



# **Crimes Legislation Amendment (Harming Australians) Act 2015**

**No. 163, 2015**

**An Act to amend the *Criminal Code Act 1995*, and  
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
	<i>Criminal Code Act 1995</i>	3





# Crimes Legislation Amendment (Harming Australians) Act 2015

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## **An Act to amend the *Criminal Code Act 1995*, and for related purposes**

[Assented to 30 November 2015]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Crimes Legislation Amendment  
(Harming Australians) Act 2015*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	30 November 2015
2. Schedule 1	The day after this Act receives the Royal Assent.	1 December 2015

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Criminal Code Act 1995*

#### **1 Paragraph 115.1(1)(a) of the *Criminal Code***

After “Australia”, insert “(whether before or after 1 October 2002 or the commencement of this Code)”.

#### **2 After paragraph 115.1(1)(d) of the *Criminal Code***

Insert:

; and (e) if the conduct was engaged in before 1 October 2002—at the time the conduct was engaged in, the conduct constituted an offence against a law of the foreign country, or the part of the foreign country, in which the conduct was engaged.

#### **3 Subsection 115.1(1) of the *Criminal Code* (penalty)**

Repeal the penalty.

#### **4 At the end of subsection 115.1(1) of the *Criminal Code***

Add:

Note: This section commenced on 1 October 2002.

#### **5 After subsection 115.1(1) of the *Criminal Code***

Insert:

- (1A) If the conduct constituting an offence against subsection (1) was engaged in before 1 October 2002, the offence is punishable on conviction by:
- (a) if, at the time the conduct was engaged in, the offence mentioned in paragraph (1)(e) was punishable on conviction by a term of imprisonment (other than imprisonment for life)—a maximum penalty of imprisonment for a term of not more than that term; or
  - (b) otherwise—a maximum penalty of imprisonment for life.
- (1B) If the conduct constituting an offence against subsection (1) was engaged in on or after 1 October 2002, the offence is punishable on conviction by a maximum penalty of imprisonment for life.

**6 Subsection 115.1(2) of the *Criminal Code***

Omit “paragraph (1)(c)”, substitute “paragraphs (1)(c) and (e)”.

**7 At the end of section 115.1 of the *Criminal Code***

Add:

(3) If:

- (a) a person has been convicted or acquitted of an offence in respect of conduct under a law of a foreign country or a part of a foreign country; and
- (b) the person engaged in the conduct before 1 October 2002; the person cannot be convicted of an offence against this section in respect of that conduct.

**8 Paragraph 115.2(1)(a) of the *Criminal Code***

After “Australia”, insert “(whether before or after 1 October 2002 or the commencement of this Code)”.

**9 After paragraph 115.2(1)(d) of the *Criminal Code***

Insert:

- ; and (e) if the conduct was engaged in before 1 October 2002—at the time the conduct was engaged in, the conduct constituted an offence against a law of the foreign country, or the part of the foreign country, in which the conduct was engaged.

**10 Subsection 115.2(1) of the *Criminal Code* (penalty)**

Repeal the penalty.

**11 At the end of subsection 115.2(1) of the *Criminal Code***

Add:

Note: This section commenced on 1 October 2002.

**12 After subsection 115.2(1) of the *Criminal Code***

Insert:

- (1A) If the conduct constituting an offence against subsection (1) was engaged in before 1 October 2002, the offence is punishable on conviction by:



- 
- (a) if, at the time the conduct was engaged in, the offence mentioned in paragraph (1)(e) was punishable on conviction by imprisonment for a term of less than 25 years—a maximum penalty of imprisonment for a term of not more than that term; or
  - (b) otherwise—a maximum penalty of imprisonment for a term of not more than 25 years.
- (1B) If the conduct constituting an offence against subsection (1) was engaged in on or after 1 October 2002, the offence is punishable on conviction by a maximum penalty of imprisonment for a term of not more than 25 years.

**13 Subsection 115.2(2) of the *Criminal Code***

Omit “paragraphs (1)(b) and (c)”, substitute “paragraphs (1)(b), (c) and (e)”.

**14 At the end of section 115.2 of the *Criminal Code***

Add:

- (3) If:
- (a) a person has been convicted or acquitted of an offence in respect of conduct under a law of a foreign country or a part of a foreign country; and
  - (b) the person engaged in the conduct before 1 October 2002; the person cannot be convicted of an offence against this section in respect of that conduct.

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*[Minister’s second reading speech made in—  
Senate on 15 October 2015  
House of Representatives on 23 November 2015]*

(185/15)

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