

South Australia



**SUMMARY OFFENCES (INDECENT OR OFFENSIVE MATERIAL)
AMENDMENT ACT 1995**

No. 73 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Substitution of heading
Indecent or Offensive Material
3. Amendment of s. 33—Indecent or offensive material



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 73 of 1995

An Act to amend the Summary Offences Act 1953.

[Assented to 2 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Summary Offences (Indecent or Offensive Material) Amendment Act 1995*.

(2) The *Summary Offences Act 1953* is referred to in this Act as "the principal Act".

Substitution of heading

2. The heading above section 33 of the principal Act is repealed and the following heading is substituted:

Indecent or Offensive Material

Amendment of s. 33—Indecent or offensive material

3. Section 33 of the principal Act is amended—

- (a) by striking out from the definition of "child pornography" in subsection (1) "cause offence to" and substituting "cause serious and general offence amongst";
- (b) by striking out from the definition of "indecent material" in subsection (1) "of which the subject matter" and substituting "that";
- (c) by striking out from paragraph (b) of the definition of "offensive material" in subsection (1) ",if generally disseminated,";
- (d) by striking out subsection (4) and substituting the following subsection:

(4) In proceedings for an offence against this section, the circumstances of the production, sale, exhibition, delivery or possession of material to which the charge relates and its use or intended use may be taken into account in determining whether the material was indecent or offensive material, but, if the material was inherently indecent or offensive material, the circumstances of its production, sale, exhibition, delivery or possession or its use or intended use cannot be taken to have deprived it of that character.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

B. S. HETZEL, Governor's Deputy