

TASMANIA

**CRIMINAL CODE AMENDMENT (SEXUAL
ASSAULT) BILL 2017**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Schedule 1 amended (*Criminal Code*)
5. Repeal of Act

CRIMINAL CODE AMENDMENT (SEXUAL ASSAULT) BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
3 May 2017

*(Brought in by the Acting Attorney-General, the Honourable
Matthew Guy Groom)*

A BILL FOR

An Act to amend the *Criminal Code Act 1924*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment (Sexual Assault) Act 2017*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 3

3. Principal Act

In this Act, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *female genital mutilation* in section 1:

genitalia includes genitalia that have been surgically constructed or reconstructed;

- (b) by inserting “or reconstructed” after “constructed” in the definition of *penis* in section 1;
- (c) by omitting the definition of *sexual intercourse* from section 1;
- (d) by inserting “or reconstructed” after “constructed” in the definition of *vagina* in section 1;
- (e) by inserting the following section after section 2A in Chapter 1:

2B. Sexual intercourse

- (1) In this Code –

*No. 69 of 1924

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 4

sexual intercourse means –

- (a) the penetration, to the least degree, of a person's vagina, genitalia, anus or mouth by a penis; or
- (b) the penetration, to the least degree, of a person's vagina, genitalia or anus by a body part of a person other than a penis; or
- (c) the penetration, to the least degree, of a person's vagina, genitalia or anus by an object held or manipulated by, or attached to, another person; or
- (d) the continuation of an act of penetration referred to in paragraph (a), (b) or (c) of this definition.

(2) In this section –

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 4

penetration does not include penetration carried out for a proper medical purpose, for the purposes of hygiene or for any purpose that is authorised by law.

- (f) by omitting from section 14A(1) “section 124, 125B, 127, 127A or 185” and substituting “section 124, 125B, 127 or 185”;
- (g) by omitting from section 14A(2) “section 124, 125B, 127A or 185” first occurring and substituting “section 124, 125B or 185”;
- (h) by omitting from section 14A(2)(b) “section 124, 125B, 127A or 185” and substituting “section 124, 125B or 185”;
- (i) by omitting “section 124, 125B, 125C, 125D, 127 or 127A” from paragraph (a) of the definition of *relevant offence* in section 14B(1) and substituting “section 124, 125B, 125C, 125D or 127”;
- (j) by omitting “section 124, 125B, 125C, 125D, 127 or 127A” from paragraph (b) of the definition of *relevant offence* in section 14B(1) and substituting “section 124, 125B, 125C, 125D or 127”;
- (k) by omitting from section 14B(4) “section 124(3), section 125B(3), section 125C(4), section 125D(5),

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 4

section 127(2) or section 127A(2)” and
substituting “section 124(3),
section 125B(3), section 125C(4),
section 125D(5) or section 127(2)”;

- (l) by omitting subsection (3) from section 18;
- (m) by omitting section 122 and substituting the following section:

122. Bestiality

Any person who engages in an
act of bestiality is guilty of a
crime.

Charge: Bestiality.

- (n) by omitting from section 125A(1) “127A,”;
- (o) by omitting “127A,” from the definition of *unlawful sexual act* in section 125D(2);
- (p) by omitting section 127A;
- (q) by omitting “127A,” from the definition of *unlawful sexual act* in section 130E(4);
- (r) by omitting paragraph (d) from section 335;
- (s) by omitting paragraphs (c), (d) and (e) from section 336 and substituting the following paragraphs:

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 4

- (c) indecent assault; or
- (d) assault.
- (t) by omitting from section 337(d) “assault; or” and substituting “assault.”;
- (u) by omitting paragraph (e) from section 337;
- (v) by omitting section 337A;
- (w) by omitting paragraph (g) from section 337B(1);
- (x) by inserting the following section after section 460:

461. Application of *Criminal Code Amendment (Sexual Assault) Act 2017*

- (1) In this section –

amending Act means the
*Criminal Code
Amendment (Sexual
Assault) Act 2017*;

relevant amendments means
the amendments to this
Act, made by the
amending Act, consisting
of –

- (a) the omission of
the definition of
sexual intercourse

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 4

from section 1;
and

(b) the insertion into
this Act of section
2B.

(2) Nothing in section 124(4) is to be
taken to have the effect that the
relevant amendments are to be
taken to have applied, in relation
to an offence referred to in
section 124, since 4 April 1924.

(y) by omitting

Unnatural sexual intercourse.

from Appendix A and substituting the
following item:

Bestiality.

(z) by omitting the following item

Aggravated sexual assault.

from Appendix A;

(za) by omitting the following item

Section 127A Aggravated sexual assault

from Appendix D.

Criminal Code Amendment (Sexual Assault) Act 2017
Act No. of

s. 5

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.