supplying or obtaining data

(4) In this section, a reference to a person producing, supplying or obtaining data includes a reference to the person:

(a) producing, supplying or obtaining data held or contained in a computer or data storage device; or

(b) producing, supplying or obtaining a document in which the data is recorded.

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Part 10.8—Financial information offences

480.1 Definitions

(1) In this Part:

ADI (authorised deposit-taking institution) means a corporation that is an ADI for the purposes of the *Banking Act 1959*.

dealing in personal financial information includes supplying or using financial information.

deception means an intentional or reckless deception, whether by words or other conduct, and whether as to fact or as to law, and includes:

(a) a deception as to the intentions of the person using the deception or any other person; and

(b) conduct by a person that causes a computer, a machine or an electronic device to make a response that the person is not authorised to cause it to do.

dishonest has the meaning given by section 480.2.

obtaining personal financial information includes possessing or making personal financial information.

personal financial information means information relating to a person that may be used (whether alone or in conjunction with other information) to access funds, credit or other financial benefits.

(2) For the purposes of this Part, a person is taken to obtain or deal in personal information without the consent of the person to whom the information relates if the consent of that person is obtained by any deception.

(3) This Part extends to personal information relating to:

(a) an individual; or

(b) a corporation; or

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(c) a living or dead person.

480.2 Dishonesty

(1) For the purposes of this Part, ***dishonest*** means:
  (a) dishonest according to the standards of ordinary people; and
  (b) known by the defendant to be dishonest according to the standards of ordinary people.

(2) In a prosecution for an offence against this Part, the determination of dishonesty is a matter for the trier of fact.

480.3 Constitutional application of this Part

This Part applies to personal financial information only if:
  (a) the funds concerned represent amounts that have been deposited with or lent to, or are otherwise to be provided or made available by, an ADI or a constitutional corporation; or
  (b) the credit or other financial benefits concerned are provided, or made available, by an ADI or a constitutional corporation.

480.4 Dishonestly obtaining or dealing in personal financial information

A person commits an offence if the person:
  (a) dishonestly obtains, or deals in, personal financial information; and
  (b) obtains, or deals in, that information without the consent of the person to whom the information relates.

Penalty: Imprisonment for 5 years.

480.5 Possession or control of thing with intent to dishonestly obtain or deal in personal financial information

(1) A person commits an offence if:
  (a) the person has possession or control of any thing; and
  (b) the person has that possession or control with the intention that the thing be used:

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(i) by the person; or

(ii) by another person;

to commit an offence against section 480.4 (dishonestly obtaining or dealing in personal financial information) or to facilitate the commission of that offence.

Penalty: Imprisonment for 3 years.

(2) A person may be found guilty of an offence against subsection (1) even if committing the offence against section 480.4 (dishonestly obtaining or dealing in personal financial information) is impossible.

(3) It is not an offence to attempt to commit an offence against subsection (1).

480.6 Importation of thing with intent to dishonestly obtain or deal in personal financial information

A person commits an offence if the person:

(a) imports a thing into Australia; and

(b) does so with the intention that the thing be used:

(i) by the person; or

(ii) by another person;

in committing an offence against section 480.4 (dishonestly obtaining or dealing in personal financial information) or to facilitate the commission of that offence.

Penalty: Imprisonment for 3 years.

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Part 10.9—Accounting records

Division 490—False dealing with accounting documents

490.1 Intentional false dealing with accounting documents

(1) A person commits an offence if:

(a) the person:

(i) makes, alters, destroys or conceals an accounting document; or

(ii) fails to make or alter an accounting document that the person is under a duty, under a law of the Commonwealth, a State or Territory or at common law, to make or alter; and

(b) the person intended the making, alteration, destruction or concealment of the document (or the failure to make or alter the document) to facilitate, conceal or disguise the occurrence of one or more of the following:

(i) the person receiving a benefit that is not legitimately due to the person;

(ii) the person giving a benefit that is not legitimately due to the recipient, or intended recipient, of the benefit;

(iii) another person receiving a benefit that is not legitimately due to the other person;

(iv) another person giving a benefit that is not legitimately due to the recipient, or intended recipient, of the benefit (who may be the first-mentioned person);

(v) loss to another person that is not legitimately incurred by the other person; and

(c) one or more of the circumstances referred to in subsection (2) applies.

(2) For the purposes of paragraph (1)(c) of this section or paragraph 490.2(1)(c), the circumstances are:

(a) the person is:

(i) a constitutional corporation, or a corporation that is incorporated in a Territory; or

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(ii) an officer or employee of a constitutional corporation acting in the performance of his or her duties or the carrying out of his or her functions; or

(iii) a person engaged to provide services to a constitutional corporation and acting in the course of providing those services; or

(iv) a Commonwealth public official acting in the performance of his or her duties or the carrying out of his or her functions; or

(b) the person's act or omission referred to in paragraph (1)(a):

(i) occurs in a Territory; or

(ii) occurs outside Australia; or

(iii) concerns matters or things outside Australia; or

(iv) facilitates or conceals the commission of an offence against a law of the Commonwealth; or

(c) the accounting document:

(i) is outside Australia; or

(ii) is in a Territory; or

(iii) is kept under or for the purposes of a law of the Commonwealth; or

(iv) is kept to record the receipt or use of Australian currency.

(3) Absolute liability applies to paragraph (1)(c).

Note: For absolute liability, see section 6.2.

Penalty for individual

(4) An offence against this section committed by an individual is punishable on conviction by imprisonment for not more than 10 years, a fine not more than 10,000 penalty units, or both.

Penalty for body corporate

(5) An offence against this section committed by a body corporate is punishable on conviction by a fine not more than the greatest of the following:

(a) 100,000 penalty units;

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(b) if the court can determine the value of the benefit that the body corporate, and any body corporate related to the body corporate, have obtained directly or indirectly and that is reasonably attributable to the conduct constituting the offence—3 times the value of that benefit;

(c) if the court cannot determine the value of that benefit—10% of the annual turnover of the body corporate during the period (the ***turnover period***) of 12 months ending at the end of the month in which the conduct constituting the offence occurred.

490.2 Reckless false dealing with accounting documents

(1) A person commits an offence if:

(a) the person:

(i) makes, alters, destroys or conceals an accounting document; or

(ii) fails to make or alter an accounting document that the person is under a duty, under a law of the Commonwealth, a State or Territory or at common law, to make or alter; and

(b) the person is reckless as to whether the making, alteration, destruction or concealment of the document (or the failure to make or alter the document) facilitates, conceals or disguises the occurrence of one or more of the following:

(i) the person receiving a benefit that is not legitimately due to the person;

(ii) the person giving a benefit that is not legitimately due to the recipient, or intended recipient, of the benefit;

(iii) another person receiving a benefit that is not legitimately due to the other person;

(iv) another person giving a benefit that is not legitimately due to the recipient, or intended recipient, of the benefit (who may be the first-mentioned person);

(v) loss to another person that is not legitimately incurred by the other person; and

(c) one or more of the circumstances referred to in subsection 490.1(2) applies.

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(2) Absolute liability applies to paragraph (1)(c).

Note: For absolute liability, see section 6.2.

Penalty for individual

(3) An offence against this section committed by an individual is punishable on conviction by imprisonment for not more than 5 years, a fine not more than 5,000 penalty units, or both.

Penalty for body corporate

(4) An offence against this section committed by a body corporate is punishable on conviction by a fine not more than the greatest of the following:

(a) 50,000 penalty units;

(b) if the court can determine the value of the benefit that the body corporate, and any body corporate related to the body corporate, have obtained directly or indirectly and that is reasonably attributable to the conduct constituting the offence—1.5 times the value of that benefit;

(c) if the court cannot determine the value of that benefit—5% of the annual turnover of the body corporate during the period (the ***turnover period***) of 12 months ending at the end of the month in which the conduct constituting the offence occurred.

490.3 Meaning of *annual turnover*

(1) For the purposes of this Division, the ***annual turnover*** of a body corporate, during the turnover period, is the sum of the values of all the supplies that the body corporate, and any body corporate related to the body corporate, have made, or are likely to make, during that period, other than the following supplies:

(a) supplies made from any of those bodies corporate to any other of those bodies corporate;

(b) supplies that are input taxed;

(c) supplies that are not for consideration (and are not taxable supplies under section 72-5 of the *A New Tax System (Goods and Services Tax) Act 1999*);

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(d) supplies that are not made in connection with an enterprise that the body corporate carries on.

(2) Expressions used in this section that are also used in the *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning in this section as they have in that Act.

490.4 Related bodies corporate

The question whether 2 bodies corporate are related to each other is to be determined for the purposes of this Division in the same way as for the purposes of the *Corporations Act 2001*.

490.5 Proof of certain matters unnecessary

In a prosecution for an offence against this Division, it is not necessary to prove:

(a) the occurrence of any of the following:
  (i) the defendant receiving or giving a benefit;
  (ii) another person receiving or giving a benefit;
  (iii) loss to another person; or

(b) that the defendant intended that a particular person receive or give a benefit, or incur a loss.

490.6 Consent to commencement of proceedings

(1) Proceedings for an offence against this Division must not be commenced without the Attorney-General's written consent if:

(a) the conduct constituting the alleged offence occurs wholly in a foreign country; and

(b) at the time of the alleged offence, the person alleged to have committed the offence is none of the following:
  (i) an Australian citizen;
  (ii) a resident of Australia;
  (iii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory.

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(2) However, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with an offence against this Division before the necessary consent has been given.

490.7 Saving of other laws

This Division is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.

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Dictionary

ABN (short for Australian Business Number) has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

accounting document means:

(a) any account; or

(b) any record or document made or required for any accounting purpose; or

(c) any register under the *Corporations Act 2001*, or any financial report or financial records within the meaning of that Act.

aggravated burglary means an offence against section 132.5.

aggravated robbery means an offence against section 132.3.

alien means a person who is an alien for the purposes of paragraph 51(xix) of the Constitution.

ancillary offence means:

(a) an offence against section 11.1, 11.4 or 11.5; or

(b) an offence against a law of the Commonwealth, to the extent to which the offence arises out of the operation of section 11.2, 11.2A or 11.3.

attack directed against a civilian population means a course of conduct involving the multiple commission of any one or more proscribed inhumane acts against any civilian population pursuant to, or in furtherance of, a state or organisational policy to engage in that course of conduct.

Australia, when used in a geographical sense, includes the external Territories.

Australian aircraft means:

(a) an aircraft registered, or required to be registered, under regulations made under the *Civil Aviation Act 1988*; or

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(b) an aircraft (other than a defence aircraft) that is owned by, or in the possession or control of, a Commonwealth entity; or
(c) a defence aircraft.

Australian Government security clearance means a security clearance given by the Australian Government Security Vetting Agency or by another Commonwealth, State or Territory agency that is authorised or approved by the Commonwealth to issue security clearances.

Australian ship means:
(a) a ship registered, or required to be registered, under the *Shipping Registration Act 1981*; or
(b) an unregistered ship that has Australian nationality; or
(c) a defence ship.

benefit includes any advantage and is not limited to property.

burglary means an offence against section 132.4.

carriage service has the same meaning as in the *Telecommunications Act 1997*.

cause a person to engage in sexual intercourse or other sexual activity has the meaning given by section 272.2.

child: without limiting who is a child of a person for the purposes of this Code, someone is the ***child*** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

Commonwealth authority means a body established by or under a law of the Commonwealth, but does not include:
(a) a body established by or under:
(ii) the *Australian Capital Territory (Self-Government) Act 1988*; or
(iii) the *Corporations Act 2001*; or
(iv) the *Norfolk Island Act 1979*; or
(v) the *Northern Territory (Self-Government) Act 1978*; or
(aa) a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; or

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(ab) an organisation registered, or an association recognised, under the *Fair Work (Registered Organisations) Act 2009*; or

(b) a body specified in the regulations.

Commonwealth contract means a contract, to which a Commonwealth entity is a party, under which services are to be, or were to be, provided to a Commonwealth entity.

Commonwealth entity means:

(a) the Commonwealth; or

(b) a Commonwealth authority.

Commonwealth judicial officer means:

(a) a Justice of the High Court; or

(b) a judge or justice of a court created by the Parliament; or

(d) a registrar or other officer of the High Court; or

(e) a judicial registrar, registrar or other officer of a court created by the Parliament; or

(f) a judge, justice, magistrate or other judicial officer of a court of a State or Territory who acts in the exercise of federal jurisdiction; or

(g) a judicial registrar, registrar or other officer of a court of a State or Territory who exercises powers, or performs functions, incidental to the exercise of federal jurisdiction; or

(h) a judge, justice, magistrate or other judicial officer of a court of a State or Territory who acts in the exercise of jurisdiction under a law in force in a Territory (other than the Australian Capital Territory or the Northern Territory); or

(i) a judicial registrar, registrar or other officer of a court of a State or Territory who exercises powers, or performs functions, incidental to the exercise of jurisdiction under a law in force in a Territory (other than the Australian Capital Territory or the Northern Territory).

Commonwealth public official means:

(a) the Governor-General; or

(b) a person appointed to administer the Government of the Commonwealth under section 4 of the Constitution; or

(c) a Minister; or

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(d) a Parliamentary Secretary; or
(e) a member of either House of the Parliament; or
(f) an individual who holds an appointment under section 67 of the Constitution; or
(g) the Administrator, an Acting Administrator, or a Deputy Administrator, of the Northern Territory; or
(i) a Commonwealth judicial officer; or
(j) an APS employee; or
(k) an individual employed by the Commonwealth otherwise than under the *Public Service Act 1999*; or
(l) a member of the Australian Defence Force; or
(m) a member or special member of the Australian Federal Police; or
(n) an individual (other than an official of a registered industrial organisation) who holds or performs the duties of an office established by or under a law of the Commonwealth, other than:
(i) the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; or
(ii) the *Australian Capital Territory (Self-Government) Act 1988*; or
(iii) the *Corporations Act 2001*; or
(v) the *Northern Territory (Self-Government) Act 1978*; or
(o) an officer or employee of a Commonwealth authority; or
(p) an individual who is a contracted service provider for a Commonwealth contract; or
(q) an individual who is an officer or employee of a contracted service provider for a Commonwealth contract and who provides services for the purposes (whether direct or indirect) of the Commonwealth contract; or
(r) an individual (other than an official of a registered industrial organisation) who exercises powers, or performs functions, conferred on the person by or under a law of the Commonwealth, other than:
(i) the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; or

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(ii) the *Australian Capital Territory (Self-Government) Act 1988*; or
(iii) the *Corporations Act 2001*; or
(v) the *Northern Territory (Self-Government) Act 1978*; or
(vii) a provision specified in the regulations; or

(s) an individual who exercises powers, or performs functions, conferred on the person under a law in force in the Territory of Christmas Island, the Territory of Cocos (Keeling) Islands or the Territory of Norfolk Island; or

(t) the Registrar, or a Deputy Registrar, of Aboriginal and Torres Strait Islander Corporations.

communication includes any communication:

(a) whether between persons and persons, things and things or persons and things; and

(b) whether the communication is:
(i) in the form of text; or
(ii) in the form of speech, music or other sounds; or
(iii) in the form of visual images (still or moving); or
(iv) in the form of signals; or
(v) in the form of data; or
(vi) in any other form; or
(vii) in any combination of forms.

conduct is defined in subsection 4.1(2).

confiscate, in relation to a person's travel or identity document, has the same meaning as in Division 271 (see section 271.1).

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

constitutional trade and commerce means trade and commerce:

(a) with other countries; or
(b) among the States; or
(c) between a State and a Territory; or
(d) between 2 Territories.

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contracted service provider, for a Commonwealth contract, means:

(a) a person who is a party to the Commonwealth contract and who is responsible for the provision of services to a Commonwealth entity under the Commonwealth contract; or

(b) a subcontractor for the Commonwealth contract.

Covenant means the International Covenant on Civil and Political Rights, a copy of the English text of which is set out in Schedule 2 to the *Australian Human Rights Commission Act 1986*.

crime against humanity means an offence under Subdivision C of Division 268.

crime against the administration of the justice of the International Criminal Court means an offence under Subdivision J of Division 268.

data includes:

(a) information in any form; or

(b) any program (or part of a program).

data held in a computer includes:

(a) data held in any removable data storage device for the time being held in a computer; or

(b) data held in a data storage device on a computer network of which the computer forms a part.

data storage device means a thing (for example, a disk or file server) containing, or designed to contain, data for use by a computer.

deal, in identification information, has a meaning affected by section 370.1.

death means:

(a) the irreversible cessation of all function of a person's brain (including the brain stem); or

(b) the irreversible cessation of circulation of blood in a person's body.

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debt bondage has the same meaning as in Division 270 (see section 270.1A).

de facto partner has the meaning given by the *Acts Interpretation Act 1901*.

defence aircraft means an aircraft of any part of the Australian Defence Force, and includes an aircraft that is being commanded or piloted by a member of that Force in the course of his or her duties as such a member.

Defence Minister means the Minister administering the *Defence Force Discipline Act 1982*.

defence ship means a ship of any part of the Australian Defence Force, and includes a ship that is being operated or commanded by a member of that Force in the course of his or her duties as such a member.

detaining a person includes causing the person to remain where he or she is.

detriment includes any disadvantage and is not limited to personal injury or to loss of or damage to property.

disallowable legislative instrument has the meaning given by the *Legislation Act 2003*.

displayed in a public place has the meaning given by section 80.2F.

distinctive emblems of the Geneva Conventions means the emblems, identity cards, signs, signals, insignia or uniforms to which subsection 15(1) of the *Geneva Conventions Act 1957* applies.

electronic communication means a communication by means of guided or unguided electromagnetic energy or both.

electronic service has the meaning given by subsection 474.23A(4).

engage in conduct is defined in subsection 4.1(2).

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engage in sexual activity: without limiting when a person engages in sexual activity, a person is taken to ***engage in sexual activity*** if the person is in the presence of another person (including by a means of communication that allows the person to see or hear the other person) while the other person engages in sexual activity.

evidence includes anything that may be used as evidence.

evidential burden is defined in subsection 13.3(6).

exploitation has the same meaning as in Division 271 (see section 271.1A).

federal aspect is defined in section 390.2.

First Geneva Convention means the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted at Geneva on 12 August 1949, a copy of the English text of which (not including the annexes) is set out in Schedule 1 to the *Geneva Conventions Act 1957*.

forced labour has the same meaning as in Division 270 (see section 270.6).

forced marriage has the meaning given by section 270.7A.

Foreign Affairs Minister means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

foreign country includes:

(a) a colony or overseas territory; and

(b) a territory outside Australia, where a foreign country is to any extent responsible for the international relations of the territory; and

(c) a territory outside Australia that is to some extent self-governing, but that is not recognised as an independent sovereign state by Australia.

foreign intelligence agency means an intelligence or security service (however described) of a foreign country.

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Fourth Geneva Convention means the Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted at Geneva on 12 August 1949, a copy of the English text of which (not including the annexes) is set out in Schedule 4 to the *Geneva Conventions Act 1957*.

Geneva Conventions means the First Geneva Convention, the Second Geneva Convention, the Third Geneva Convention and the Fourth Geneva Convention.

genocide means an offence under Subdivision B of Division 268.

Hague Declaration means the Hague Declarations Concerning the Prohibition of Using Bullets which Expand or Flatten Easily in the Human Body, adopted at the Hague on 29 July 1899.

harm means physical harm or harm to a person's mental health, whether temporary or permanent. However, it does not include being subjected to any force or impact that is within the limits of what is acceptable as incidental to social interaction or to life in the community.

harm to a person's mental health includes significant psychological harm, but does not include mere ordinary emotional reactions such as those of only distress, grief, fear or anger.

hors de combat: a person is ***hors de combat*** if:

(a) any of the following apply:
  (i) the person is in the power of an adverse party;
  (ii) the person clearly expresses an intention to surrender;
  (iii) the person has been rendered unconscious or is otherwise incapacitated by wounds or sickness and is therefore incapable of defending himself or herself; and
(b) the person abstains from any hostile act and does not attempt to escape.

ICC Statute means the Statute of the International Criminal Court done at Rome on 17 July 1998, a copy of the English text of which is set out in Schedule 1 to the *International Criminal Court Act 2002*.

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identification documentation has the meaning given by section 370.1.

identification information has the meaning given by section 370.1.

identity document includes any kind of document that may be used to establish the identity of a person in a country under the law or procedures of that country.

intention has the meaning given in section 5.2.

international armed conflict includes a military occupation.

International Criminal Court means the International Criminal Court established under the ICC Statute.

interpreter includes a person who interprets signs or other things made or done by a person who cannot speak adequately for the purpose of giving evidence in a proceeding before the International Criminal Court.

intimidatory act has the meaning given by subsection 474.45A(3).

journalistic capacity means a capacity as a journalist, editor, producer or other person involved in the process of making news reports or current affairs reports.

knowledge has the meaning given in section 5.3.

law means a law of the Commonwealth, and includes this Code.

legal burden is defined in subsection 13.1(3).

make available, in relation to material, includes, but is not limited to, describing how to obtain access, or describing methods that are likely to facilitate access, to material (for example: by setting out the name of a website, an IP address, a URL, a password, or the name of a newsgroup).

makes a gesture in a public place has the meaning given by section 80.2FA.

mental impairment has the meaning given by subsection 7.3(8).

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mutiny has the meaning given by subsection 83.1(2).

negligence has the meaning given in section 5.5.

offence means an offence against a law of the Commonwealth.

official of a registered industrial organisation means a person who holds an office (within the meaning of the *Fair Work Act 2009*) in an organisation registered, or an association recognised, under the *Fair Work (Registered Organisations) Act 2009*.

parent: without limiting who is a parent of a person for the purposes of this Code, someone is the ***parent*** of a person if the person is his or her child because of the definition of ***child*** in this Dictionary.

person includes a Commonwealth authority that is not a body corporate, and ***another*** has a corresponding meaning.

Note: This definition supplements subsection 2C(1) of the *Acts Interpretation Act 1901*. That subsection provides that ***person*** includes a body politic or corporate as well as an individual.

personal service means any labour or service, including a sexual service, provided by a person.

physical harm includes unconsciousness, pain, disfigurement, infection with a disease and any physical contact with a person that the person might reasonably object to in the circumstances (whether or not the person was aware of it at the time).

position of trust or authority has the meaning given by subsection 272.3(1).

primary offence means an offence against a law of the Commonwealth, other than an ancillary offence.

procure a person to engage in sexual activity includes:

(a) encourage, entice or recruit the person to engage in that activity; or

(b) induce the person (whether by threats, promises or otherwise) to engage in that activity.

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prohibited Nazi symbol has the meaning given by subsection 80.2E(2).

prohibited organisation symbol has the meaning given by subsection 80.2E(3).

prohibited symbol has the meaning given by subsection 80.2E(1).

proscribed inhumane act means any of the following acts:

(a) an act that is described in paragraph 268.8(a);
(b) an act that is described in paragraph 268.9(1)(a) and is committed as mentioned in paragraph 268.9(1)(b);
(c) an act that is described in paragraph 268.10(1)(a);
(d) an act that is described in paragraph 268.11(1)(a) and to which paragraph 268.11(1)(b) applies;
(e) an act that is described in paragraph 268.12(1)(a) and to which paragraph 268.12(1)(b) applies;
(f) an act that is described in paragraph 268.13(a) and to which paragraph 268.13(b) applies;
(g) an act that is described in paragraph 268.14(1)(a) or (2)(a);
(h) an act that is described in paragraph 268.15(1)(a);
(i) an act that is described in paragraph 268.16(1)(a) and to which paragraph 268.16(1)(b) applies;
(j) an act that is described in paragraph 268.17(1)(a) and to which paragraph 268.17(1)(b) applies;
(k) an act that is described in paragraphs 268.18(1)(a) and (b) and to which paragraph 268.18(1)(c) applies;
(l) an act that is described in paragraph 268.19(1)(a) and is of the gravity mentioned in paragraph 268.19(1)(b);
(m) an act that is described in paragraph 268.20(1)(a) and is committed as mentioned in paragraphs 268.20(1)(c), (d) and (e);
(n) an act that is described in paragraph 268.21(1)(a) and to which paragraphs 268.21(1)(b) and (c) apply;
(o) an act that is described in paragraph 268.21(2)(c) and is committed as mentioned in paragraph 268.21(2)(d);
(p) an act that is described in paragraph 268.22(a) and is committed as mentioned in paragraph 268.22(b);

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(q) an act that is described in paragraph 268.23(a) and to which paragraph 268.23(b) applies.

Protocol I to the Geneva Conventions means the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), done at Geneva on 10 June 1977, a copy of the English text of which is set out in Schedule 5 to the *Geneva Conventions Act 1957*.

Protocol II to the Geneva Conventions means the Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts done at Geneva on 10 June 1977.

Protocol III to the Geneva Conventions means the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), done at Geneva on 8 December 2005, a copy of the English text of which is set out in Schedule 6 to the *Geneva Conventions Act 1957*.

Protocols to the Geneva Conventions means Protocol I to the Geneva Conventions, Protocol II to the Geneva Conventions and Protocol III to the Geneva Conventions.

public official includes:

(a) a Commonwealth public official; and

(b) an officer or employee of the Commonwealth or of a State or Territory; and

(c) an individual who performs work for the Commonwealth, or for a State or Territory, under a contract; and

(d) an individual who holds or performs the duties of an office established by a law of the Commonwealth or of a State or Territory; and

(e) an individual who is otherwise in the service of the Commonwealth or of a State or Territory (including service as a member of a military force or police force); and

(f) a member of the executive, judiciary or magistracy of the Commonwealth or of a State or Territory; and

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(g) a member of the legislature of the Commonwealth or of a State or Territory; and

(h) an officer or employee of:

(i) an authority of the Commonwealth; or

(ii) an authority of a State or Territory.

public place includes any place to which the public, or a section of the public, have access as of right or by invitation, whether express or implied, and whether or not a charge is made for admission to the place.

receiving means an offence against section 132.1.

recklessness has the meaning given in section 5.4.

referendum has the same meaning as in the *Referendum (Machinery Provisions) Act 1984*.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

resident of Australia means an individual who is a resident of Australia.

robbery means an offence against section 132.2.

Second Geneva Convention means the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick and Shipwrecked Members of Armed Forces at Sea, adopted at Geneva on 12 August 1949, a copy of the English text of which (not including the annexes) is set out in Schedule 2 to the *Geneva Conventions Act 1957*.

serious harm means harm (including the cumulative effect of any harm):

(a) that endangers, or is likely to endanger, a person's life; or

(b) that is or is likely to be significant and longstanding.

services provided to a Commonwealth entity includes services that consist of the provision of services to other persons in connection with the performance of the Commonwealth entity's functions.

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servitude has the same meaning as in Division 270 (see section 270.4).

sexual activity means:

(a) sexual intercourse; or

(b) any other activity of a sexual or indecent nature (including an indecent assault) that involves the human body, or bodily actions or functions (whether or not that activity involves physical contact between people).

Note: See also the definition of ***engage in sexual activity***.

sexual intercourse has the meaning given by section 272.4.

sexually penetrate is defined in section 71.8.

sexual service means the use or display of the body of the person providing the service for the sexual gratification of others.

slavery has the meaning given by section 270.1.

slavery-like offence has the same meaning as in Division 270 (see section 270.1A).

special liability provision means:

(a) a provision that provides that absolute liability applies to one or more (but not all) of the physical elements of an offence; or

(b) a provision that provides that, in a prosecution for an offence, it is not necessary to prove that the defendant knew a particular thing; or

(c) a provision that provides that, in a prosecution for an offence, it is not necessary to prove that the defendant knew or believed a particular thing.

state sponsor of terrorism has the meaning given by subsection 110.3(1).

state terrorist act has the meaning given by section 111.1.

step-child: without limiting who is a step-child of a person for the purposes of this Code, someone who is a child of a de facto partner

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of the person is the ***step-child*** of the person, if he or she would be the person's step-child except that the person is not legally married to the partner.

step-parent: without limiting who is a step-parent of a person for the purposes of this Code, someone who is a de facto partner of a parent of the person is the ***step-parent*** of the person, if he or she would be the person's step-parent except that he or she is not legally married to the person's parent.

subcontractor, for a Commonwealth contract, means a person:

(a) who is a party to a contract (the ***subcontract***):
  (i) with a contracted service provider for the Commonwealth contract (within the meaning of paragraph (a) of the definition of ***contracted service provider***); or
  (ii) with a subcontractor for the Commonwealth contract (under a previous application of this definition); and

(b) who is responsible under the subcontract for the provision of services to a Commonwealth entity, or to a contracted service provider for the Commonwealth contract, for the purposes (whether direct or indirect) of the Commonwealth contract.

sworn statement means an oral statement made on oath or affirmation or a statement in a document verified on oath or affirmation.

taking a person includes causing the person to accompany another person and causing the person to be taken.

technical assistance notice has the same meaning as in Part 15 of the *Telecommunications Act 1997*.

technical assistance request has the same meaning as in Part 15 of the *Telecommunications Act 1997*.

technical capability notice has the same meaning as in Part 15 of the *Telecommunications Act 1997*.

theft means an offence against section 131.1.

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Third Geneva Convention means the Geneva Convention relative to the Protection of Prisoners of War, adopted at Geneva on 12 August 1949, a copy of the English text of which (not including the annexes) is set out in Schedule 3 to the *Geneva Conventions Act 1957*.

threat includes a threat made by any conduct, whether express or implied and whether conditional or unconditional.

travel document includes any kind of document required, under the law of a country, to enter or leave that country.

violent extremist material has the meaning given by section 474.45A.

war crime means an offence under Subdivision D, E, F, G or H of Division 268.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s)/sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)/rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

<u>underlining</u> = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Criminal Code Act 1995	12, 1995	15 Mar 1995	1 Jan 1997 (s 2(1) and gaz 1996, No S534)	
Criminal Code Amendment Act 1998	12, 1998	13 Apr 1998	13 Apr 1998 (s 2)	—
Criminal Code Amendment (Bribery of Foreign Public Officials) Act 1999	43, 1999	17 June 1999	17 Dec 1999 (s 2(2))	—
Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999	104, 1999	24 Aug 1999	Sch 1: 21 Sept 1999 (s 2)	—
Criminal Code Amendment (Application) Act 2000	4, 2000	29 Feb 2000	29 Feb 2000 (s 2)	—
Criminal Code Amendment (United Nations and Associated Personnel) Act 2000	124, 2000	26 Oct 2000	1 Jan 2001 (s 2(1) and gaz 2000, No GN45)	—
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 1 (items 1A, 2, 3, 5, 7A, 7B, 8, 8A–8F, 12–31, 33–41): 24 May 2001 (s 2(3)) Sch 1 (items 1, 4, 6, 7, 9–11, 32): 24 Nov 2000 (s 2(1)(b))	—
Law and Justice Legislation Amendment (Application of Criminal Code) Act 2001	24, 2001	6 Apr 2001	s 4(1) and (2): 24 May 2001 (s 2(1)(a)) Sch 1 (item 3): 4 May 2001 (s 2(2))	s 4(1) and (2)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (items 148–150): 15 July 2001 (s 2(1), (3) and gaz 2001, No S285)	s 4–14
Cybercrime Act 2001	161, 2001	1 Oct 2001	s 4 and Sch 1 (items 3, 4): 21 Dec 2001 (s 2(1) and gaz 2001, No S529)	s 4
Criminal Code Amendment (Anti-hoax and Other Measures) Act 2002	9, 2002	4 Apr 2002	Sch 1: 2 pm (A.C.T.) 16 Oct 2001 (s 2(1) item 2) Sch 2 (items 4–6): 4 Apr 2002 (s 2(1) item 3)	—
International Criminal Court (Consequential Amendments) Act 2002	42, 2002	27 June 2002	Sch 1: 26 Sept 2002 (s 2(1) item 2)	—
Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002	58, 2002	3 July 2002	Sch 1 (item 1): 8 Sept 2002 (s 2(1) item 2 and gaz 2002, No S331)	—
Security Legislation Amendment (Terrorism) Act 2002	65, 2002	5 July 2002	s 4: 5 July 2002 (s 2(1) item 1) Sch 1 (items 1, 3): never commenced (s 2(1) items 2, 4) Sch 1 (items 2, 4, 5): 6 July 2002 (s 2(1) items 3, 5)	s 4 and Sch 1 (item 5)

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as amended by				
Criminal Code Amendment (Terrorism) Act 2003	40, 2003	27 May 2003	Sch 2: 29 May 2003 (s 2(1) item 2 and gaz 2003, No S175)	—
Suppression of the Financing of Terrorism Act 2002	66, 2002	5 July 2002	Sch 1 (item 1): 5 July 2002 (s 2(1) item 2) Sch 1 (items 2, 3): 6 July 2002 (s 2(1) items 3, 4)	—
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002	86, 2002	11 Oct 2002	Sch 1 (item 1): 1 Jan 2003 (s 2(1) item 2)	—
Criminal Code Amendment (Terrorist Organisations) Act 2002	89, 2002	23 Oct 2002	23 Oct 2002 (s 2)	Sch 1 (item 3)
Criminal Code Amendment (Espionage and Related Matters) Act 2002	91, 2002	31 Oct 2002	s 4: 31 Oct 2002 (s 2(1) item 1) Sch 1 (item 5): 28 Nov 2002 (s 2(1) item 4)	s 4
Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002	105, 2002	14 Nov 2002	Sch 3 (items 38–40): 12 May 2003 (s 2(1) item 23)	—

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as amended by				
Workplace Relations Legislation Amendment Act 2002	127, 2002	11 Dec 2002	Sch 3 (items 53–55): 12 May 2003 (s 2(1) item 32)	—
Criminal Code Amendment (Offences Against Australians) Act 2002	106, 2002	14 Nov 2002	Sch 1: 1 Oct 2002 (s 2(1) item 2)	—
Australian Crime Commission Establishment Act 2002	125, 2002	10 Dec 2002	Sch 2 (items 31, 32): 1 Jan 2003 (s 2(1) item 3)	—
Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Act 2002	141, 2002	19 Dec 2002	Sch 1, 2 and Sch 3 (items 5–20): 16 Jan 2003 (s 2(1) items 2, 3)	—
Criminal Code Amendment (Terrorism) Act 2003	40, 2003	27 May 2003	Sch 1: 29 May 2003 (s 2(1) item 2 and gaz 2003, No S175)	—
Criminal Code Amendment (Hizballah) Act 2003	44, 2003	24 June 2003	Sch 1: 29 May 2013 (s 2(1) item 2)	—
Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Act 2003	109, 2003	7 Nov 2003	5 Nov 2003 (s 2)	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	s 4 and Sch 1 (item 16): 1 Jan 2005 (s 2(1) items 2, 3)	s 4
Criminal Code Amendment (Terrorist Organisations) Act 2004	7, 2004	10 Mar 2004	10 Mar 2004 (s 2)	—

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Anti-terrorism Act 2004	104, 2004	30 June 2004	Sch 1 (items 19, 20): 1 July 2004 (s 2)	—
Anti-terrorism Act (No. 2) 2004	124, 2004	16 Aug 2004	Sch 3 (items 1–3): 17 Aug 2004 (s 2(1) item 4)	—
Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No. 2) 2004	127, 2004	31 Aug 2004	Sch 1 (items 1, 6–23, 30): 1 Mar 2005 (s 2(1) item 2) Sch 2–4: 28 Sept 2004 (s 2(1) item 3)	Sch 1 (item 30) and Sch 4 (items 2, 8)
Surveillance Devices Act 2004	152, 2004	15 Dec 2004	Sch 1 (item 4): 15 Dec 2004 (s 2)	—
Australian Passports (Transitionals and Consequentials) Act 2005	7, 2005	18 Feb 2005	Sch 1 (item 6): 1 July 2005 (s 2(1) item 3)	—
Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005	45, 2005	1 Apr 2005	Sch 3 (items 1, 2) and Sch 4: 1 July 2005 (s 2(1) items 4, 10)	Sch 4
as amended by				
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 2 (items 177–181): 17 Oct 2014 (s 2(1) item 2)	—
Criminal Code Amendment (Suicide Related Material Offences) Act 2005	92, 2005	6 July 2005	Sch 1: 6 Jan 2006 (s 2(1) item 2)	—

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Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Act 2005	95, 2005	6 July 2005	Sch 1: 1 Mar 2005 (s 2(1) item 2)	—
Criminal Code Amendment (Trafficking in Persons Offences) Act 2005	96, 2005	6 July 2005	Sch 1: 3 Aug 2005 (s 2(1) item 2)	—
Statute Law Revision Act 2005	100, 2005	6 July 2005	Sch 1 (item 12): 1 Jan 2003 (s 2(1) item 8)	—
Anti-Terrorism Act 2005	127, 2005	3 Nov 2005	Sch 1: 4 Nov 2005 (s 2(1) item 2) Remainder: 3 Nov 2005 (s 2(1) item 1)	s 4
Intelligence Services Legislation Amendment Act 2005	128, 2005	4 Nov 2005	Sch 8 (items 9–12): 2 Dec 2005 (s 2(1) item 2)	—
Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005	129, 2005	8 Nov 2005	Sch 1 (items 1, 75, 76): 6 Dec 2005 (s 2(1) item 2) Sch 2: 26 Oct 2006 (s 2(1) item 3)	Sch 1 (items 75, 76)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Anti-Terrorism Act (No. 2) 2005	144, 2005	14 Dec 2005	s 4 and Sch 2: 14 Dec 2005 (s 2(1) items 1, 5) Sch 1 (items 2–21), Sch 3 (items 1–3) and Sch 4 (items 1–24): 15 Dec 2005 (s 2(1) items 2, 6) Sch 1 (item 22): 16 Feb 2006 (s 2(1) item 3) Sch 7 (items 5–12): 11 Jan 2006 (s 2(1) item 7)	s 4
Telecommunications (Interception) Amendment Act 2006	40, 2006	3 May 2006	Sch 1 (items 17–19): 13 June 2006 (s 2(1) item 2)	—
ASIO Legislation Amendment Act 2006	54, 2006	19 June 2006	Sch 1 (items 12–14): 20 June 20062006 (s 2(1) item 2)	—
Law Enforcement (AFP Professional Standards and Related Measures) Act 2006	84, 2006	30 June 2006	Sch 3 (items 36–45): 30 Dec 2006 2006 (s 2(1) item 2)	—
Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006	86, 2006	30 June 2006	Sch 1 (item 32): 30 Dec 2006 2006 (s 2(1) item 2)	—
Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006	125, 2006	4 Nov 2006	Sch 2 (items 92–96): 1 July 2007 (s 2(1) item 2)	—

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Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006	170, 2006	12 Dec 2006	Sch 1 (items 21–38): 13 Dec 2006 (s 2(1) item 4)	—
Law and Justice Legislation Amendment (Marking of Plastic Explosives) Act 2007	3, 2007	19 Feb 2007	Sch 1: 25 Aug 2007 (s 2(1) item 2)	—
Australian Citizenship (Transitionals and Consequentials) Act 2007	21, 2007	15 Mar 2007	Sch 1 (items 24, 25) and Sch 3 (items 14, 19): 1 July 2007 (s 2(1) item 2)	Sch 3 (items 14, 19)
Communications Legislation Amendment (Content Services) Act 2007	124, 2007	20 July 2007	Sch 1 (items 78–81): 20 Jan 2008 (s 2(1) item 2)	—
International Trade Integrity Act 2007	147, 2007	24 Sept 2007	Sch 2 (items 1–4): 25 Sept 2007 (s 2(1) item 3)	—
Telecommunications (Interception and Access) Amendment Act 2007	177, 2007	28 Sept 2007	Sch 1 (items 14, 68): 1 Nov 2007 (s 2(1) item 2)	Sch 1 (item 68)
Wheat Export Marketing (Repeal and Consequential Amendments) Act 2008	66, 2008	30 June 2008	Sch 2 (items 1–5): 1 July 2008 (s 2(1) item 2)	—
Defence Legislation (Miscellaneous Amendments) Act 2009	18, 2009	26 Mar 2009	Sch 1 (items 1, 2): 15 Feb 2010 (s 2(1) item 2)	—

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Customs Legislation Amendment (Name Change) Act 2009	33, 2009	22 May 2009	Sch 2 (item 20): 23 May 2009 (s 2)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 5 (items 21–27): 1 July 2009 (s 2(1) item 11)	—
Disability Discrimination and Other Human Rights Legislation Amendment Act 2009	70, 2009	8 July 2009	Sch 3 (item 18): 5 Aug 2009 (s 2(1) item 7)	—
Crimes Legislation Amendment (Serious and Organised Crime) Act 2010	3, 2010	19 Feb 2010	Sch 4 (items 1–13): 20 Feb 2010 (s 2(1) item 7)	—
Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010	4, 2010	19 Feb 2010	Sch 4 (items 1–3), Sch 8 and Sch 9: 20 Feb 2010 (s 2(1) items 7, 12) Sch 5 (items 1–24): 19 Mar 2010 (s 2(1) item 8)	Sch 4 (item 3) and Sch 5 (item 24)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 1 (item 15) and Sch 5 (items 28–31, 137): 1 Mar 2010 (s 2(1) items 2, 31, 38)	—
Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010	37, 2010	13 Apr 2010	Sch 1 (items 1–3): 14 Apr 2010 (s 2)	—

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Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010	42, 2010	14 Apr 2010	Sch 1 (items 2–60): 15 Apr 2010 (s 2(1) item 2)	—
Anti-People Smuggling and Other Measures Act 2010	50, 2010	31 May 2010	Sch 1 (items 1–6): 1 June 2010 (s 2)	—
National Security Legislation Amendment Act 2010	127, 2010	24 Nov 2010	Sch 1 (items 4–32) and Sch 2 (items 2–24): 25 Nov 2010 (s 2(1) items 2, 4) Sch 1 (items 33–37): 22 Dec 2010 (s 2(1) item 3)	Sch 1 (items 16, 29, 31) and Sch 2 (item 4)
Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Act 2011	3, 2011	2 Mar 2011	Sch 1 (items 1–5) and Sch 7 (item 3): 3 Mar 2011 (s 2(1) items 2, 4) Sch 1 (item 6): never commenced (s 2(1) item 3)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 75–78) and Sch 6 (items 28–32): 19 Apr 2011 (s 2(1) items 13, 15)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 459–461) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 12)	Sch 3 (items 10, 11)
Intelligence Services Legislation Amendment Act 2011	80, 2011	25 July 2011	Sch 1 (item 19): 26 July 2011 (s 2)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes Legislation Amendment (Powers and Offences) Act 2012	24, 2012	4 Apr 2012	Sch 5 (items 1–12): 4 Apr 2012 (s 2(1) item 8)	—
Telecommunications Legislation Amendment (Universal Service Reform) Act 2012	44, 2012	16 Apr 2012	Sch 1 (items 108–110, 122, 123): 1 July 2012 (s 2(1) items 3, 4)	Sch 1 (items 122, 123)
Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012	114, 2012	8 Sept 2012	Sch 1: 1 Apr 2013 (s 2(1) item 2)	—
Cybercrime Legislation Amendment Act 2012	120, 2012	12 Sept 2012	Sch 3: 1 Mar 2013 (s 2(1) item 3)	Sch 3 (item 18)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 1 (items 39, 40) and Sch 3 (item 4): 22 Sept 2012 (s 2(1) items 2, 35)	—
Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Act 2012	167, 2012	28 Nov 2012	Sch 1 (items 1–19): 28 May 2013 (s 2(1) item 2) Sch 1 (items 23, 24) and Sch 2 (items 1–7, 9, 10(2)): 29 Nov 2012 (s 2(1) items 3, 4)	Sch 1 (items 23, 24) and Sch 2 (item 10(2))
Wheat Export Marketing Amendment Act 2012	170, 2012	3 Dec 2012	Sch 1 (items 63–67): 10 Dec 2012 (s 2(1) item 2)	—
Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013	6, 2013	7 Mar 2013	Sch 1 and 3: 8 Mar 2013 (s 2)	Sch 3

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Federal Circuit Court of Australia (Consequential Amendments) Act 2013	13, 2013	14 Mar 2013	Sch 1 (items 110A–112): 12 Apr 2013 (s 2(1) item 2)	—
Customs Amendment (Anti-Dumping Commission) Act 2013	32, 2013	30 Mar 2013	Sch 1 (item 20): 1 July 2013 (s 2)	—
Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013	74, 2013	28 June 2013	Sch 2 (items 79–85, 93): 29 June 2013 (s 2(1) item 2)	Sch 2 (item 93)
as amended by				
Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018	34, 2018	22 May 2018	Sch 5 (items 5, 6): 23 May 2018 (s 2(1) item 8)	—
Charities (Consequential Amendments and Transitional Provisions) Act 2013	96, 2013	28 June 2013	Sch 1 (items 10–13): 1 Jan 2014 (s 2(1) item 2)	—
Customs Amendment (Anti-Dumping Commission Transfer) Act 2013	139, 2013	13 Dec 2013	Sch 1 (items 98, 101–103, 106): 27 Mar 2014 (s 2(1) item 2)	Sch 1 (items 101–103, 106)
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (item 17) and Sch 9 (items 8–17): 24 June 2014 (s 2(1) items 2, 9)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Security Legislation Amendment Act (No. 1) 2014	108, 2014	2 Oct 2014	Sch 1 (items 38–41, 78–87): 30 Oct 2014 (s 2(1) item 2) Sch 7 (items 95–102, 144, 145): 3 Oct 2014 (s 2(1) items 3, 5)	Sch 1 (items 78–87) and Sch 7 (items 144, 145)
Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014	116, 2014	3 Nov 2014	Sch 1 (items 57–110): 1 Dec 2014 (s 2(1) item 2)	—
Counter-Terrorism Legislation Amendment Act (No. 1) 2014	134, 2014	12 Dec 2014	Sch 1: 9 Jan 2015 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 11) and Sch 3 (item 61): 25 Mar 2015 (s 2(1) items 2, 10)	—
Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Act 2015	12, 2015	5 Mar 2015	Sch 1 (item 1): 5 Sept 2015 (s 2(1) item 2) Sch 2 (items 1–13, 15–18), Sch 4 and Sch 6 (items 1–5): 6 Mar 2015 (s 2(1) items 3, 5, 7)	Sch 2 (item 17) and Sch 4 (item 2)
Enhancing Online Safety for Children (Consequential Amendments) Act 2015	25, 2015	24 Mar 2015	Sch 2 (items 9–14) and Sch 3: 1 July 2015 (s 2(1) items 4, 6)	Sch 3
Telecommunications Legislation Amendment (Deregulation) Act 2015	38, 2015	13 Apr 2015	Sch 1 (items 11, 12, 138–163): 1 July 2015 (s 2(1) item 3)	Sch 1 (items 138–163)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Customs and Other Legislation Amendment (Australian Border Force) Act 2015	41, 2015	20 May 2015	Sch 5 (items 59, 60), Sch 6 (items 61, 62) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)	Sch 5 (item 60), Sch 6 (item 62) and Sch 9
as amended by				
Australian Border Force Amendment (Protected Information) Act 2017	115, 2017	30 Oct 2017	Sch 1 (item 26): 1 July 2015 (s 2(1) item 2)	—
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 1 (item 95) and Sch 2 (items 356–396): 18 June 2015 (s 2(1) items 2, 6) Sch 1 (items 184–203): 27 May 2015 (s 2(1) item 3) Sch 2 (item 119): 1 July 2016 (s 2(1) item 5)	Sch 1 (items 184–203) and Sch 2 (items 356–396)
as amended by				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 2: 24 Mar 2016 (s 2(1) item 2)	—
Tribunals Amalgamation Act 2015	60, 2015	26 May 2015	Sch 8 (item 18) and Sch 9: 1 July 2015 (s 2(1) items 19, 22)	Sch 9
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 150–158): 5 Mar 2016 (s 2(1) item 2)	—
Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015	153, 2015	26 Nov 2015	Sch 1–4 and Sch 15 (item 7): 27 Nov 2015 (s 2(1) items 2, 3)	Sch 1 (item 8)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes Legislation Amendment (Harming Australians) Act 2015	163, 2015	30 Nov 2015	Sch 1: 1 Dec 2015 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 87–106, 355–358): 10 Mar 2016 (s 2(1) item 6)	—
Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Act 2016	15, 2016	29 Feb 2016	Sch 2 and 3: 1 Mar 2016 (s 2(1) item 2)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 2 (items 13–16): 21 Oct 2016 (s 2(1) item 1)	—
Counter-Terrorism Legislation Amendment Act (No. 1) 2016	82, 2016	29 Nov 2016	Sch 1 (items 1, 2), Sch 2 (items 1–34), Sch 3 (items 1–3), Sch 4 (item 1), Sch 5 (items 1, 2), Sch 6 (items 1–3), Sch 7 (item 1), Sch 8 (items 2, 3) and Sch 11 (items 1–4): 30 Nov 2016 (s 2(1) item 2)	—
Law Enforcement Legislation Amendment (State Bodies and Other Measures) Act 2016	86, 2016	30 Nov 2016	Sch 1 (items 1, 56–58) and Sch 2 (item 4): 1 Dec 2016 (s 2(1) items 2, 4, 5) Sch 1 (items 48, 54, 55): 1 July 2017 (s 2(1) item 3)	Sch 1 (items 1, 54–58)
Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016	95, 2016	7 Dec 2016	Sch 1 (items 1A–3): 7 June 2017 (s 2(1) item 2)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Criminal Code Amendment (War Crimes) Act 2016	97, 2016	7 Dec 2016	8 Dec 2016 (s 2(1) item 1)	Sch 1 (items 13, 14)
Criminal Code Amendment (Protecting Minors Online) Act 2017	50, 2017	22 June 2017	Sch 1: 23 June 2017 (s 2(1) item 1)	—
Enhancing Online Safety for Children Amendment Act 2017	51, 2017	22 June 2017	Sch 1 (items 33–35, 48, 51): 23 June 2017 (s 2(1) item 1)	Sch 1 (items 48, 51)
Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017	73, 2017	26 June 2017	Sch 1 (items 13, 22): 13 Dec 2017 (s 2(1) item 2)	Sch 1 (item 22)
Intelligence Services Amendment (Establishment of the Australian Signals Directorate) Act 2018	25, 2018	11 Apr 2018	Sch 1 (items 55–58, 100–108): 1 July 2018 (s 2(1) item 2)	Sch 1 (items 100–108)
Home Affairs and Integrity Agencies Legislation Amendment Act 2018	31, 2018	9 May 2018	Sch 2 (items 98–114, 284): 11 May 2018 (s 2(1) items 3, 7)	Sch 2 (item 284)
Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018	34, 2018	22 May 2018	Sch 6 (items 5–19, 23–32): 23 May 2018 (s 2(1) item 8)	Sch 6 (items 31, 32)
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 1 (item 1): 19 June 2018 (s 2(1) item 2)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Criminal Code Amendment (Impersonating a Commonwealth Body) Act 2018	44, 2018	21 June 2018	22 June 2018 (s 2(1) item 1)	—
National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018	67, 2018	29 June 2018	Sch 1 (items 1–25, 43A, 43B) and Sch 3: 30 June 2018 (s 2(1) items 2, 4) Sch 2 (items 6, 7): 29 Dec 2018 (s 2(1) item 3)	Sch 1 (item 25) and Sch 2 (item 7)
Counter-Terrorism Legislation Amendment Act (No. 1) 2018	74, 2018	24 Aug 2018	Sch 1 (items 2–15, 20–23): 25 Aug 2018 (s 2(1) item 1)	—
Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2018	75, 2018	24 Aug 2018	Sch 4: 25 Aug 2018 (s 2(1) item 1)	Sch 4 (item 2)
Legislation Amendment (Sunsetting Review and Other Measures) Act 2018	78, 2018	24 Aug 2018	Sch 2 (item 19): never commenced (s 2(1) item 6)	—
Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018	96, 2018	31 Aug 2018	Sch 2: 1 Sept 2018 (s 2(1) item 1)	—
Criminal Code Amendment (Food Contamination) Act 2018	98, 2018	21 Sept 2018	22 Sept 2018 (s 2(1) item 1)	—
Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018	148, 2018	8 Dec 2018	Sch 1 (items 2–4): 9 Dec 2018 (s 2(1) item 2)	—

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Office of National Intelligence (Consequential and Transitional Provisions) Act 2018	156, 2018	10 Dec 2018	Sch 2 (item 45) and Sch 4: 20 Dec 2018 (s 2(1) items 2, 4) Sch 3: 29 Dec 2018 (s 2(1) item 3)	Sch 4
Industrial Chemicals (Consequential Amendments and Transitional Provisions) Act 2019	13, 2019	12 Mar 2019	Sch 1 (item 6): 1 July 2020 (s 2(1) item 2)	—
Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019	38, 2019	5 Apr 2019	6 Apr 2019 (s 2(1) item 1)	—
Criminal Code Amendment (Agricultural Protection) Act 2019	67, 2019	19 Sept 2019	20 Sept 2019 (s 2(1) item 1)	—
Combatting Child Sexual Exploitation Legislation Amendment Act 2019	72, 2019	20 Sept 2019	Sch 1 (items 2–5): 20 Mar 2020 (s 2(1) item 2) Sch 2 (items 3–6), Sch 3, Sch 4, Sch 5, Sch 6, Sch 7 (items 12–37, 45–48): 21 Sept 2019 (s 2(1) items 3, 4)	Sch 1 (item 5), Sch 2 (item 5), Sch 4 (item 5), Sch 6 (item 2) and Sch 7 (items 45–48)
Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019	119, 2019	12 Dec 2019	Sch 2: 12 Dec 2019 (s 2(1) item 1)	—
Export Control (Consequential Amendments and Transitional Provisions) Act 2020	13, 2020	6 Mar 2020	Sch 2 (item 8) and Sch 3 (items 1–91): 3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 2)	Sch 3 (items 1–91)

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Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020	70, 2020	22 June 2020	Sch 4 (items 1–43, 44–46, Sch 5 (items 1–21) and Sch 9 (items 1–5): 23 June 2020 (s 2(1) items 4–6, 14) Sch 8 (items 6, 7): 20 July 2020 (s 2(1) item 13)	Sch 8 (item 7) and Sch 9 (item 5)
Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Act 2020	133, 2020	17 Dec 2020	Sch 1 (items 124–126): 18 Dec 2020 (s 2(1) item 4)	Sch 1 (item 126)
Australian Security Intelligence Organisation Amendment Act 2020	134, 2020	17 Dec 2020	Sch 1 (item 22): 7 Sept 2020 (s 2(1) item 2)	—
Territories Legislation Amendment Act 2020	154, 2020	17 Dec 2020	Sch 1 (items 86, 93–96, 99) and Sch 3 (items 83, 84): 18 Dec 2020 (s 2(1) items 2, 10)	Sch 1 (items 93–96, 99)
Crimes Legislation Amendment (Economic Disruption) Act 2021	3, 2021	16 Feb 2021	Sch 1 (items 1–86): 17 Feb 2021 (s 2(1) items 2, 3)	Sch 1 (items 80, 86)
Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021	13, 2021	1 Mar 2021	Sch 2 (items 286–293): 1 Sept 2021 (s 2(1) item 5)	—
Online Safety (Transitional Provisions and Consequential Amendments) Act 2021	77, 2021	23 July 2021	Sch 2 (items 59–74) and Sch 3 (items 21, 22): 23 Jan 2022 (s 2(1) items 3, 7)	Sch 3 (items 21, 22)

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Counter-Terrorism Legislation Amendment (Sunsetting Review and Other Measures) Act 2021	88, 2021	2 Sept 2021	Sch 1 (items 1, 5, 6): 3 Sept 2021 (s 2(1) item 1)	—
Security Legislation Amendment (Critical Infrastructure) Act 2021	124, 2021	2 Dec 2021	Sch 2: 3 Dec 2021 (s 2(1) item 5)	Sch 2 (item 7)
Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Act 2021	131, 2021	8 Dec 2021	Sch 1 (items 1–152): 9 Dec 2021 (s 2(1) item 2)	—
Criminal Code Amendment (Firearms Trafficking) Act 2022	30, 2022	1 Apr 2022	2 Apr 2022 (s 2(1) item 1)	Sch 1 (item 15)
National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Act 2022	31, 2022	1 Apr 2022	Sch 9: 2 Apr 2022 (s 2(1) item 3)	Sch 9 (item 13)
Security Legislation Amendment (Critical Infrastructure Protection) Act 2022	33, 2022	1 Apr 2022	Sch 1 (item 3): 2 Apr 2022 (s 2(1) item 1)	—
Counter-Terrorism Legislation Amendment (AFP Powers and Other Matters) Act 2022	49, 2022	9 Nov 2022	Sch 1 (items 2, 3): 10 Nov 2022 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022	89, 2022	12 Dec 2022	Sch 1 (items 102–107): 1 July 2023 (s 2(1) item 2)	—
National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Act 2023	53, 2023	11 Aug 2023	Sch 1 (items 5–10): 12 Aug 2023 (s 2(1) item 1)	Sch 1 (item 10)

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes and Other Legislation Amendment (Omnibus) Act 2023 (C2023A00063)	63, 2023	13 Sept 2023	sch 10 (item 5): 14 Sept 2023 (s 2(1) item 8)	—
Inspector-General of Intelligence and Security and Other Legislation Amendment (Modernisation) Act 2023 (C2023A00073)	73, 2023	20 Sept 2023	sch 1 (item 178), sch 3 (item 2): 21 Sept 2023 (s 2(1) items 2, 5)	sch 3 (item 2)
Counter-Terrorism and Other Legislation Amendment Act 2023 (C2023A00096)	96, 2023	24 Nov 2023	sch 2 (items 1-56, 63): 25 Nov 2023 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes and Other Legislation Amendment (Omnibus No. 2) Act 2023 (C2023A00098)	98, 2023	27 Nov 2023	sch 2 (items 1-17): 28 Nov 2023 (s 2(1) item 1)	—
Migration and Other Legislation Amendment (Bridging Visas, Serious Offenders and Other Measures) Act 2023 (C2023A00110)	110, 2023	7 Dec 2023	sch 2 (items 5, 131): 8 Dec 2023 (s 2(1) item 1)	sch 2 (item 131)
Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act 2023 (C2023A00113)	113, 2023	11 Dec 2023	sch 1 (items 4-8), sch 2 (items 3-6), sch 3 (item 2): 8 Jan 2024 (s 2(1) items 2, 4) sch 3 (item 1), sch 5: 12 Dec 2023 (s 2(1) items 3, 6) sch 4 (items 1-4, 6-25): 5 Feb 2024 (s 2(1) item 5)	sch 1 (item 8), sch 2 (item 6)
Public Health (Tobacco and Other Products) (Consequential Amendments and Transitional Provisions) Act 2023 (C2023A00119)	119, 2023	14 Dec 2023	sch 1 (item 16): 1 Apr 2024 (s 2(1) item 2)	—
Crimes Legislation Amendment (Combatting Foreign Bribery) Act 2024 (C2024A00005)	5, 2024	8 Mar 2024	sch 1 (items 1-10): 8 Sept 2024 (s 2(1) item 2)	sch 1 (item 10)

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Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Defence Amendment (Safeguarding Australia's Military Secrets) Act 2024 (C2024A00020)	20, 2024	8 Apr 2024	sch 2: 6 May 2024 (s 2(1) item 1)	—
National Security Legislation Amendment (Comprehensive Review and Other Measures No. 3) Act 2024 (C2024A00024)	24, 2024	21 May 2024	sch 2 (item 45): 22 May 2024 (s 2(1) item 7)	—
Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024 (C2024A00039)	39, 2024	31 May 2024	sch 15 (items 6-9): 14 Oct 2024 (s 2(1) item 2)	—
Australian Postal Corporation and Other Legislation Amendment Act 2024 (C2024A00061)	61, 2024	9 July 2024	sch 1 (items 87-92): 9 Jan 2025 (s 2(1) item 2)	—
Criminal Code Amendment (Protecting Commonwealth Frontline Workers) Act 2024 (C2024A00064)	64, 2024	9 July 2024	10 July 2024 (s 2(1) item 1)	sch 1 (item 7)
Counter-Terrorism Legislation Amendment (Declared Areas) Act 2024 (C2024A00077)	77, 2024	2 Sept 2024	sch 1 (items 1, 2): 3 Sept 2024 (s 2(1) item 1)	—
Criminal Code Amendment (Deepfake Sexual Material) Act 2024 (C2024A00078)	78, 2024	2 Sept 2024	3 Sept 2024 (s 2(1) item 1)	sch 1 (item 7)

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024 (C2024A00093)	93, 2024	24 Oct 2024	sch 6, sch 7 (item 2): 25 Oct 2024 (s 2(1) items 5, 7) sch 7 (item 1): 26 Sept 2002 (s 2(1) item 6)	sch 7 (item 2)
Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2024 (C2024A00110)	110, 2024	10 Dec 2024	sch 11 (item 31): 7 Jan 2025 (s 2(1) item 13)	—
Privacy and Other Legislation Amendment Act 2024 (C2024A00128)	128, 2024	10 Dec 2024	sch 3: 11 Dec 2024 (s 2(1) item 9)	—
Criminal Code Amendment (Hate Crimes) Act 2025 (C2025A00001)	1, 2025	7 Feb 2025	sch 1 (items 1-22), sch 2 (items 5-8): 8 Feb 2025 (s 2(1) item 1)	sch 2 (items 7, 8)
Criminal Code Amendment (State Sponsors of Terrorism) Act 2025 (C2025A00060)	60, 2025	6 Nov 2025	sch 1, sch 2 (items 1-6), sch 3 (items 26-43): 8 Nov 2025 (s 2(1) item 2) sch 4 (items 5, 6): 7 Nov 2025 (s 2(1) item 4)	—
Strengthening Oversight of the National Intelligence Community Act 2025 (C2025A00075)	75, 2025	4 Dec 2025	sch 3: 5 Dec 2025 (s 2(1) item 3)	sch 3 (item 5)
Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026 (C2026A00001)	1, 2026	21 Jan 2026	sch 2 (items 212-215): 18 Feb 2026 (s 2(1) item 4)	sch 2 (item 215)

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026 (C2026A00002)	2, 2026	21 Jan 2026	sch 1 (items 1-9, 12, 13, 19-64): 22 Jan 2026 (s 2(1) item 1)	sch 1 (item 9)

Number and year	Registration	Commencement	Application, saving and transitional provisions
50, 2006	17 Mar 2006 (F2006L00820)	Sch 34: 27 Mar 2006 (r 2(b))	—

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Endnote 4—Amendment history

Provision affected	How affected
s. 2	am. No. 12, 1998
s. 3AA	ad. No. 24, 2001
	rep. No. 12, 1995
s. 3A	ad. No. 43, 1999
s. 3B	ad. No. 43, 1999
	am. No. 137, 2000
s 5	ad No 137, 2000
	am No 31, 2018; No 67, 2018; No 72, 2019; No 60, 2025; No 2, 2026
Schedule	
Chapter 2	
Part 2.1	
Division 2	
s. 2.2	am. No. 12, 1998; No. 4, 2000
s. 2.3	ad. No. 12, 1998
Part 2.2	
Division 3	
s. 3.2	am. No. 137, 2000
Division 4	
s. 4.1	am. No. 137, 2000; No. 161, 2001
s. 4.3	am. No. 6, 2013
Division 5	
s. 5.1	am. No. 137, 2000
s. 5.6	am. No. 137, 2000
Part 2.3	
Division 7	
s. 7.3	am. No. 42, 2010
Division 9	

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Provision affected	How affected
s. 9.3	am. No. 127, 2004
s. 9.4	am. No. 140, 2003; No. 127, 2004; No 126, 2015
Division 10	
s. 10.5	ad. No. 137, 2000
Part 2.4	
Division 11	
s. 11.1	am. No. 137, 2000; No. 3, 2010; No 4, 2016
s. 11.2	am. No. 137, 2000; No. 127, 2004; No. 3, 2010
s. 11.2A	ad. No. 3, 2010
s. 11.3	am. No. 3, 2010
s. 11.4	am. No. 137, 2000; No 4, 2016
s. 11.5	am. No. 137, 2000; No 4, 2016
s. 11.6	am. No. 137, 2000; No. 3, 2010
Part 2.7	
Part 2.7	ad. No. 137, 2000
Division 14	
s. 14.1	ad. No. 137, 2000
	am. No. 3, 2010; No 4, 2016
Division 15	
s. 15.1	ad. No. 137, 2000
	am. No. 3, 2010; No 4, 2016
s. 15.2	ad. No. 137, 2000
	am. No. 3, 2010; No 4, 2016
s. 15.3	ad. No. 137, 2000
	am. No. 3, 2010
s. 15.4	ad. No. 137, 2000
	am. No. 3, 2010
Division 16	
s. 16.1	ad. No. 137, 2000
s. 16.2	ad. No. 137, 2000
s. 16.3	ad. No. 137, 2000

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Endnote 4—Amendment history

Provision affected	How affected
s. 16.4	ad. No. 137, 2000
Chapter 4	
Chapter 4	ad. No. 43, 1999
Division 70	
Subdivision A	
Subdivision A heading	ad No 5, 2024
s 70.1	ad No 43, 1999
	am No 137, 2000; No 5, 2024
Subdivision B	
Subdivision B heading	ad No 5, 2024
s 70.2	ad No 43, 1999
	am No 147, 2007; No 4, 2010; No 153, 2015; No 4, 2016
	rs No 5, 2024
s 70.2A	ad No 5, 2024
s 70.3	ad No 43, 1999
	am No 147, 2007; No 4, 2016; No 5, 2024
s. 70.4	ad. No. 43, 1999
	am No 4, 2016
s. 70.5	ad. No. 43, 1999
	am. No. 137, 2000; No. 3, 2010
Subdivision C	
Subdivision C	ad No 5, 2024
s 70.5A	ad No 5, 2024
s 70.5B	ad No 5, 2024
Subdivision D	
Subdivision D	ad No 5, 2024
s 70.5C	ad No 5, 2024
s 70.5D	ad No 5, 2024
s. 70.6	ad. No. 43, 1999
Division 71	
Division 71	ad. No. 124, 2000

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Provision affected	How affected
s. 71.1	ad. No. 124, 2000
s. 71.2	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.3	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.4	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.5	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.6	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.7	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.8	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.9	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.10	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.11	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.12	ad. No. 124, 2000
	am No 4, 2016; No 61, 2016
s. 71.13	ad. No. 124, 2000
	am. No. 37, 2010
s. 71.14	ad. No. 124, 2000
s. 71.15	ad. No. 124, 2000
s. 71.16	ad. No. 124, 2000
	am. No. 136, 2012
s. 71.17	ad. No. 124, 2000
s. 71.18	ad. No. 124, 2000

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Endnote 4—Amendment history

Provision affected	How affected
s. 71.19	ad. No. 124, 2000
s. 71.20	ad. No. 124, 2000
s. 71.21	ad. No. 124, 2000
	am. No. 5, 2011
s. 71.22	ad. No. 124, 2000
s 71.23	ad No 124, 2000
	am No 8, 2010; No 5, 2011; No 60, 2025
Division 72	
Division 72 heading	rs. No. 3, 2007
Division 72	ad. No. 58, 2002
Subdivision A	
Subdivision A heading	ad. No. 3, 2007
s. 72.1	ad. No. 58, 2002
	am. No. 3, 2007; No. 8, 2010
s. 72.2	ad. No. 58, 2002
	am. No. 3, 2007
s 72.3	ad No 58, 2002
	am No 95, 2016; No 131, 2021
s. 72.4	ad. No. 58, 2002
	am. No. 3, 2007
s. 72.5	ad. No. 58, 2002
	am. No. 3, 2007
s. 72.6	ad. No. 58, 2002
	am. No. 3, 2007
s. 72.7	ad. No. 58, 2002
	am. No. 3, 2007
s. 72.8	ad. No. 58, 2002
	am. No. 21, 2007
s. 72.9	ad. No. 58, 2002
	am. No. 3, 2007
s. 72.10	ad. No. 58, 2002

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Provision affected	How affected
	am. No. 3, 2007
Subdivision B	
Subdivision B	ad. No. 3, 2007
s. 72.11	ad. No. 3, 2007
s. 72.12	ad. No. 3, 2007
	am No 31, 2014
s. 72.13	ad. No. 3, 2007
	am No 31, 2014
s. 72.14	ad. No. 3, 2007
	am No 31, 2014
s. 72.15	ad. No. 3, 2007
	am No 31, 2014
s. 72.16	ad. No. 3, 2007
s. 72.17	ad. No. 3, 2007
s. 72.18	ad. No. 3, 2007
s 72.19	ad No 3, 2007
	am No 31, 2014
	exp end of 25 Aug 2022 (s 72.19(5))
s. 72.20	ad. No. 3, 2007
	rep No 31, 2014
s. 72.21	ad. No. 3, 2007
	exp 25 Feb 2008 (s 72.21(5))
	rep No 31, 2014
s. 72.22	ad. No. 3, 2007
s. 72.23	ad. No. 3, 2007
s. 72.24	ad. No. 3, 2007
s. 72.25	ad. No. 3, 2007
s. 72.26	ad. No. 3, 2007
s. 72.27	ad. No. 3, 2007
s. 72.28	ad. No. 3, 2007
	am No 31, 2014

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 31, 2018
s. 72.29	ad. No. 3, 2007
	am No 31, 2014
s 72.30	ad No 3, 2007
	am No 31, 2014; No 39, 2024
s. 72.31	ad. No. 3, 2007
s. 72.32	ad. No. 3, 2007
s. 72.33	ad. No. 3, 2007
s. 72.34	ad. No. 3, 2007
s. 72.35	ad. No. 3, 2007
s 72.36	ad No 3, 2007
	am No 8, 2010; No 31, 2018
Subdivision C	
Subdivision C	ad. No. 114, 2012
s. 72.37	ad. No. 114, 2012
s. 72.38	ad. No. 114, 2012
s. 72.39	ad. No. 114, 2012
s. 72.40	ad. No. 114, 2012
s. 72.41	ad. No. 114, 2012
s. 72.42	ad. No. 114, 2012
s. 72.43	ad. No. 114, 2012
s. 72.44	ad. No. 114, 2012
s. 72.45	ad. No. 114, 2012
Division 73	
Division 73	ad. No. 141, 2002
Subdivision A	
s. 73.1	ad. No. 141, 2002
	am. No. 50, 2010
s. 73.2	ad. No. 141, 2002
	am. No. 96, 2005; No. 50, 2010; No. 6, 2013
s. 73.3	ad. No. 141, 2002

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Provision affected	How affected
	am. No. 50, 2010
s. 73.3A	ad. No. 50, 2010
s. 73.4	ad. No. 141, 2002
s. 73.5	ad. No. 141, 2002
Subdivision B	
s. 73.6	ad. No. 141, 2002
	am. No. 96, 2005
s. 73.7	ad. No. 141, 2002
s. 73.8	ad. No. 141, 2002
	am No 4, 2016
s. 73.9	ad. No. 141, 2002
	am No 4, 2016
s. 73.10	ad. No. 141, 2002
	am No 4, 2016
s. 73.11	ad. No. 141, 2002
	am No 4, 2016
s. 73.12	ad. No. 141, 2002
Chapter 5	
Chapter 5 heading	ad. No. 66, 2002
Part 5.1	
Part 5.1 heading	rs No 144, 2005; No 127, 2010; No 116, 2014; No 82, 2016; No 67, 2018
Part 5.1	ad. No. 65, 2002
Division 80	
Division 80 heading	rs No 144, 2005; No 127, 2010; No 116, 2014; No 82, 2016
	am No 113, 2023
	rs No 1, 2025
Subdivision A	
Subdivision A heading	ad. No. 127, 2010
s 80.1A	ad No 144, 2005
	am No 67, 2018; No 1, 2025

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Endnote 4—Amendment history

Provision affected	How affected
s 80.1AAA	ad No 67, 2018
Subdivision B	
Subdivision B heading	ad. No. 127, 2010
s. 80.1	ad. No. 65, 2002
	am. No. 144, 2005; No. 127, 2010
s 80.1AA	ad No 127, 2010
	am No 116, 2014; No 126, 2015
	rs No 67, 2018
s 80.1AB	ad No 67, 2018
s 80.1AC	ad No 67, 2018
Subdivision C	
Subdivision C heading	ad No 127, 2010
	rs No 116, 2014; No 82, 2016
	am No 1, 2025
s. 80.2	ad. No. 144, 2005
	am. No. 127, 2010
s 80.2A	ad No 127, 2010
	am No 1, 2025; No 2, 2026
s 80.2B	ad No 127, 2010
	am No 1, 2025; No 2, 2026
s 80.2BA	ad No 1, 2025
	am No 2, 2026
s 80.2BB	ad No 1, 2025
	am No 2, 2026
s 80.2BC	ad No 1, 2025
	am No 2, 2026
s 80.2BD	ad No 1, 2025
	am No 2, 2026
s 80.2BE	ad No 1, 2025
	am No 2, 2026
s 80.2C	ad No 116, 2014

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Provision affected	How affected
	am No 113, 2023; No 60, 2025
s 80.2D	ad No 82, 2016
s 80.2DA	ad No 2, 2026
s 80.2DB	ad No 2, 2026
Subdivision CA	
Subdivision CA	ad No 113, 2023
s 80.2E	ad No 113, 2023
	am No 60, 2025; No 2, 2026
s 80.2F	ad No 113, 2023
s 80.2FA	ad No 113, 2023
s 80.2G	ad No 113, 2023
s 80.2H	ad No 113, 2023
	am No 1, 2025; No 2, 2026
s 80.2HA	ad No 113, 2023
	am No 1, 2025; No 60, 2025; No 2, 2026
s 80.2J	ad No 113, 2023
s 80.2JA	ad No 113, 2023
	am No 2, 2026
s 80.2K	ad No 113, 2023
	am No 1, 2025; No 2, 2026
s 80.2L	ad No 113, 2023
s 80.2M	ad No 113, 2023
	am No 2, 2026
s 80.2N	ad No 2, 2026
Subdivision D	
Subdivision D heading	ad. No. 127, 2010
s 80.3	ad No 144, 2005
	am No 127, 2010; No 67, 2018; No 1, 2025
	ed C167
s 80.4	ad No 144, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	am No 127, 2010; No 116, 2014; No 67, 2018; No 113, 2023; No 1, 2025
s. 80.5	ad. No. 144, 2005
	rep. No. 127, 2010
s. 80.6	ad. No. 144, 2005
Division 82	
Division 82	ad No 67, 2018
Subdivision A	
s 82.1	ad No 67, 2018
s 82.2	ad No 67, 2018
	am No 98, 2018
s 82.2A	ad No 67, 2018
Subdivision B	
s 82.3	ad No 67, 2018
s 82.4	ad No 67, 2018
s 82.5	ad No 67, 2018
s 82.6	ad No 67, 2018
s 82.7	ad No 67, 2018
s 82.8	ad No 67, 2018
s 82.9	ad No 67, 2018
s 82.10	ad No 67, 2018
s 82.11	ad No 67, 2018
s 82.12	ad No 67, 2018
s 82.13	ad No 67, 2018
Division 83	
Division 83	ad No 67, 2018
s 83.1A	ad No 67, 2018
s 83.1	ad No 67, 2018
s 83.2	ad No 67, 2018
s 83.3	ad No 67, 2018
	am No 20, 2024; No 60, 2025

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Provision affected	How affected
s 83.4	ad No 67, 2018
s 83.5	ad No 67, 2018
	am No 20, 2024
Part 5.2	
Part 5.2 heading	rs No 67, 2018
Part 5.2	ad. No. 91, 2002
Division 90	
s. 90.1	ad. No. 91, 2002
	am No 67, 2018
s 90.2	ad No 67, 2018
s 90.3	ad No 67, 2018
s 90.4	ad No 67, 2018
s 90.5	ad No 67, 2018
s 90.6	ad No 67, 2018
Division 91	
Division 91	rs No 67, 2018
Subdivision A	
s 91.1	ad No 91, 2002
	rs No 67, 2018
s 91.2	ad No 91, 2002
	rs No 67, 2018
s 91.3	ad No 67, 2018
s 91.4	ad No 67, 2018
s 91.5	ad No 67, 2018
s 91.6	ad No 67, 2018
s 91.7	ad No 67, 2018
Subdivision B	
s 91.8	ad No 67, 2018
s 91.9	ad No 67, 2018
s 91.10	ad No 67, 2018
Subdivision C	

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Endnote 4—Amendment history

Provision affected	How affected
s 91.11	ad No 67, 2018
s 91.12	ad No 67, 2018
s 91.13	ad No 67, 2018
s 91.14	ad No 67, 2018
Division 92	
Division 92	ad No 67, 2018
Subdivision A	
s 92.1	ad No 67, 2018
Subdivision B	
s 92.2	ad No 67, 2018
s 92.3	ad No 67, 2018
s 92.4	ad No 67, 2018
s 92.5	ad No 67, 2018
s 92.6	ad No 67, 2018
Subdivision C	
s 92.7	ad No 67, 2018
s 92.8	ad No 67, 2018
s 92.9	ad No 67, 2018
s 92.10	ad No 67, 2018
s 92.11	ad No 67, 2018
Division 92A	
Division 92A	ad No 67, 2018
s 92A.1	ad No 67, 2018
s 92A.2	ad No 67, 2018
Division 93	
s 93.1	ad No 91, 2002
	rs No 67, 2018
s. 93.2	ad. No. 91, 2002
	am No 67, 2018
s 93.4	ad No 67, 2018
s 93.5	ad No 67, 2018

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Provision affected	How affected
Division 94	
s 94.1	ad No 91, 2002
	am No 67, 2018
Part 5.3	
Part 5.3	ad. No. 66, 2002
	rs. No. 40, 2003
Division 100	
Division 100	ad. No. 66, 2002
	rs. No. 40, 2003
s 100.1	ad No 66, 2002
	rs No 40, 2003
	am No 144, 2005; No 13, 2013; No 108, 2014; No 116, 2014; No 82, 2016; No 95, 2016; No 31, 2018; No 13, 2021; No 131, 2021; No 96, 2023
s. 100.2	ad. No. 66, 2002
	rs. No. 40, 2003
s. 100.3	ad. No. 40, 2003
s. 100.4	ad. No. 40, 2003
s. 100.5	ad. No. 40, 2003
	am. No. 127, 2010; No. 46, 2011
s. 100.6	ad. No. 40, 2003
s. 100.7	ad. No. 40, 2003
s. 100.8	ad. No. 40, 2003
Division 101	
Division 101	ad. No. 65, 2002
	rs. No. 40, 2003
s. 101.1	ad. No. 65, 2002
	rs. No. 40, 2003
s. 101.2	ad. No. 65, 2002
	rs. No. 40, 2003
	am. No. 127, 2005

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Endnote 4—Amendment history

Provision affected	How affected
s. 101.4	ad. No. 65, 2002
	rs. No. 40, 2003
	am. No. 127, 2005
s. 101.5	ad. No. 65, 2002
	rs. No. 40, 2003
	am. No. 127, 2005
s. 101.6	ad. No. 65, 2002
	rs. No. 40, 2003
	am. No. 127, 2005
Division 102	
Division 102	ad. No. 65, 2002
	rs. No. 40, 2003
Subdivision A	
s 102.1	ad No 65, 2002
	am No 89, 2002
	rs No 40, 2003
	am No 44, 2003; No 109, 2003; No 7, 2004; No 124, 2004; No 144, 2005; No 42, 2010; No 127, 2010; No 116, 2014; No 126, 2015; No 31, 2018; No 131, 2021; No 113, 2023
s 102.1AA	ad No 116, 2014
	am No 31, 2018; No 113, 2023
s 102.1A	ad No 7, 2004
	am No 127, 2010; No 134, 2014; No 126, 2015; No 113, 2023
Subdivision B	
s. 102.2	ad. No. 65, 2002
	rs. No. 40, 2003
s. 102.3	ad. No. 65, 2002
	rs. No. 40, 2003
	am. Nos. 44 and 109, 2003; No. 104, 2004
s. 102.4	ad. No. 65, 2002
	rs. No. 40, 2003

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Provision affected	How affected
s. 102.5	ad. No. 65, 2002
	rs. No. 40, 2003; No. 104, 2004
	am. No. 144, 2005; No 116, 2014
s. 102.6	ad. No. 65, 2002
	rs. No. 40, 2003
	am. No. 144, 2005; No 82, 2016
s. 102.7	ad. No. 65, 2002
	rs. No. 40, 2003
s. 102.8	ad. No. 124, 2004
	am. No. 144, 2005; No 82, 2016
Subdivision C	
s. 102.9	ad. No. 65, 2002
	rs. No. 40, 2003
s. 102.10	ad. No. 65, 2002
	rs. No. 40, 2003
Division 103	
Division 103	ad. No. 66, 2002
	rs. No. 40, 2003
s. 103.1	ad. No. 66, 2002
	rs. No. 40, 2003
	am. Nos. 127 and 144, 2005
s. 103.2	ad. No. 144, 2005
s. 103.3	ad. No. 144, 2005
Division 104	
Division 104	ad. No. 144, 2005
Subdivision A	
Subdivision A	rs No 134, 2014
s. 104.1	ad. No. 144, 2005
	rs No 134, 2014
	am No 96, 2023
s 104.1A	ad No 60, 2025

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Provision affected	How affected
Subdivision B	
s 104.2	ad No 144, 2005
	am No 116, 2014; No 134, 2014; No 82, 2016; No 95, 2016; No 31, 2018; No 131, 2021
s 104.3	ad No 144, 2005
	rs No 134, 2014
	am No 31, 2018; No 131, 2021; No 96, 2023
s 104.4	ad No 144, 2005
	am No 116, 2014; No 134, 2014; No 82, 2016; No 131, 2021; No 96, 2023
s 104.5	ad No 144, 2005
	am No 8, 2010; No 116, 2014; No 134, 2014; No 82, 2016; No 95, 2016; No 74, 2018; No 131, 2021; No 96, 2023
s 104.5A	ad No 131, 2021
	rs No 96, 2023
s 104.5B	ad No 96, 2023
s 104.5C	ad No 96, 2023
s 104.5D	ad No 96, 2023
Subdivision C	
s. 104.6	ad. No. 144, 2005
	am No 116, 2014; No 134, 2014; No 31, 2018
s. 104.7	ad. No. 144, 2005
	am No 31, 2018
s. 104.8	ad. No. 144, 2005
	am No 116, 2014; No 134, 2014; No 31, 2018
s. 104.9	ad. No. 144, 2005
	am No 31, 2018
s. 104.10	ad. No. 144, 2005
	am No 134, 2014; No 95, 2016; No 31, 2018
s. 104.11	ad. No. 144, 2005
Subdivision CA	ad No 74, 2018

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Provision affected	How affected
	rep No 96, 2023
s 104.11A	ad No 74, 2018
	rep No 96, 2023
Subdivision D	
s. 104.12	ad. No. 144, 2005
	am No 116, 2014; No 82, 2016; No 95, 2016; No 96, 2023
s 104.12A	ad No 144, 2005
	am No 134, 2014; No 82, 2016; No 95, 2016; No 131, 2021
s. 104.13	ad. No. 144, 2005
s. 104.14	ad. No. 144, 2005
	am No 82, 2016; No 74, 2018; No 96, 2023
s 104.15	ad No 144, 2005
	am No 131, 2021
s. 104.16	ad. No. 144, 2005
	am No 82, 2016; No 96, 2023
s. 104.17	ad. No. 144, 2005
	am No 116, 2014; No 82, 2016; No 95, 2016; No 96, 2023
s 104.17A	ad No 131, 2021
Subdivision E	
s. 104.18	ad. No. 144, 2005
	am No 82, 2016
s. 104.19	ad. No. 144, 2005
	am No 82, 2016; No 96, 2023
s. 104.20	ad. No. 144, 2005
	am No 82, 2016; No 95, 2016; No 96, 2023
s. 104.21	ad. No. 144, 2005
	am No 96, 2023
Subdivision EA	
Subdivision EA	ad No 96, 2023
s. 104.22	ad. No. 144, 2005
	rs No 96, 2023

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Endnote 4—Amendment history

Provision affected	How affected
Subdivision F	
Subdivision F heading	am No 96, 2023
s. 104.23	ad. No. 144, 2005
	am No 116, 2014; No 134, 2014; No 82, 2016; No 96, 2023
s 104.24	ad No 144, 2005
	am No 116, 2014; No 134, 2014; No 82, 2016; No 131, 2021; No 96, 2023
s. 104.25	ad. No. 144, 2005
	am No 96, 2023
s. 104.26	ad. No. 144, 2005
	am No 116, 2014; No 82, 2016; No 95, 2016; No 96, 2023
Subdivision G	
Subdivision G heading	rs No 82, 2016
s 104.27	ad No 144, 2005
	am No 131, 2021
s 104.27A	ad No 82, 2016
	am No 131, 2021
Subdivision H	
Subdivision H heading	rs No 82, 2016
s. 104.28	ad. No. 144, 2005
	am No 82, 2016
Subdivision I	
Subdivision I heading	ad No 82, 2016
s. 104.28A	ad. No. 144, 2005
s 104.28AA	ad No 74, 2018
s 104.28B	ad No 95, 2016
	rs No 131, 2021
s 104.28C	ad No 131, 2021
	am No 96, 2023
s 104.28D	ad No 131, 2021
	am No 96, 2023

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Provision affected	How affected
s. 104.29	ad. No. 144, 2005
	am. No. 84, 2006; No 82, 2016; No 31, 2018; No 41, 2018
s. 104.30	ad. No. 144, 2005
	am No 31, 2018
s. 104.31	ad. No. 144, 2005
s 104.32	ad No 144, 2005
	am No 116, 2014; No 74, 2018; No 88, 2021; No 49, 2022; No 96, 2023
Division 105	
Division 105	ad. No. 144, 2005
Subdivision A	
s. 105.1	ad. No. 144, 2005
	am No 82, 2016
s 105.1A	ad No 60, 2025
s 105.2	ad No 144, 2005
	am No 13, 2013; No 82, 2016; No 31, 2018; No 13, 2021; No 96, 2023
s. 105.3	ad. No. 144, 2005
Subdivision B	
s. 105.4	ad. No. 144, 2005
	am No 116, 2014; No 82, 2016
s. 105.5	ad. No. 144, 2005
s. 105.5A	ad. No. 144, 2005
s. 105.6	ad. No. 144, 2005
s 105.7	ad No 144, 2005
	am No 116, 2014; No 131, 2021
s. 105.8	ad. No. 144, 2005
	am No 116, 2014; No 74, 2018
s. 105.9	ad. No. 144, 2005
s. 105.10	ad. No. 144, 2005
s. 105.10A	ad. No. 144, 2005

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Endnote 4—Amendment history

Provision affected	How affected
s 105.11	ad No 144, 2005
	am No 13, 2013; No 131, 2021; No 96, 2023
s. 105.12	ad. No. 144, 2005
	am. No. 13, 2013; No 116, 2014; No 74, 2018; No 96, 2023
s. 105.13	ad. No. 144, 2005
s. 105.14	ad. No. 144, 2005
s 105.14A	ad No 144, 2005
	am No 131, 2021
s. 105.15	ad. No. 144, 2005
	am No 116, 2014; No 74, 2018
s. 105.16	ad. No. 144, 2005
	am No 116, 2014; No 74, 2018
s. 105.17	ad. No. 144, 2005
s. 105.18	ad. No. 144, 2005
	am. No. 13, 2013; No 96, 2023
Subdivision C	
s. 105.19	ad. No. 144, 2005
s. 105.20	ad. No. 144, 2005
s. 105.21	ad. No. 144, 2005
s. 105.22	ad. No. 144, 2005
s. 105.23	ad. No. 144, 2005
s. 105.24	ad. No. 144, 2005
s 105.25	ad No 144, 2005
	am No 54, 2006; No 134, 2020
s 105.26	ad No 144, 2005
	am No 54, 2006; No 131, 2021
s. 105.27	ad. No. 144, 2005
Subdivision D	
s. 105.28	ad. No. 144, 2005
	am. No. 84, 2006
s. 105.29	ad. No. 144, 2005

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Provision affected	How affected
	am. No. 84, 2006
s. 105.30	ad. No. 144, 2005
s. 105.31	ad. No. 144, 2005
s. 105.32	ad. No. 144, 2005
Subdivision E	
s. 105.33	ad. No. 144, 2005
s. 105.33A	ad. No. 144, 2005
s. 105.34	ad. No. 144, 2005
s 105.35	ad No 144, 2005
	am No 127, 2010; No 131, 2021
s. 105.36	ad. No. 144, 2005
	am. No. 84, 2006
s 105.37	ad No 144, 2005
	am No 84, 2006; No 31, 2018
s. 105.38	ad. No. 144, 2005
	am. No. 84, 2006
s. 105.39	ad. No. 144, 2005
	am No 108, 2014
s. 105.40	ad. No. 144, 2005
s. 105.41	ad. No. 144, 2005
	am. No. 84, 2006
s. 105.42	ad. No. 144, 2005
	am No 108, 2014
s 105.43	ad No 144, 2005
	am No 13, 2013; No 108, 2014; No 13, 2021
s. 105.44	ad. No. 144, 2005
s. 105.45	ad. No. 144, 2005
Subdivision F	
s 105.46	ad No 144, 2005
	am No 13, 2013; No 13, 2021
s 105.47	ad No 144, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	am No 84, 2006; No 31, 2018; No 39, 2024
s. 105.48	ad. No. 144, 2005
	rs. No. 84, 2006
s. 105.49	ad. No. 144, 2005
s. 105.50	ad. No. 144, 2005
s 105.51	ad No 144, 2005
	am No 60, 2015; No 39, 2024
s. 105.52	ad. No. 144, 2005
s 105.53	ad No 144, 2005
	am No 116, 2014; No 74, 2018; No 88, 2021; No 49, 2022; No 96, 2023
Division 105A	
Division 105A heading	rs No 131, 2021
Division 105A	ad No 95, 2016
Subdivision A	
s 105A.1	ad No 95, 2016
	rs No 131, 2021
	am No 60, 2025
s 105A.2	ad No 95, 2016
	am No 119, 2019; No 131, 2021; No 96, 2023; No 60, 2025
s 105A.2A	ad No 119, 2019
	rs No 131, 2021
Subdivision B	
Subdivision B heading	rs No 131, 2021
s 105A.3	ad No 95, 2016
	am No 119, 2019; No 60, 2025
	rs No 131, 2021
s 105A.3A	ad No 131, 2021
	am No 60, 2025
s 105A.4	ad No 95, 2016
	am No 131, 2021

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Provision affected	How affected
Subdivision C	
Subdivision C heading	rs No 131, 2021
s 105A.5	ad No 95, 2016
	am No 31, 2018; No 74, 2018; No 119, 2019; No 131, 2021
s 105A.6	ad No 95, 2016
	am No 31, 2018; No 131, 2021; No 60, 2025
s 105A.6A	ad No 131, 2021
s 105A.6B	ad No 131, 2021
	am No 60, 2025
s 105A.7	ad No 95, 2016
	am No 31, 2018; No 131, 2021; No 60, 2025
s 105A.7A	ad No 131, 2021
	am No 60, 2025
s 105A.7B	ad No 131, 2021
	am No 60, 2025
s 105A.7C	ad No 131, 2021
s 105A.7D	ad No 131, 2021
s 105A.7E	ad No 131, 2021
s 105A.7F	ad No 131, 2021
	am No 96, 2023
s 105A.8	ad No 95, 2016
	rep No 131, 2021
Subdivision CA	
Subdivision CA heading	ad No 131, 2021
s 105A.9	ad No 95, 2016
	am No 31, 2018; No 119, 2019; No 131, 2021
s 105A.9A	ad No 131, 2021
	am No 60, 2025
Subdivision CB	
Subdivision CB	ad No 131, 2021
s 105A.9B	ad No 131, 2021

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Endnote 4—Amendment history

Provision affected	How affected
	am No 60, 2025
s 105A.9C	ad No 131, 2021
	am No 60, 2025
s 105A.9D	ad No 131, 2021
s 105A.9E	ad No 131, 2021
Subdivision D	
Subdivision D heading	am No 131, 2021
s 105A.10	ad No 95, 2016
	am No 31, 2018; No 131, 2021
s 105A.11	ad No 95, 2016
	am No 131, 2021
s 105A.12	ad No 95, 2016
	am No 31, 2018; No 131, 2021
s 105A.12A	ad No 131, 2021
	am No 60, 2025
Subdivision E	
Subdivision E heading	am No 131, 2021
	ed C142
s 105A.13	ad No 95, 2016
	am No 131, 2021
s 105A.14	ad No 95, 2016
	am No 131, 2021
s 105A.14A	ad No 131, 2021
s 105A.14B	ad No 131, 2021
s 105A.14C	ad No 131, 2021
s 105A.14D	ad No 131, 2021
s 105A.15	ad No 95, 2016
	am No 131, 2021
s 105A.15A	ad No 95, 2016
	am No 131, 2021
s 105A.16	ad No 95, 2016

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Provision affected	How affected
	am No 131, 2021
s 105A.17	ad No 95, 2016
	am No 131, 2021
s 105A.18	ad No 95, 2016
	am No 119, 2019; No 131, 2021
s 105A.18AA	ad No 131, 2021
Subdivision EA	
Subdivision EA	ad No 131, 2021
s 105A.18A	ad No 131, 2021
s 105A.18B	ad No 131, 2021
Subdivision F	
s 105A.18C	ad No 131, 2021
s 105A.18D	ad No 131, 2021
	am No 60, 2025
s 105A.19	ad No 95, 2016
	am No 31, 2018; No 131, 2021
s 105A.19A	ad No 131, 2021
s 105A.20	ad No 95, 2016
	am No 31, 2018
s 105A.21	ad No 95, 2016
	am No 31, 2018; No 131, 2021
s 105A.21A	ad No 131, 2021
s 105A.22	ad No 95, 2016
	am No 31, 2018; No 131, 2021; No 96, 2023
s 105A.23	ad No 95, 2016
	am No 119, 2019; No 131, 2021
s 105A.24	ad No 95, 2016
s 105A.25	ad No 95, 2016
	rs No 131, 2021
Division 106	
Division 106	ad. No. 40, 2003

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Endnote 4—Amendment history

Provision affected	How affected
s. 106.1	ad. No. 40, 2003
	am. No. 144, 2005
s. 106.2	ad. No. 144, 2005
s. 106.3	ad. No. 144, 2005
s 106.4	ad No 13, 2013
	rs No 13, 2021
s 106.5	ad No 116, 2014
s 106.6	ad No 134, 2014
s 106.7	ad No 82, 2016
s 106.8	ad No 95, 2016
s 106.9	ad No 74, 2018
s 106.10	ad No 119, 2019
s 106.11	ad No 131, 2021
s 106.12	ad No 113, 2023
s 106.13	ad No 96, 2023
Part 5.3A	
Part 5.3A	ad No 60, 2025
Division 110	
Subdivision A	
s 110.1	ad No 60, 2025
s 110.2	ad No 60, 2025
Subdivision B	
s 110.3	ad No 60, 2025
s 110.4	ad No 60, 2025
s 110.5	ad No 60, 2025
s 110.6	ad No 60, 2025
s 110.7	ad No 60, 2025
Subdivision C	
s 110.8	ad No 60, 2025
s 110.9	ad No 60, 2025
Division 111	

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Provision affected	How affected
Subdivision A	
s 111.1	ad No 60, 2025
s 111.2	ad No 60, 2025
s 111.3	ad No 60, 2025
s 111.4	ad No 60, 2025
s 111.5	ad No 60, 2025
s 111.6	ad No 60, 2025
Subdivision B	
s 111.7	ad No 60, 2025
s 111.8	ad No 60, 2025
s 111.9	ad No 60, 2025
s 111.10	ad No 60, 2025
Division 112	
s 112.1	ad No 60, 2025
s 112.2	ad No 60, 2025
s 112.3	ad No 60, 2025
s 112.4	ad No 60, 2025
s 112.5	ad No 60, 2025
s 112.6	ad No 60, 2025
s 112.7	ad No 60, 2025
s 112.8	ad No 60, 2025
Division 113	
s 113.1	ad No 60, 2025
s 113.2	ad No 60, 2025
s 113.3	ad No 60, 2025
Division 114	
s 114.1	ad No 60, 2025
s 114.2	ad No 60, 2025
s 114.3	ad No 60, 2025
s 114.4	ad No 60, 2025
Part 5.3B	

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Endnote 4—Amendment history

Provision affected	How affected
Part 5.3B	ad No 2, 2026
Division 114A	
s 114A.1	ad No 2, 2026
	ed C171
s 114A.2	ad No 2, 2026
s 114A.3	ad No 2, 2026
s 114A.4	ad No 2, 2026
s 114A.5	ad No 2, 2026
s 114A.6	ad No 2, 2026
s 114A.7	ad No 2, 2026
s 114A.8	ad No 2, 2026
s 114A.9	ad No 2, 2026
Division 114B	
s 114B.1	ad No 2, 2026
s 114B.2	ad No 2, 2026
s 114B.3	ad No 2, 2026
s 114B.4	ad No 2, 2026
s 114B.5	ad No 2, 2026
s 114B.6	ad No 2, 2026
s 114B.7	ad No 2, 2026
Division 114C	
s 114C.1	ad No 2, 2026
s 114C.2	ad No 2, 2026
Part 5.4	
Part 5.4	ad. No. 106, 2002
Division 115	
Division 115 heading (prev Division 104 heading)	renum No 144, 2005
s 104.1	ad No 106, 2002
	renum No 144, 2005
s 115.1 (prev s 104.1)	am No 163, 2015; No 4, 2016

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Provision affected	How affected
s 104.2	ad No 106, 2002
	renum No 144, 2005
s 115.2 (prev s 104.2)	am No 163, 2015; No 4, 2016
s 104.3	ad No 106, 2002
	renum No 144, 2005
s 115.3 (prev s 104.3)	am No 4, 2016
s 104.4	ad No 106, 2002
	renum No 144, 2005
s 115.4 (prev s 104.4)	am No 4, 2016
s 104.5	ad No 106, 2002
	renum No 144, 2005
s 115.5 (prev s 104.5)	
s 104.6	ad No 106, 2002
	renum No 144, 2005
s 115.6 (prev s 104.6)	
s 104.7	ad No 106, 2002
	am No 7, 2005
	renum No 144, 2005
s 115.7 (prev s 104.7)	am No 21, 2007
s 104.8	ad No 106, 2002
	renum No 144, 2005
s 115.8 (prev s 104.8)	
s 104.9	ad No 106, 2002
	renum No 144, 2005
s 115.9 (prev s 104.9)	
Part 5.5	
Part 5.5	ad No 116, 2014
Division 117	
s 117.1	ad No 116, 2014
	am No 95, 2016; No 31, 2018; No 131, 2021; No 60, 2025
s 117.2	ad No 116, 2014

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Endnote 4—Amendment history

Provision affected	How affected
Division 119	
s 119.1	ad No 116, 2014
	am No 60, 2025
s 119.2	ad No 116, 2014
	am No 74, 2018; No 88, 2021; No 77, 2024; No 60, 2025
	exp end of 7 Sept 2027 (s 119.2(6))
s 119.3	ad No 116, 2014
	am No 126, 2015; No 74, 2018; No 77, 2024
	exp end of 7 Sept 2027 (s 119.3(9))
s 119.4	ad No 116, 2014
s 119.5	ad No 116, 2014
s 119.6	ad No 116, 2014
s 119.7	ad No 116, 2014
s 119.8	ad No 116, 2014
	am No 31, 2018
s 119.9	ad No 116, 2014
s 119.10	ad No 116, 2014
s 119.11	ad No 116, 2014
s 119.12	ad No 116, 2014
Part 5.6	
Part 5.6	ad No 67, 2018
Division 121	
s 121.1	ad No 67, 2018
	am No 156, 2018
s 121.2	ad No 67, 2018
Division 122	
s 122.1	ad No 67, 2018
s 122.2	ad No 67, 2018
s 122.3	ad No 67, 2018
s 122.4	ad No 67, 2018
	am No 96, 2023; No 93, 2024

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Provision affected	How affected
s 122.4A	ad No 67, 2018
s 122.5	ad No 67, 2018
	am No 89, 2022; No 73, 2023; No 24, 2024
Division 123	
s 123.1	ad No 67, 2018
	am No 13, 2021
s 123.2	ad No 67, 2018
s 123.3	ad No 67, 2018
s 123.4	ad No 67, 2018
s 123.5	ad No 67, 2018
Chapter 7	
Chapter 7	ad. No. 137, 2000
Part 7.1	
Division 130	
s. 130.1	ad. No. 137, 2000
	am. No. 46, 2011
s. 130.2	ad. No. 137, 2000
s. 130.3	ad. No. 137, 2000
s. 130.4	ad. No. 137, 2000
Part 7.2	
Division 131	
s. 131.1	ad. No. 137, 2000
	am No 4, 2016
s. 131.2	ad. No. 137, 2000
s. 131.3	ad. No. 137, 2000
s. 131.4	ad. No. 137, 2000
s. 131.5	ad. No. 137, 2000
s. 131.6	ad. No. 137, 2000
s. 131.7	ad. No. 137, 2000
	am. No. 141, 2002
s. 131.8	ad. No. 137, 2000

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Provision affected	How affected
s. 131.9	ad. No. 137, 2000
s. 131.10	ad. No. 137, 2000
s. 131.11	ad. No. 137, 2000
Division 132	
s. 132.1	ad. No. 137, 2000
	am No 4, 2016
s. 132.2	ad. No. 137, 2000
	am No 4, 2016
s. 132.3	ad. No. 137, 2000
	am No 4, 2016
s. 132.4	ad. No. 137, 2000
	am No 4, 2016
s. 132.5	ad. No. 137, 2000
	am No 4, 2016
s. 132.6	ad. No. 137, 2000
	am No 4, 2016
s 132.7	ad No 137, 2000
	am No 4, 2016; No 67, 2018
s. 132.8	ad. No. 137, 2000
	am No 4, 2016
s 132.8A	ad No 67, 2018
s. 132.9	ad. No. 137, 2000
Part 7.3	
Division 133	
s. 133.1	ad. No. 137, 2000
Division 134	
s. 134.1	ad. No. 137, 2000
	am No 4, 2016
s. 134.2	ad. No. 137, 2000
	am No 4, 2016
s. 134.3	ad. No. 137, 2000

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Provision affected	How affected
Division 135	
s. 135.1	ad. No. 137, 2000
	am No 4, 2016; No 75, 2018
s. 135.2	ad. No. 137, 2000
	am. No. 141, 2002; No. 127, 2004; No 4, 2016
s. 135.4	ad. No. 137, 2000
	am No 4, 2016
s. 135.5	ad. No. 137, 2000
Part 7.4	
Division 136	
s. 136.1	ad. No. 137, 2000
	am. No. 141, 2002; No. 66, 2008; No. 170, 2012; No 4, 2016
Division 137	
s. 137.1	ad. No. 137, 2000
	am. No. 141, 2002; No 4, 2016
s 137.1A	ad No 67, 2018
s. 137.2	ad. No. 137, 2000
	am No 4, 2016
s. 137.3	ad. No. 137, 2000
Part 7.5	
Division 138	
s. 138.1	ad. No. 137, 2000
s. 138.2	ad. No. 137, 2000
Division 139	
s. 139.1	ad. No. 137, 2000
	am No 4, 2016
s. 139.2	ad. No. 137, 2000
	am No 4, 2016
s. 139.3	ad. No. 137, 2000
Part 7.6	
Division 140	

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Endnote 4—Amendment history

Provision affected	How affected
s. 140.1	ad. No. 137, 2000
s. 140.2	ad. No. 137, 2000
Division 141	
s. 141.1	ad. No. 137, 2000
	am. No. 4, 2010; No 4, 2016
Division 142	
s. 142.1	ad. No. 137, 2000
	am No 4, 2016
s. 142.2	ad. No. 137, 2000
	am No 4, 2016
s. 142.3	ad. No. 137, 2000
Part 7.7	
Division 143	
s. 143.1	ad. No. 137, 2000
s. 143.2	ad. No. 137, 2000
s. 143.3	ad. No. 137, 2000
s. 143.4	ad. No. 137, 2000
Division 144	
s. 144.1	ad. No. 137, 2000
	am No 4, 2016
Division 145	
s. 145.1	ad. No. 137, 2000
	am No 4, 2016
s. 145.2	ad. No. 137, 2000
	am. No. 141, 2002; No 4, 2016
s. 145.3	ad. No. 137, 2000
	am No 4, 2016
s. 145.4	ad. No. 137, 2000
	am No 4, 2016
s. 145.5	ad. No. 137, 2000
	am No 4, 2016

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Provision affected	How affected
s. 145.6	ad. No. 137, 2000
Part 7.8	
Part 7.8 heading	rs No 44, 2018
Division 146	
s 146.1	ad No 137, 2000
	am No 125, 2002; No 86, 2006; No 33, 2009; No 32, 2013; No 139, 2013; No 41, 2015; No 89, 2022; No 64, 2024
s. 146.2	ad. No. 137, 2000
Division 147	
s 147.1	ad No 137, 2000
	am No 141, 2002; No 4, 2016; No 64, 2024
s 147.2	ad No 137, 2000
	am No 4, 2016; No 64, 2024
s. 147.3	ad. No. 137, 2000
Division 148	
s. 148.1	ad. No. 137, 2000
	am. No. 141, 2002; No 4, 2016
s. 148.2	ad. No. 137, 2000
	am. No. 141, 2002; No 4, 2016
s. 148.3	ad. No. 137, 2000
Division 149	
s. 149.1	ad. No. 137, 2000
	am No 4, 2016
Division 150	
Division 150	ad No 44, 2018
Subdivision A	
s 150.1	ad No 44, 2018
Subdivision B	
s 150.5	ad No 44, 2018
	am No 13, 2021
Part 7.20	

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Provision affected	How affected
Division 261	
s. 261.1	ad. No. 137, 2000
s. 261.2	ad. No. 137, 2000
s. 261.3	ad. No. 137, 2000
Chapter 8	
Chapter 8 heading	rs. No. 42, 2002
Chapter 8	ad. No. 104, 1999
Division 268	
Division 268	ad. No. 42, 2002
Subdivision A	
s. 268.1	ad. No. 42, 2002
s. 268.2	ad. No. 42, 2002
Subdivision B	
s. 268.3	ad. No. 42, 2002
s. 268.4	ad. No. 42, 2002
s. 268.5	ad. No. 42, 2002
s. 268.6	ad. No. 42, 2002
s. 268.7	ad. No. 42, 2002
Subdivision C	
s. 268.8	ad. No. 42, 2002
s. 268.9	ad. No. 42, 2002
s. 268.10	ad. No. 42, 2002
s. 268.11	ad. No. 42, 2002
s. 268.12	ad. No. 42, 2002
s. 268.13	ad. No. 42, 2002
s. 268.14	ad. No. 42, 2002
s. 268.15	ad. No. 42, 2002
	am. No. 6, 2013
s. 268.16	ad. No. 42, 2002
s. 268.17	ad. No. 42, 2002
s. 268.18	ad. No. 42, 2002

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Provision affected	How affected
s. 268.19	ad. No. 42, 2002
s. 268.20	ad. No. 42, 2002
s. 268.21	ad. No. 42, 2002
s. 268.22	ad. No. 42, 2002
s. 268.23	ad. No. 42, 2002
Subdivision D	
s. 268.24	ad. No. 42, 2002
s. 268.25	ad. No. 42, 2002
s. 268.26	ad. No. 42, 2002
s. 268.27	ad. No. 42, 2002
s. 268.28	ad. No. 42, 2002
s. 268.29	ad. No. 42, 2002
s. 268.30	ad. No. 42, 2002
s. 268.31	ad. No. 42, 2002
s. 268.32	ad. No. 42, 2002
s. 268.33	ad. No. 42, 2002
s. 268.34	ad. No. 42, 2002
Subdivision E	
s. 268.35	ad. No. 42, 2002
s. 268.36	ad. No. 42, 2002
s. 268.37	ad. No. 42, 2002
s. 268.38	ad. No. 42, 2002
s. 268.39	ad. No. 42, 2002
s. 268.40	ad. No. 42, 2002
s. 268.41	ad. No. 42, 2002
s. 268.42	ad. No. 42, 2002
s. 268.43	ad. No. 42, 2002
s. 268.44	ad. No. 42, 2002
s. 268.45	ad. No. 42, 2002
s. 268.46	ad. No. 42, 2002
	am No 96, 2013

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Provision affected	How affected
s. 268.47	ad. No. 42, 2002
s. 268.48	ad. No. 42, 2002
s. 268.49	ad. No. 42, 2002
s. 268.50	ad. No. 42, 2002
s. 268.51	ad. No. 42, 2002
s. 268.52	ad. No. 42, 2002
s. 268.53	ad. No. 42, 2002
s. 268.54	ad. No. 42, 2002
s. 268.55	ad. No. 42, 2002
s. 268.56	ad. No. 42, 2002
s. 268.57	ad. No. 42, 2002
s. 268.58	ad. No. 42, 2002
s. 268.59	ad. No. 42, 2002
s. 268.60	ad. No. 42, 2002
	am. No. 6, 2013
s. 268.61	ad. No. 42, 2002
s. 268.62	ad. No. 42, 2002
s. 268.63	ad. No. 42, 2002
s. 268.64	ad. No. 42, 2002
s. 268.65	ad. No. 42, 2002
	am No 97, 2016
s. 268.66	ad. No. 42, 2002
s. 268.67	ad. No. 42, 2002
s. 268.68	ad. No. 42, 2002
	am. No. 129, 2005
Subdivision F	
s. 268.69	ad. No. 42, 2002
s. 268.70	ad. No. 42, 2002
	am No 97, 2016
s. 268.71	ad. No. 42, 2002
	am No 97, 2016

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Provision affected	How affected
s. 268.72	ad. No. 42, 2002
	am No 97, 2016
s. 268.73	ad. No. 42, 2002
s. 268.74	ad. No. 42, 2002
	am No 153, 2015
s. 268.75	ad. No. 42, 2002
s. 268.76	ad. No. 42, 2002
Subdivision G	
s. 268.77	ad. No. 42, 2002
s. 268.78	ad. No. 42, 2002
s. 268.79	ad. No. 42, 2002
s. 268.80	ad. No. 42, 2002
	am No 96, 2013
s. 268.81	ad. No. 42, 2002
s. 268.82	ad. No. 42, 2002
s. 268.83	ad. No. 42, 2002
	am. No. 6, 2013
s. 268.84	ad. No. 42, 2002
s. 268.85	ad. No. 42, 2002
s. 268.86	ad. No. 42, 2002
s. 268.87	ad. No. 42, 2002
s. 268.88	ad. No. 42, 2002
	am. No. 129, 2005
s. 268.89	ad. No. 42, 2002
s. 268.90	ad. No. 42, 2002
s. 268.91	ad. No. 42, 2002
s. 268.92	ad. No. 42, 2002
s. 268.93	ad. No. 42, 2002
s. 268.94	ad. No. 42, 2002
Subdivision H	
s. 268.95	ad. No. 42, 2002

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Endnote 4—Amendment history

Provision affected	How affected
s. 268.96	ad. No. 42, 2002
s. 268.97	ad. No. 42, 2002
s. 268.98	ad. No. 42, 2002
s. 268.99	ad. No. 42, 2002
s. 268.100	ad. No. 42, 2002
s. 268.101	ad. No. 42, 2002
Subdivision J	
s. 268.102	ad. No. 42, 2002
s. 268.103	ad. No. 42, 2002
s. 268.104	ad. No. 42, 2002
s. 268.105	ad. No. 42, 2002
s. 268.106	ad. No. 42, 2002
s. 268.107	ad. No. 42, 2002
s. 268.108	ad. No. 42, 2002
s. 268.109	ad. No. 42, 2002
s. 268.110	ad. No. 42, 2002
s. 268.111	ad. No. 42, 2002
s. 268.112	ad. No. 42, 2002
s. 268.113	ad. No. 42, 2002
s. 268.114	ad. No. 42, 2002
Subdivision K	
s. 268.115	ad. No. 42, 2002
s. 268.116	ad. No. 42, 2002
s. 268.117	ad. No. 42, 2002
s. 268.118	ad. No. 42, 2002
s. 268.119	ad. No. 42, 2002
s. 268.120	ad. No. 42, 2002
s. 268.121	ad. No. 42, 2002
s. 268.122	ad. No. 42, 2002
s. 268.123	ad. No. 42, 2002
s. 268.124	ad. No. 42, 2002

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Provision affected	How affected
s 268.125	ad No 97, 2016
Division 270	
Division 270 heading	rs. No 6, 2013; No 34, 2018
Subdivision A	
Subdivision A	ad. No. 6, 2013
s. 270.1A	ad. No. 6, 2013
	am No 34, 2018
Subdivision B	
Subdivision B heading	ad No 6, 2013
s 270.1	ad No 104, 1999
s 270.2	ad No 104, 1999
s 270.3	ad No 104, 1999
	am No 6, 2013; No 4, 2016
s 270.3A	ad No 12, 2015
s 270.3B	ad No 12, 2015
Subdivision C	
Subdivision C heading	rs No 34, 2018
Subdivision C	ad No 6, 2013
s. 270.4	ad. No. 104, 1999
	am. No. 96, 2005
	rs. No. 6, 2013
s. 270.5	ad. No. 104, 1999
	rs. No. 96, 2005; No. 6, 2013
s. 270.6	ad. No. 104, 1999
	am. No. 96, 2005
	rs. No. 6, 2013
s. 270.6A	ad. No. 6, 2013
s. 270.7	ad. No. 104, 1999
	am. No. 96, 2005
	rs. No. 6, 2013
s. 270.7A	ad. No. 6, 2013

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Endnote 4—Amendment history

Provision affected	How affected
	am No 153, 2015; No 72, 2019
s. 270.7B	ad. No. 6, 2013
	am No 153, 2015; No 72, 2019
s 270.7C	ad No 34, 2018
s. 270.8	ad. No. 104, 1999
	rs. No. 6, 2013
	am No 72, 2019
s. 270.9	ad. No. 104, 1999
	rs. No. 6, 2013
s. 270.10	ad. No. 104, 1999
	rep. No. 96, 2005
	ad. No. 6, 2013
	am No 34, 2018
Subdivision D	
Subdivision D heading	ad No 6, 2013
s. 270.11	ad. No. 104, 1999
	rep. No. 96, 2005
	ad. No. 6, 2013
s. 270.12	ad. No. 104, 1999
	am. No. 6, 2013; No. 74, 2013
s. 270.13	ad. No. 104, 1999
	am. No. 6, 2013
s. 270.14	ad. No. 104, 1999
	rep. No. 6, 2013
Division 271	
Division 271 heading	rs No 34, 2018
Division 271	ad. No. 96, 2005
Subdivision A	
s. 271.1	ad. No. 96, 2005
	am. No. 6, 2013; No 31, 2014
s. 271.1A	ad. No. 6, 2013

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Provision affected	How affected
	am No 34, 2018
Subdivision B	
s. 271.2	ad. No. 96, 2005
	am. No. 6, 2013
s. 271.3	ad. No. 96, 2005
	am. No. 6, 2013
s. 271.4	ad. No. 96, 2005
	am. No. 6, 2013
s. 271.5	ad. No. 96, 2005
	am. No. 6, 2013
s. 271.6	ad. No. 96, 2005
	am. No. 6, 2013
s. 271.7	ad. No. 96, 2005
	am. No. 6, 2013
Subdivision BA	
Subdivision BA	ad. No. 6, 2013
s. 271.7A	ad. No. 6, 2013
s. 271.7B	ad. No. 6, 2013
s. 271.7C	ad. No. 6, 2013
s. 271.7D	ad. No. 6, 2013
s. 271.7E	ad. No. 6, 2013
Subdivision BB	
Subdivision BB	ad. No. 6, 2013
s. 271.7F	ad. No. 6, 2013
s. 271.7G	ad. No. 6, 2013
Subdivision C	rep No 34, 2018
s. 271.8	ad. No. 96, 2005
	am. No. 6, 2013
	rep No 34, 2018
s. 271.9	ad. No. 96, 2005
	rs. No. 6, 2013

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Provision affected	How affected
	rep No 34, 2018
Subdivision D	
Subdivision D heading	rs. No. 6, 2013
s. 271.10	ad. No. 96, 2005
	am. No. 6, 2013; No 34, 2018
s 271.11	ad No 96, 2005
	am No 6, 2013; No 113, 2023
s. 271.11A	ad. No. 6, 2013
	am No 34, 2018
s. 271.11B	ad. No. 6, 2013
s. 271.12	ad. No. 96, 2005
	am. No. 6, 2013; No. 74, 2013
s. 271.13	ad. No. 96, 2005
Division 271A	
Division 271A	ad No 73, 2017
s 271A.1	ad No 73, 2017
Division 272	
Division 272	ad. No. 42, 2010
Subdivision A	
s. 272.1	ad. No. 42, 2010
s. 272.2	ad. No. 42, 2010
s. 272.3	ad. No. 42, 2010
	am. No. 127, 2010
s. 272.4	ad. No. 42, 2010
s. 272.5	ad. No. 42, 2010
	am No 70, 2020
s. 272.6	ad. No. 42, 2010
s. 272.7	ad. No. 42, 2010
	am. No. 74, 2013
Subdivision B	
s. 272.8	ad. No. 42, 2010

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Provision affected	How affected
	am No 70, 2020
s. 272.9	ad. No. 42, 2010
	am No 70, 2020
s. 272.10	ad. No. 42, 2010
	am No 70, 2020
s. 272.11	ad. No. 42, 2010
	am No 72, 2019; No 70, 2020
s. 272.12	ad. No. 42, 2010
s. 272.13	ad. No. 42, 2010
	am No 70, 2020
s. 272.14	ad. No. 42, 2010
s. 272.15	ad. No. 42, 2010
	am No 70, 2020
s 272.15A	ad No 70, 2020
s. 272.16	ad. No. 42, 2010
	am No 70, 2020
s. 272.17	ad. No. 42, 2010
	rs No 72, 2019
Subdivision C	
s. 272.18	ad. No. 42, 2010
	am No 70, 2020
s. 272.19	ad. No. 42, 2010
	am No 70, 2020
s. 272.20	ad. No. 42, 2010
Subdivision D	rep. No. 74, 2013
s. 272.21	ad. No. 42, 2010
	rep. No. 74, 2013
s. 272.22	ad. No. 42, 2010
	rep. No. 74, 2013
s. 272.23	ad. No. 42, 2010
	rep. No. 74, 2013

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Endnote 4—Amendment history

Provision affected	How affected
s. 272.24	ad. No. 42, 2010
	rep. No. 74, 2013
s. 272.25	ad. No. 42, 2010
	rep. No. 74, 2013
s. 272.26	ad. No. 42, 2010
	rep. No. 74, 2013
Subdivision E	
s. 272.27	ad. No. 42, 2010
s. 272.28	ad. No. 42, 2010
s. 272.29	ad. No. 42, 2010
s 272.30	ad No 42, 2010
	am No 70, 2020
s. 272.31	ad. No. 42, 2010
Division 273	
Division 273 heading	rs No 72, 2019
Division 273	ad. No. 42, 2010
Subdivision A	
s. 273.1	ad. No. 42, 2010
	am No 72, 2019
s. 273.2	ad. No. 42, 2010
s. 273.2A	ad. No. 42, 2010
s. 273.3	ad. No. 42, 2010
s. 273.4	ad. No. 42, 2010
	am. No. 74, 2013
Subdivision B	
Subdivision B heading	rs No 72, 2019
s. 273.5	ad. No. 42, 2010
	rep No 72, 2019
s. 273.6	ad. No. 42, 2010
s. 273.7	ad. No. 42, 2010
	am No 72, 2019; No 70, 2020

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Provision affected	How affected
s. 273.8	ad. No. 42, 2010
	am No 72, 2019
Subdivision C	
s 273.9	ad No 42, 2010
	am No 25, 2015; No 51, 2017; No 72, 2019; No 77, 2021
Subdivision D	rep. No. 74, 2013
s. 273.10	ad. No. 42, 2010
	rep. No. 74, 2013
s. 273.11	ad. No. 42, 2010
	rep. No. 74, 2013
s. 273.12	ad. No. 42, 2010
	rep. No. 74, 2013
s. 273.13	ad. No. 42, 2010
	rep. No. 74, 2013
s. 273.14	ad. No. 42, 2010
	rep. No. 74, 2013
s. 273.15	ad. No. 42, 2010
	rep. No. 74, 2013
Division 273A	
Division 273A	ad No 72, 2019
s 273A.1	ad No 72, 2019
s 273A.2	ad No 72, 2019
s 273A.3	ad No 72, 2019
Division 273B	
Division 273B	ad No 72, 2019
Subdivision A	
s 273B.1	ad No 72, 2019
s 273B.2	ad No 72, 2019
s 273B.3	ad No 72, 2019
Subdivision B	
s 273B.4	ad No 72, 2019

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Endnote 4—Amendment history

Provision affected	How affected
s 273B.5	ad No 72, 2019
Subdivision C	
s 273B.6	ad No 72, 2019
s 273B.7	ad No 72, 2019
Subdivision D	
s 273B.8	ad No 72, 2019
s 273B.9	ad No 72, 2019
Division 274	
Division 274	ad. No. 37, 2010
s. 274.1	ad. No. 37, 2010
s. 274.2	ad. No. 37, 2010
s. 274.3	ad. No. 37, 2010
s. 274.4	ad. No. 37, 2010
s. 274.5	ad. No. 37, 2010
s. 274.6	ad. No. 37, 2010
s. 274.7	ad. No. 37, 2010
Division 279	
Division 279	ad. No. 74, 2013
s 279.1	ad No 74, 2013
	am No 34, 2018; No 72, 2019
s. 279.2	ad. No. 74, 2013
s. 279.3	ad. No. 74, 2013
s. 279.4	ad. No. 74, 2013
s. 279.5	ad. No. 74, 2013
s. 279.6	ad. No. 74, 2013
s. 279.7	ad. No. 74, 2013
Chapter 9	
Chapter 9	ad. No. 141, 2002
Part 9.1	
Part 9.1	ad. No. 129, 2005
Division 300	

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Provision affected	How affected
s. 300.1	ad. No. 129, 2005
	am. No. 8, 2010; No. 167, 2012
s 300.2	ad No 129, 2005
	am No 4, 2010; No 167, 2012; No 31, 2018; No 98, 2023
s. 300.3	ad. No. 129, 2005
s. 300.4	ad. No. 129, 2005
s. 300.5	ad. No. 129, 2005
	am No 153, 2015
s 300.6	ad No 153, 2015
Division 301	
Division 301	rs. No. 167, 2012
Subdivision A	
s. 301.1	ad. No. 129, 2005
	rs. No. 167, 2012
	am No 31, 2018
s. 301.2	ad. No. 129, 2005
	rs. No. 167, 2012
	am No 31, 2018
s. 301.3	ad. No. 129, 2005
	rs. No. 167, 2012
	am No 31, 2018
s 301.4	ad No 129, 2005
	rs No 167, 2012
	am No 31, 2018; No 98, 2023
s 301.5	ad No 129, 2005
	rs No 167, 2012
	am No 31, 2018; No 98, 2023
s 301.6	ad No 129, 2005
	rs No 167, 2012
	am No 31, 2018; No 98, 2023
s. 301.7	ad. No. 129, 2005

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Provision affected	How affected
	rs. No. 167, 2012
	am No 31, 2018
s. 301.8	ad. No. 129, 2005
	rs. No. 167, 2012
	am No 31, 2018
s 301.9	ad No 129, 2005
	am No 15, 2016; No 98, 2023
Subdivision B	
s 301.10	ad No 129, 2005
	rs No 167, 2012
	am No 31, 2018; No 98, 2023
s 301.11	ad No 129, 2005
	am No 8, 2010
	rs No 167, 2012
	am No 12, 2015; No 31, 2018; No 98, 2023
s 301.12	ad No 129, 2005
	rs No 167, 2012
	am No 31, 2018
Subdivision C	
s 301.13	ad No 167, 2012
	am No 31, 2018; No 98, 2023
s 301.14	ad No 167, 2012
	am No 31, 2018; No 98, 2023
s 301.15	ad No 167, 2012
	am No 31, 2018
s. 301.16	ad. No. 167, 2012
	am No 126, 2015; No 31, 2018
s. 301.17	ad. No. 167, 2012
	am No 126, 2015; No 31, 2018
Division 302	
s. 302.1	ad. No. 129, 2005

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Provision affected	How affected
s. 302.2	ad. No. 129, 2005
s. 302.3	ad. No. 129, 2005
s. 302.4	ad. No. 129, 2005
s. 302.5	ad. No. 129, 2005
s. 302.6	ad. No. 129, 2005
	am. No. 3, 2010
Division 303	
s. 303.1	ad. No. 129, 2005
s. 303.2	ad. No. 129, 2005
s. 303.3	ad. No. 129, 2005
s. 303.4	ad. No. 129, 2005
s. 303.5	ad. No. 129, 2005
s. 303.6	ad. No. 129, 2005
s. 303.7	ad. No. 129, 2005
Division 304	
s. 304.1	ad. No. 129, 2005
s. 304.2	ad. No. 129, 2005
s. 304.3	ad. No. 129, 2005
Division 305	
s. 305.1	ad. No. 129, 2005
	am No 15, 2016
s. 305.2	ad. No. 129, 2005
s. 305.3	ad. No. 129, 2005
s. 305.4	ad. No. 129, 2005
s. 305.5	ad. No. 129, 2005
s. 305.6	ad. No. 129, 2005
Division 306	
s. 306.1	ad. No. 129, 2005
s. 306.2	ad. No. 129, 2005
s. 306.3	ad. No. 129, 2005
s. 306.4	ad. No. 129, 2005

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Provision affected	How affected
s. 306.5	ad. No. 129, 2005
s. 306.6	ad. No. 129, 2005
s. 306.7	ad. No. 129, 2005
s. 306.8	ad. No. 129, 2005
Division 307	
Subdivision A	
s. 307.1	ad. No. 129, 2005
s. 307.2	ad. No. 129, 2005
s. 307.3	ad. No. 129, 2005
s. 307.4	ad. No. 129, 2005
	am. No. 167, 2012
Subdivision B	
s. 307.5	ad. No. 129, 2005
s. 307.6	ad. No. 129, 2005
s. 307.7	ad. No. 129, 2005
	am. No. 167, 2012
Subdivision C	
s. 307.8	ad. No. 129, 2005
s. 307.9	ad. No. 129, 2005
s. 307.10	ad. No. 129, 2005
	am. No. 167, 2012
Subdivision D	
s. 307.11	ad. No. 129, 2005
	am No 153, 2015
s. 307.12	ad. No. 129, 2005
	am No 153, 2015
s. 307.13	ad. No. 129, 2005
	am No 153, 2015
s. 307.14	ad. No. 129, 2005
	rep No 153, 2015
Division 308	

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Provision affected	How affected
s. 308.1	ad. No. 129, 2005
	am. No. 167, 2012
s. 308.2	ad. No. 129, 2005
s. 308.3	ad. No. 129, 2005
s. 308.4	ad. No. 129, 2005
Division 309	
s. 309.1	ad. No. 129, 2005
s. 309.2	ad. No. 129, 2005
s. 309.3	ad. No. 129, 2005
s. 309.4	ad. No. 129, 2005
s. 309.5	ad. No. 129, 2005
s. 309.6	ad. No. 129, 2005
s. 309.7	ad. No. 129, 2005
s. 309.8	ad. No. 129, 2005
s. 309.9	ad. No. 129, 2005
s. 309.10	ad. No. 129, 2005
s. 309.11	ad. No. 129, 2005
s. 309.12	ad. No. 129, 2005
s. 309.13	ad. No. 129, 2005
s. 309.14	ad. No. 129, 2005
s. 309.15	ad. No. 129, 2005
Division 310	
s. 310.1	ad. No. 129, 2005
s. 310.2	ad. No. 129, 2005
s. 310.3	ad. No. 129, 2005
s. 310.4	ad. No. 129, 2005
Division 311	
Subdivision A	
s. 311.1	ad. No. 129, 2005
Subdivision B	
s. 311.2	ad. No. 129, 2005

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Provision affected	How affected
s. 311.3	ad. No. 129, 2005
s. 311.4	ad. No. 129, 2005
s. 311.5	ad. No. 129, 2005
s. 311.6	ad. No. 129, 2005
s. 311.7	ad. No. 129, 2005
Subdivision C	
s. 311.8	ad. No. 129, 2005
s. 311.9	ad. No. 129, 2005
s. 311.10	ad. No. 129, 2005
s. 311.11	ad. No. 129, 2005
s. 311.12	ad. No. 129, 2005
s. 311.13	ad. No. 129, 2005
s. 311.14	ad. No. 129, 2005
s. 311.15	ad. No. 129, 2005
s. 311.16	ad. No. 129, 2005
s. 311.17	ad. No. 129, 2005
s. 311.18	ad. No. 129, 2005
s. 311.19	ad. No. 129, 2005
s. 311.20	ad. No. 129, 2005
s. 311.21	ad. No. 129, 2005
s. 311.22	ad. No. 129, 2005
Division 312	
s 312.1	ad No 129, 2005
	am No 12, 2015
s 312.2	ad No 129, 2005
	am No 12, 2015
Division 313	
s. 313.1	ad. No. 129, 2005
s. 313.2	ad. No. 129, 2005
s. 313.3	ad. No. 129, 2005
s. 313.4	ad. No. 129, 2005

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Provision affected	How affected
s. 313.5	ad. No. 129, 2005
Division 314	rep. No. 167, 2012
s. 314.1	ad. No. 129, 2005
	am. No. 24, 2012
	rep. No. 167, 2012
s. 314.2	ad. No. 129, 2005
	rep. No. 167, 2012
s. 314.3	ad. No. 129, 2005
	am. No. 24, 2012
	rep. No. 167, 2012
s. 314.4	ad. No. 129, 2005
	am. No. 24, 2012
	rep. No. 167, 2012
s. 314.5	ad. No. 129, 2005
	rep. No. 167, 2012
s. 314.6	ad. No. 129, 2005
	am. No. 24, 2012
	rep. No. 167, 2012
Part 9.2	
Part 9.2	ad No 12, 2015
Division 320	
s 320.1	ad No 12, 2015
s 320.2	ad No 12, 2015
	am No 13, 2019; No 119, 2023
s 320.3	ad No 12, 2015
Part 9.4	
Division 360	
s 360.1	ad No 141, 2002
	am No 12, 2015
s 360.2	ad No 141, 2002
	am No 12, 2015; No 4, 2016; No 30, 2022

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Endnote 4—Amendment history

Provision affected	How affected
s 360.3	ad No 141, 2002
	am No 12, 2015; No 4, 2016; No 30, 2022
s 360.3A	ad No 30, 2022
s 360.3B	ad No 30, 2022
s 360.4	ad No 141, 2002
	am No 12, 2015
Division 361	
Division 361	ad No 12, 2015
s 361.1	ad No 12, 2015
s 361.2	ad No 12, 2015
	rs No 30, 2022
s 361.3	ad No 12, 2015
	rs No 30, 2022
s 361.4	ad No 12, 2015
s 361.5	ad No 30, 2022
s 361.6	ad No 12, 2015
	am No 30, 2022
Part 9.5	
Part 9.5	ad No 3, 2011
Division 370	
s. 370.1	ad. No. 3, 2011
s. 370.2	ad. No. 167, 2012
s. 370.3	ad. No. 167, 2012
Division 372	
s. 372.1	ad. No. 3, 2011
	am. No. 167, 2012
s. 372.1A	ad. No. 167, 2012
s. 372.2	ad. No. 3, 2011
	am. No. 167, 2012
s. 372.3	ad. No. 3, 2011
	am. No. 167, 2012

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Provision affected	How affected
s. 372.4	ad. No. 3, 2011
s. 372.5	ad. No. 3, 2011
	am. No. 167, 2012
s. 372.6	ad. No. 3, 2011
Division 375	
s. 375.1	ad. No. 3, 2011
s. 375.2	ad. No. 3, 2011
s. 375.3	ad. No. 3, 2011
s. 375.4	ad. No. 3, 2011
Division 376	
Division 376	ad. No. 167, 2012
s. 376.1	ad. No. 167, 2012
s. 376.2	ad. No. 167, 2012
s. 376.3	ad. No. 167, 2012
s. 376.4	ad. No. 167, 2012
s. 376.5	ad. No. 167, 2012
Part 9.6	
Part 9.6	ad. No. 127, 2004
s. 380.1	ad. No. 127, 2004
s. 380.2	ad. No. 127, 2004
	am No 4, 2016; No 98, 2018
s. 380.3	ad. No. 127, 2004
	am No 4, 2016; No 98, 2018
s. 380.4	ad. No. 127, 2004
	am No 4, 2016; No 98, 2018
s. 380.5	ad. No. 127, 2004
	am No 98, 2018
Part 9.9	
Part 9.9	ad. No. 4, 2010
Division 390	
Subdivision A	

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Endnote 4—Amendment history

Provision affected	How affected
s. 390.1	ad. No. 4, 2010
	am. No. 127, 2010
s. 390.2	ad. No. 4, 2010
Subdivision B	
s. 390.3	ad. No. 4, 2010
s. 390.4	ad. No. 4, 2010
s. 390.5	ad. No. 4, 2010
s. 390.6	ad. No. 4, 2010
s. 390.7	ad. No. 4, 2010
Part 9.10	
Part 9.10	ad No 110, 2023
Division 395	
Subdivision A	
s 395.1	ad No 110, 2023
s 395.2	ad No 110, 2023
s 395.3	ad No 110, 2023
s 395.4	ad No 110, 2023
Subdivision B	
s 395.5	ad No 110, 2023
s 395.6	ad No 110, 2023
s 395.7	ad No 110, 2023
Subdivision C	
s 395.8	ad No 110, 2023
s 395.9	ad No 110, 2023
s 395.10	ad No 110, 2023
s 395.11	ad No 110, 2023
s 395.12	ad No 110, 2023
s 395.13	ad No 110, 2023
s 395.14	ad No 110, 2023
s 395.15	ad No 110, 2023
s 395.16	ad No 110, 2023

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Provision affected	How affected
s 395.17	ad No 110, 2023
s 395.18	ad No 110, 2023
Subdivision D	
s 395.19	ad No 110, 2023
s 395.20	ad No 110, 2023
s 395.21	ad No 110, 2023
s 395.22	ad No 110, 2023
Subdivision E	
s 395.23	ad No 110, 2023
s 395.24	ad No 110, 2023
s 395.25	ad No 110, 2023
s 395.26	ad No 110, 2023
Subdivision F	
s 395.27	ad No 110, 2023
s 395.28	ad No 110, 2023
s 395.29	ad No 110, 2023
s 395.30	ad No 110, 2023
s 395.31	ad No 110, 2023
s 395.32	ad No 110, 2023
s 395.33	ad No 110, 2023
s 395.34	ad No 110, 2023
s 395.35	ad No 110, 2023
s 395.36	ad No 110, 2023
s 395.37	ad No 110, 2023
Subdivision G	
s 395.38	ad No 110, 2023
s 395.39	ad No 110, 2023
s 395.40	ad No 110, 2023
Subdivision H	
s 395.41	ad No 110, 2023
s 395.42	ad No 110, 2023

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Provision affected	How affected
s 395.43	ad No 110, 2023
s 395.44	ad No 110, 2023
s 395.45	ad No 110, 2023
s 395.46	ad No 110, 2023
s 395.47	ad No 110, 2023
s 395.48	ad No 110, 2023
s 395.49	ad No 110, 2023
s 395.50	ad No 110, 2023
Chapter 10	
Chapter 10	ad. No. 137, 2000
Part 10.2	
Part 10.2	ad. No. 86, 2002
Division 400	
s 400.1	ad No 86, 2002
	am No 170, 2006; No 4, 2010; No 3, 2021
s 400.2	ad No 86, 2002
	am No 100, 2005; No 170, 2006
	rs No 4, 2010
	am No 3, 2021
s 400.2AA	ad No 3, 2021
s 400.2A	ad No 4, 2010
	am No 133, 2020; No 3, 2021
s 400.2B	ad No 3, 2021
s 400.3	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.4	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.5	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.6	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021

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Provision affected	How affected
s 400.7	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.8	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.9	ad No 86, 2002
	am No 170, 2006; No 4, 2010; No 3, 2021; No 110, 2024
s 400.10	ad No 86, 2002
	am No 4, 2010; No 4, 2016; No 3, 2021
s 400.10A	ad No 133, 2020
	am No 3, 2021
s 400.10B	ad No 3, 2021
s 400.11	ad No 86, 2002
	am No 170, 2006; No 3, 2021
s 400.12	ad No 86, 2002
	am No 3, 2021
s 400.13	ad No 86, 2002
	am No 3, 2021
s. 400.14	ad. No. 86, 2002
s 400.14A	ad No 3, 2021
s 400.15	ad No 86, 2002
	rs No 4, 2010
	am No 4, 2016; No 3, 2021
s. 400.16	ad. No. 86, 2002
Part 10.5	
Division 470	
s 470.1	ad No 137, 2000
	am No 9, 2002; No 31, 2018; No 61, 2024
s. 470.2	ad. No. 137, 2000
s. 470.3	ad. No. 137, 2000
s. 470.4	ad. No. 42, 2010
	am No 72, 2019

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Endnote 4—Amendment history

Provision affected	How affected
Division 471	
Subdivision A	
Subdivision A heading	ad. No. 42, 2010
s. 471.1	ad. No. 137, 2000
	am No 4, 2016
s. 471.2	ad. No. 137, 2000
	am No 4, 2016
s. 471.3	ad. No. 137, 2000
	am No 4, 2016
s. 471.4	ad. No. 137, 2000
	am No 4, 2016
s. 471.5	ad. No. 137, 2000
	am No 4, 2016
s. 471.6	ad. No. 137, 2000
	am No 4, 2016
s. 471.7	ad. No. 137, 2000
	am No 4, 2016
s. 471.8	ad. No. 137, 2000
	am No 4, 2016
s. 471.9	ad. No. 137, 2000
	am. No. 9, 2002
s 471.10	ad No 9, 2002
	am No 4, 2016; No 61, 2024
s. 471.11	ad. No. 9, 2002
	am. No. 127, 2004; No 4, 2016
s 471.12	ad No 9, 2002
	am No 127, 2004; No 4, 2016; No 2, 2026
s 471.13	ad No 9, 2002
	am No 4, 2016; No 61, 2024
s. 471.14	ad. No. 9, 2002
	am. No. 9, 2002

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Provision affected	How affected
s. 471.15	ad. No. 9, 2002
	am No 4, 2016
Subdivision B	
Subdivision B heading	rs No 72, 2019
Subdivision B	ad. No. 42, 2010
s. 471.16	ad. No. 42, 2010
	rep No 72, 2019
s. 471.17	ad. No. 42, 2010
	rep No 72, 2019
s. 471.18	ad. No. 42, 2010
	am No 31, 2018
	rep No 72, 2019
s. 471.19	ad. No. 42, 2010
s. 471.20	ad. No. 42, 2010
s. 471.21	ad. No. 42, 2010
	am No 31, 2018
s. 471.22	ad. No. 42, 2010
	am No 72, 2019; No 70, 2020
s. 471.23	ad. No. 42, 2010
	am No 72, 2019
Subdivision C	
Subdivision C	ad. No. 42, 2010
s. 471.24	ad. No. 42, 2010
s. 471.25	ad. No. 42, 2010
	am No 70, 2020
s 471.25A	ad No 70, 2020
s. 471.26	ad. No. 42, 2010
	am No 70, 2020
s. 471.27	ad. No. 42, 2010
	am No 70, 2020
s. 471.28	ad. No. 42, 2010

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Endnote 4—Amendment history

Provision affected	How affected
	am No 70, 2020
s. 471.29	ad. No. 42, 2010
	am No 70, 2020
s 471.29A	ad No 70, 2020
Subdivision D	
Subdivision D	ad. No. 42, 2010
s. 471.30	ad. No. 42, 2010
s 471.31	ad No 42, 2010
	am No 61, 2024
Division 472	
s. 472.1	ad. No. 137, 2000
s. 472.2	ad. No. 137, 2000
Part 10.6	
Part 10.6	rs. No. 127, 2004
Division 473	
s 473.1	ad No 137, 2000
	rs No 127, 2004
	am No 95, 2005; No 40, 2006; No 8, 2010; No 42, 2010; No 5, 2011; No 44, 2012; No 108, 2014; No 38, 2015; No 153, 2015; No 86, 2016; No 25, 2018; No 31, 2018; No 96, 2018; No 156, 2018; No 67, 2019; No 72, 2019; No 13, 2020; No 77, 2021; No 89, 2022; No 53, 2023; No 63, 2023; No 78, 2024
	ed C148
s. 473.2	ad. No. 137, 2000
	rs. No. 127, 2004
s. 473.3	ad. No. 137, 2000
	rs. No. 127, 2004
s. 473.4	ad. No. 127, 2004
	am No 96, 2018; No 78, 2024
s 473.5	ad No 42, 2010
	am No 77, 2021

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Provision affected	How affected
Division 474	
Subdivision A	
s. 474.1	ad. No. 137, 2000
	rs. No. 127, 2004
s. 474.2	ad. No. 127, 2004
	am No 4, 2016
Subdivision B	
s. 474.3	ad. No. 127, 2004
s. 474.4	ad. No. 127, 2004
	am. No. 40, 2006; No 4, 2016
s. 474.5	ad. No. 127, 2004
	am No 4, 2016
s 474.6	ad No 127, 2004
	am No 4, 2016; No 148, 2018; No 53, 2023
s. 474.7	ad. No. 127, 2004
	am No 4, 2016
s. 474.8	ad. No. 127, 2004
	am No 4, 2016
s. 474.9	ad. No. 127, 2004
	am No 4, 2016
s. 474.10	ad. No. 127, 2004
	am No 4, 2016
s. 474.11	ad. No. 127, 2004
	am No 4, 2016
s. 474.12	ad. No. 127, 2004
	am No 4, 2016
Subdivision C	
Subdivision C heading	rs. No. 42, 2010
s. 474.13	ad. No. 127, 2004
	am. No. 8, 2010
	rep. No. 42, 2010

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Provision affected	How affected
s. 474.14	ad. No. 127, 2004
	am No 4, 2016
s. 474.15	ad. No. 127, 2004
	am No 4, 2016
s. 474.16	ad. No. 127, 2004
	am No 4, 2016
s 474.17	ad No 127, 2004
	am No 44, 2012; No 4, 2016; No 31, 2018; No 77, 2021
s 474.17A	ad No 96, 2018
	am No 77, 2021
	rs No 78, 2024
s 474.17AA	ad No 78, 2024
s 474.17AB	ad No 78, 2024
s 474.17B	ad No 96, 2018
	rs No 78, 2024
s 474.17C	ad No 128, 2024
s 474.17D	ad No 128, 2024
s. 474.18	ad. No. 127, 2004
	am No 4, 2016
Subdivision D	
Subdivision D heading	ad. No. 42, 2010
	rs No 72, 2019
s. 474.19	ad. No. 127, 2004
	am. No. 42, 2010; No 4, 2016
	rep No 72, 2019
s. 474.20	ad. No. 127, 2004
	am. No. 42, 2010; No 4, 2016
	rep No 72, 2019
s 474.21	ad No 127, 2004
	am No 45, 2005; No 124, 2007; No 25, 2015; No 51, 2017; No 31, 2018

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Provision affected	How affected
	rep No 72, 2019
s. 474.22	ad. No. 127, 2004
	am. No. 42, 2010; No 4, 2016
s 474.22A	ad No 72, 2019
s. 474.23	ad. No. 127, 2004
	am. No. 42, 2010; No 4, 2016
s 474.23A	ad No 70, 2020
	am No 70, 2020
s 474.24	ad No 127, 2004
	am No 45, 2005; No 124, 2007; No 25, 2015; No 51, 2017; No 31, 2018; No 72, 2019; No 70, 2020; No 77, 2021
s. 474.24A	ad. No. 42, 2010
	am No 72, 2019; No 70, 2020
s. 474.24B	ad. No. 42, 2010
	am No 72, 2019
s. 474.24C	ad. No. 42, 2010
Subdivision E	
Subdivision E heading	ad. No. 42, 2010
s 474.25	ad No 127, 2004
	am No 8, 2010; No 38, 2019; No 72, 2019; No 77, 2021
Subdivision F	
Subdivision F heading	ad No 42, 2010
	rs No 50, 2017
s 474.25A	ad No 42, 2010
	am No 70, 2020
s 474.25B	ad No 42, 2010
	am No 5, 2015; No 70, 2020
s 474.25C	ad No 50, 2017
s. 474.26	ad. No. 127, 2004
	am. No. 42, 2010
s. 474.27	ad. No. 127, 2004

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 42, 2010; No 70, 2020
s 474.27AA	ad No 70, 2020
s. 474.27A	ad. No. 42, 2010
	am No 70, 2020
s. 474.28	ad. No. 127, 2004
	am. No. 42, 2010; No 70, 2020
s. 474.29	ad. No. 127, 2004
	rs. No. 42, 2010
	am No 70, 2020
s 474.29AA	ad No 70, 2020
Subdivision G	
Subdivision G heading	ad. No. 42, 2010
s. 474.29A	ad. No. 92, 2005
	am No 4, 2016
s. 474.29B	ad. No. 92, 2005
	am No 4, 2016
s 474.30	ad No 127, 2004
	rep No 42, 2010
Subdivision H	
Subdivision H	ad No 38, 2019
s 474.30	ad No 38, 2019
	am No 77, 2021
s 474.31	ad No 38, 2019
s 474.32	ad No 38, 2019
	am No 60, 2025
s 474.33	ad No 38, 2019
s 474.34	ad No 38, 2019
s 474.35	ad No 38, 2019
s 474.36	ad No 38, 2019
s 474.37	ad No 38, 2019
	am No 113, 2023

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Provision affected	How affected
s 474.38	ad No 38, 2019
s 474.39	ad No 38, 2019
s 474.40	ad No 38, 2019
s 474.41	ad No 38, 2019
	am No 77, 2021
s 474.42	ad No 38, 2019
s 474.43	ad No 38, 2019
s 474.44	ad No 38, 2019
	rs No 77, 2021
s 474.45	ad No 38, 2019
Subdivision HA	
Subdivision HA	ad No 113, 2023
s 474.45A	ad No 113, 2023
	am No 60, 2025
s 474.45B	ad No 113, 2023
	am No 2, 2026
s 474.45BA	ad No 2, 2026
s 474.45C	ad No 113, 2023
s 474.45D	ad No 113, 2023
s 474.45E	ad No 113, 2023
Subdivision HB	
Subdivision HB	ad No 1, 2026
s 474.45F	ad No 1, 2026
s 474.45G	ad No 1, 2026
s 474.45H	ad No 1, 2026
s 474.45J	ad No 1, 2026
Subdivision J	
Subdivision J	ad No 67, 2019
s 474.46	ad No 67, 2019
s 474.47	ad No 67, 2019
s 474.48	ad No 67, 2019

Endnote 4—Amendment history

Provision affected	How affected
Division 475	
s 475.1A	ad No 42, 2010
	am No 67, 2019; No 113, 2023; No 1, 2026
s 475.1B	ad No 42, 2010
	am No 67, 2019
s 475.1	ad No 137, 2000
	rs No 127, 2004
s 475.2	ad No 127, 2004
	am No 38, 2019
Part 10.7	
Part 10.7	ad. No. 161, 2001
Division 476	
s 476.1	ad No 161, 2001
	am No 127, 2004; No 5, 2011; No 120, 2012; No 53, 2023; No 75, 2025
s 476.2	ad No 161, 2001
	am No 152, 2004; No 148, 2018
s. 476.3	ad. No. 161, 2001
s 476.4	ad No 161, 2001
	am No 124, 2021; No 31, 2022; No 75, 2025
s 476.5	ad No 161, 2001
	am No 127, 2004; No 128, 2005; No 40, 2006; No 177, 2007; No 5, 2011; No 80, 2011; No 108, 2014; No 25, 2018; No 124, 2021
	rep No 31, 2022
s 476.6	ad No 124, 2021
	am No 31, 2022; No 33, 2022; No 75, 2025
s 476.7	ad No 75, 2025
Division 477	
s. 477.1	ad. No. 161, 2001
	am. No. 127, 2004; No. 3, 2011; No. 120, 2012; No 4, 2016
s 477.2	ad No 161, 2001

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Provision affected	How affected
	am No 127, 2004; No 120, 2012; No 4, 2016; No 53, 2023
s 477.3	ad No 161, 2001
	am No 127, 2004; No 120, 2012; No 4, 2016; No 53, 2023
Division 478	
s. 478.1	ad. No. 161, 2001
	am. No. 127, 2004; No. 120, 2012; No 4, 2016
s. 478.2	ad. No. 161, 2001
	am. No. 120, 2012; No 4, 2016
s. 478.3	ad. No. 161, 2001
	am No 4, 2016
s. 478.4	ad. No. 161, 2001
	am No 4, 2016
Part 10.8	
Part 10.8	ad. No. 127, 2004
s. 480.1	ad. No. 127, 2004
s. 480.2	ad. No. 127, 2004
s. 480.3	ad. No. 127, 2004
s. 480.4	ad. No. 127, 2004
	am No 4, 2016
s. 480.5	ad. No. 127, 2004
	am No 4, 2016
s. 480.6	ad. No. 127, 2004
	am. No. 8, 2010; No 4, 2016
Part 10.9	
Part 10.9	ad No 15, 2016
Division 490	
s 490.1	ad No 15, 2016
s 490.2	ad No 15, 2016
s 490.3	ad No 15, 2016
s 490.4	ad No 15, 2016
s 490.5	ad No 15, 2016

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Endnote 4—Amendment history

Provision affected	How affected
s 490.6	ad No 15, 2016
s 490.7	ad No 15, 2016
Dictionary	
Dictionary	am No 43, 1999; No 104, 1999; No 124, 2000; No 137, 2000; No 55, 2001; No 42, 2002; No 105, 2002 (as am by No 127, 2002); No 127, 2004; No 96, 2005; SLI No 50, 2006; No 125, 2006; No 18, 2009; No 54, 2009; No 70, 2009; No 3, 2010; No 4, 2010; No 42, 2010; No 127, 2010; No 3, 2011; No 46, 2011; No 136, 2012; No 6, 2013; No 13, 2013; No 5, 2015; No 59, 2015; No 153, 2015; No 15, 2016; No 34, 2018; No 44, 2018; No 67, 2018; No 148, 2018; No 70, 2020; No 154, 2020; No 113, 2023; No 93, 2024; No 60, 2025; No 1, 2026; No 2, 2026

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Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Paragraph 114A.1(1)(b) of the *Criminal Code*

Kind of editorial change

Removal of redundant text

Details of editorial change

Schedule 1 item 13 of the *Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026* instructs to insert Part 5.3B after Part 5.3A of the *Criminal Code*.

Subsection 114A.1(1) of the newly inserted Part 5.3B of the *Criminal Code* appears as follows:

(1) The objects of this Part are to:
  (a) protect the Australian community or part of the Australian community against social, economic, psychological and physical harm (including harm mentioned in subsection (2)), and from the promotion of violence, by prohibiting organisations that engage in, prepare or plan to engage in, or assist the engagement in, or advocate engaging in, conduct constituting a hate crime; and
  (b) to give effect to Australia's obligations under the following:
    (i) Articles 20 and 26 of the International Covenant on Civil and Political Rights, done at New York on 16 December 1966, as amended and in force for Australia from time to time;
    (ii) Articles 4(a) and (b) of the International Convention on the Elimination of all Forms of Racial Discrimination, done at New York on 21 December 1965, as amended and in force for Australia from time to time.

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Endnote 5—Editorial changes

Note: The Covenant and Convention could in 2026 be viewed in the Australian Treaties Library on the AustLII website (https://www.austlii.edu.au).

The chapeau to subsection 114A.1(1) of the *Criminal Code* ends with the word "to". Paragraph 114A.1(1)(b) of the *Criminal Code* begins with an erroneous duplication of the word "to".

This compilation was editorially changed to omit "to" (first occurring) from paragraph 114A.1(1)(b) of the *Criminal Code* to remove the redundant text.

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