



Criminal Code Amendment (Suicide Related Material Offences) Act 2005

No. 92, 2005

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

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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No. 92, 2005

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

[Assented to 6 July 2005]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Suicide Related Material Offences) Act 2005*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	6 July 2005
2. Schedule 1	On the day after the end of the period of 6 months beginning on the day on which this Act receives the Royal Assent.	6 January 2006

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Suicide related material offences

Criminal Code Act 1995

1 After section 474.29 of the *Criminal Code*

Insert:

474.29A Using a carriage service for suicide related material

- (1) A person is guilty of 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 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 is guilty of 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.

Penalty: 1,000 penalty units.

- (3) To avoid doubt, a person is not guilty of 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 is not guilty of 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 is guilty of 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:
 - (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).

*[Minister's second reading speech made in—
House of Representatives on 10 March 2005
Senate on 12 May 2005]*

(7/05)