

CLAUSE NOTES

Criminal Code Amendment (Sexual Assault) Bill 2017

- Clause 1: Short title of the Bill.
- Clause 2: The Act commences on Royal Assent.
- Clause 3: Principal Act is the *Criminal Code Act 1924*.
- Clause 4: Amends Schedule 1 of the *Criminal Code Act 1924* by amending the definitions of 'penis' and 'vagina', replacing the definition of 'sexual intercourse' with a new definition of 'sexual intercourse' and inserting new definitions for 'genitalia' and 'penetration'.
- Removes section 127A from the Principal Act which provides for the crime of 'aggravated sexual assault'. The Bill provides that matters that were covered by the crime of 'aggravated sexual assault' will now be covered by the crime of 'rape' in section 185 by virtue of the changes the Bill makes to the definition of 'sexual intercourse'.
- Removes subsection (3) from section 18 of the Principal Act to repeal the provision that a male person under 7 years of age is conclusively presumed to be incapable of having sexual intercourse.
- Replaces section 122 'unnatural crimes' of the Principal Act with a new crime of 'bestiality'. The new provision provides that any person who engages in an act of bestiality is guilty of a crime.
- Makes consequential amendments to sections 14A(1), 14B(1)(a), 14B(1)(b), 14A(2), 14A(2)(b), 14B(4), 125A, 125A(1), 125D(2), 130E(4), 335, 336, 337(d), 337, 337A and 337B(1) of the Principal Act to remove references to section 127A 'aggravated sexual assault' of the Principal Act as the Bill repeals this provision.
- Makes a consequential amendment to replace the reference to 'unnatural sexual intercourse' in Appendix A of the Principal Act with a reference to 'bestiality'.
- Makes consequential amendments to remove references to 'aggravated sexual assault' from Appendix A and Appendix D of the Principal Act.
- Makes a transitional amendment to clarify the commencement of the amendments and the operation section 124(4).
- Clause 5: Provides that this Act is repealed a year after it commences.