

## CLAUSE NOTES

### **Criminal Code Amendment (Sexual Offences Against Young People) Bill 2013**

- Clause 1:** Short Title.
- Clause 2:** Commencement on Royal Assent.
- Clause 3:** The Principal Act is the *Criminal Code Act 1924*.
- Clause 4:** Amends the Principal Act in the following manner -
- (a) inserts a new clause 14B which:
    - i. specifies that a mistaken belief as to the age of a young person who is under the age of 13 does not excuse an accused from criminal responsibility in relation to specified offences;
    - ii. sets out what is required for a mistake as to age in respect to specified offences to be considered honest and reasonable; and
    - iii. provides that a mistake as to age can be relied on to raise a defence of consent under specified subsections

- (b) omits subsection 124(2);
- (c) omits subsection 124(5) so that the age similarity consent defence in subsection 124(3) applies to any sexual intercourse;
- (d) omits subsection 125A(5);
- (e) inserts new subsection 125A(6A) to allow an unlawful sexual act committed outside the State to be an unlawful sexual act for the purpose of section 125A provided the act would have been an unlawful sexual act if committed in Tasmania and at least one of the required unlawful sexual acts in relation to the young person was committed in Tasmania;
- (f) omits subsection 125B(2);
- (g) omits subsection 125C(5);
- (h) amends the paragraph so that it ends with a full stop;
- (i) omits paragraph 125D(c);
- (j) inserts a new section 460 to clarify that the amendments made by this Act do not apply to an offence committed before the commencement of the amendments.

**Clause 5:** Repeals the amending Act.