

CHAPTER TWO

OVERVIEW OF THE BILL

2.1 The aim of this Bill is to revise aspects of the criminal law to meet the challenges of new and emerging technologies. The Bill introduces new offences under the Criminal Code involving use of a telecommunications network or 'carriage service'. Proposed new offences include the use of such a network or service:

- For a 'serious offence';
- To make a threat;
- To menace, harass or 'cause offence';
- For child pornography or child abuse material; and
- To procure or 'groom' a person under 16 years of age for a sexual purpose.

2.2 The Bill also proposes new offences relating to contamination of goods, dishonest financial dealing and child prostitution on board Australian-registered aircraft.

2.3 The following Acts are amended as a result of this Bill:

- *Mutual Assurances in Criminal Matters Act 1987*;
- *Crimes (Aviation) Act 1991*;
- *Customs Act 1901*;
- *Cybercrimes Act 2001*; and
- *Criminal Code Act 1995*.

2.4 The main aspects of the Bill are:¹:

- Schedule 1 (Telecommunications Offences), inserts new telecommunications offences into the Criminal Code – Chapter 10.6.
- Schedule 2 (Contamination Offences), inserts a new Part 9.6 in Chapter 9 of the Criminal Code. It will contain three new offences designed to overlap and complement the State/Territory contaminations of goods offences.
- Schedule 3 (Financial Information Offences), inserts a new Part 10.8 into Chapter 10 of the Criminal Code (*'National Infrastructure'*). This offence relates to dishonestly obtaining, or dealing in personal financial information without consent. It also criminalises the possession, control or importation of devices to commit these offences.

1 Explanatory Memorandum, 'Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No.2) 2004', pp. 4, 61, 68, 72, 75

- Schedule 4 (other amendments of the Criminal Code), makes a number of important clarifying amendments to the Code – mostly in Chapter 2, general principles of criminal responsibility. Chapter 7 has a minor amendment under this schedule.
- Schedule 5 (Amendments of other Acts), - clarifies the operations of part of the *Customs Act 1901*; corrects a misdescription in the *Cybercrime Act 2001*; makes procedural amendment to the *Mutual Assistancess in Criminal Matters Act 1987*; and makes minor amendment to the *Crimes (Aviation) Act 1991*.