

## Legislative Council

### Crimes Amendment (Sexual Offences) Bill

Schedule of the amendments agreed to in Committee of the Whole on  
Tuesday 27 May 2003.

+No. 1 Pages 5 and 6, Schedule 1 [12] (proposed section 73), lines 30-33 on page 5 and lines 1-7 on page 6. Omit all words on those lines. Insert instead:

#### **73 Sexual intercourse with child between 16 and 18 under special care**

- (1) Any person who has sexual intercourse with another person who:
  - (a) is under his or her special care, and
  - (b) is of or above the age of 16 years and under the age of 17 years,is liable to imprisonment for 8 years.
- (2) Any person who has sexual intercourse with another person who:
  - (a) is under his or her special care, and
  - (b) is of or above the age of 17 years and under the age of 18 years,is liable to imprisonment for 4 years.
- (3) For the purposes of this section, a person (*the victim*) is under the special care of another person (*the offender*) if, and only if:
  - (a) the offender is the step-parent, guardian or foster parent of the victim, or
  - (b) the offender is a school teacher and the victim is a pupil of the offender, or
  - (c) the offender has an established personal relationship with the victim in connection with the provision of religious, sporting, musical or other instruction to the victim, or
  - (d) the offender is a custodial officer of an institution of which the victim is an inmate, or
  - (e) the offender is a health professional and the victim is a patient of the health professional.
- (4) Any person who attempts to commit an offence under subsection (1) or (2) is liable to the penalty provided for the commission of the offence.
- (5) A person does not commit an offence under this section if the person and the other person to whom the charge relates were, at the time the offence is alleged to have been committed, married to each other.

\*No. 2 Page 6, Schedule 1 [15], line 18. Omit “7 years”. Insert instead “8 years”.

#No. 3 Page 7, Schedule 1 [20], lines 12-15. Omit all words on those lines. Insert instead:

Omit section 91D (2).

#No. 4 Page 7, Schedule 1. Insert after line 15:

**[21] Section 91D (3)**

Omit “, except as provided by subsection (2)”.

#No. 5 Page 7, Schedule 1 [21]. Insert after line 23:

**50 Defence under section 91D (2)**

Section 91D (2), as in force before its repeal by the *Crimes Amendment (Sexual Offences) Act 2003*, continues to apply to offences committed before its repeal.

**+Amendment No. 1**  
**\*Amendment No. 2**  
**#Amendments Nos 3 to 5**

**T Burke (ALP)**  
**P Forsythe (Lib)**  
**Government**