

**INDECENT TREATMENT OF CHILDREN- LEGISLATION**

Time Period Applicable	Act	Operational Date	Offence	Maximum Penalties	Notes		
Prior to 30 June 1975	Criminal Code Act 1899	1 January 1901	Section 210 Unlawful and indecent treatment of a boy under 14 years Unlawfully and indecently deals with a boy under 14 years	7 years	Dealing includes an assault		
			Section 216 Unlawful and indecent treatment of a girl under 17 years Unlawfully and indecently deals with a girl under 17 years	2 years	Dealing includes an assault Now only applicable if the complainant is under 16		
			<b>Circumstances of Aggravation</b>				
			Section 210 - None				
			Section 216 - if girl under 12 years	5 years			
			<b>Defences Provided by the Section</b>				
			Section 210 - None				
			Section 216 - it is a defence to prove that the accused believed on reasonable grounds that the girl was 17 years of age or above				
			<b>Other</b>				
			None				

Time Period Applicable	Act	Operational Date	Offence	Maximum Penalties	Notes		
1 July 1975 to 30 June 1976	The Criminal Code and Justices Act Amendment 1975 No. 27 of 1975	1 July 1975	Section 210 Unlawful and indecent treatment of a boy under 17 years Unlawfully and indecently deals with a boy under 17 years	5 years	Age raised to 17 years.  Now only applicable if the complainant is under 16		
			Section 216 Unlawful and indecent treatment of a girl under 17 years Unlawfully and indecently deals with a girl under 17 years	5 years	Dealing includes an assault Now only applicable if the complainant is under 16. Penalty increased		
			<b>Circumstances of Aggravation</b>				
			Section 210 – if boy under 14	7 years	Cir agg added		
			Section 216 - if girl under 14 years	7 years	Cir agg age raised to 14		
			<b>Defences Provided by the Section</b>				
			Section 210 - none				
			Section 216 - it is a defence to prove that the accused believed on reasonable grounds that the girl was 17 years of age or above				
			<b>Other</b>				
			None				



Time Period Applicable	Act	Operational Date	Offence	Maximum Penalties	Notes		
1 July 1976 to 2 July 1989	The Criminal Code Amendment Act 1976 No.25 of 1976	1 July 1976	Section 210 Unlawful and indecent treatment of a boy under 17 years Unlawfully and indecently deals with a boy under 17 years	5 years			
			Section 216 <del>Unlawful and indecent treatment of a girl under 16 years</del> Unlawfully and indecently deals with a girl under 16 years	5 years	Age reduced to 16 years		
			<b>Circumstances of Aggravation</b>				
			Section 210 – if boy under 14	7 years			
			* Section 216 – if girl under 14 years	7 years			
			<b>Defences Provided by the Section</b>				
			Section 210 – none				
			Section 216 - it is a defence to prove that the accused believed on reasonable grounds that the girl was 17 years of age or above				
			<b>Other</b>				

Time Period Applicable	Act	Operational Date	Offence	Maximum Penalties	Notes		
3 July 1989 to 30 June 1997	The Criminal Code, Evidence Act and Other Acts Amendment Act 1989 No. 17 of 1989	3 July 1989	Section 210(1) Unlawful and indecent treatment of a child under 16 years Unlawfully and indecently deals with a child under 16 years	5 years	Gender is no longer relevant Age reduced to 16 years		
			(2) Unlawfully procuring a child under 16 years to commit an indecent act		Defining of various acts which may have fallen within the term "deals with" previously.		
			(3) Unlawfully permitting self to be indecently dealt with by a child under 16				
			(4) Wilfully and unlawfully exposing a child under 16 years to an indecent act by the offender or any other person				
			(5) Without legitimate reason, wilfully exposes a child under 16 years to an indecent object, film, video tape, audio tape, picture, photograph or printed or written material				
			(6) without legitimate reason takes any indecent photograph or records by means of any device an indecent visual image of a child under 16 years				
			<b>Circumstances of aggravation</b>				
			child under 12	10 years			
			child to the knowledge of the offender is a lineal descendant, is the child's guardian or has them under their care	10 years	Relationship to child is an aggravating circumstance		
			<b>Defences</b>				
if the complainant is over 12 years it is a defence to prove that the accused believed on reasonable grounds that the child was 16 years or more							
<b>Other</b>							
The offender could be convicted on the uncorroborated testimony of the							



Time Period Applicable	Act	Operational Date	Offence	Maximum Penalties	Notes
			complainant but the court was required to warn the jury of the dangers		
			"deals with" includes any act which, if done without consent, would constitute an assault as defined in the code.		Broader meaning than assault

