

2025

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Criminal Code Amendment (Using
Technology to Generate Child Abuse
Material) Bill 2025**

No. , 2025

(Ms Chaney)

**A Bill for an Act to amend the *Criminal Code Act
1995*, and for related purposes**

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Criminal Code Act 1995

1 After Subdivision D of Division 474 of the *Criminal Code*

Insert:

Subdivision DA—Offences relating to technology for creating child abuse material

474.24D Downloading etc. technology for creating child abuse material

- (1) A person commits an offence if:
- (a) the person does any of the following acts in relation to a technology (including an artificial intelligence technology):
 - (i) download the technology;
 - (ii) access the technology;
 - (iii) supply the technology to another person;
 - (iv) enable another person to access the technology;
 - (v) offer to supply another person with the technology or access to the technology; and
 - (b) the person does so using a carriage service; and
 - (c) the sole or dominant purpose of the technology is to create child abuse material.

Penalty: Imprisonment for 15 years.

- (2) Absolute liability applies to paragraph (1)(b).

474.24E Collecting etc. data with the intention to train or create technology for creating child abuse material

- (1) A person commits an offence if:
- (a) the person collects, scrapes or distributes data; and
 - (b) the person does so using a carriage service; and

-
- 1 (c) the person does so with the intention of training or creating a
2 technology (including an artificial intelligence technology)
3 whose sole or dominant purpose is to create child abuse
4 material.

5 Penalty: Imprisonment for 15 years.

- 6 (2) Absolute liability applies to paragraph (1)(b).

7 **474.24F Defences**

- 8 (1) A person is not criminally responsible for an offence against this
9 Subdivision because of engaging in particular conduct if the
10 conduct:

11 (a) is of public benefit; and

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

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

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

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

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

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

25 (c) the administration of justice; or

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

- 29 (3) A person is not criminally responsible for an offence against this
30 Subdivision if:

31 (a) the person is, at the time of the offence, a law enforcement
32 officer, or an intelligence or security officer, acting in the
33 course of the officer's duties; and

1 (b) the conduct of the person is reasonable in the circumstances
2 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).