

474.19 Using a carriage service for child pornography material

- (1) A person is guilty of an offence if:
- (a) the person:
 - (i) accesses material; or
 - (ii) causes material to be transmitted to himself or herself; or
 - (iii) transmits, makes available, publishes, distributes, advertises or promotes material; or
 - (iv) solicits material; and
 - (aa) the person does so using a carriage service; and
 - (b) the material is child pornography material.

Penalty: Imprisonment for 15 years.

- (2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):
- (a) intention is the fault element for the conduct referred to in paragraph (1)(a);
 - (b) recklessness is the fault element for the circumstances referred to in paragraph (1)(b).

Note: For the meaning of *intention* and *recklessness* see sections 5.2 and 5.4.

- (2A) Absolute liability applies to paragraph (1)(aa).

Note: For absolute liability, see section 6.2.

- (3) As well as the general defences provided for in Part 2.3, defences are provided for under section 474.21 in relation to this section.