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OPP--OPPOSITION

LEGISLATIVE COUNCIL

Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021

First print

Proposed amendments

No. 1 **Ministerial review**

Page 7, Schedule 1[24], proposed section 583(1)–(4), lines 21–31. Omit all words on those lines. Insert instead—

- (1) The Minister must conduct reviews of the reviewable provisions to identify if—
 - (a) the policy objectives of the reviewable provisions remain valid, and
 - (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
- (2) In conducting the review, the Minister must consider the transcripts of criminal trials—
 - (a) conducted during the review period, and
 - (b) to which the reviewable provisions were applicable.
- (3) The first review must be commenced within 6 months after the period of 3 years after the commencement date.
- (4) Subsequent reviews must be commenced every 5 years after the end of the 6-month period.
- (4A) A report on the outcome of each review must be tabled in each House of Parliament within 1 year after the last day by which the review must be commenced.
- (4B) The Minister must, at least 6 months before each review, table in each House of Parliament a report on the training that has occurred during the review period in relation to communicative consent, detailing—
 - (a) the type of training provided, and
 - (b) the number and kinds of persons to whom it has been provided, including whether it has been provided to police officers, judicial officers or legal practitioners, and
 - (c) how effective the training has been.

No. 2 **Ministerial review**

Pages 11 and 12, Schedule 2[19], proposed section 368(1)–(4), line 31 on page 11 to line 8 on page 12. Omit all words on those lines. Insert instead—

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- (1) The Minister must conduct reviews of the reviewable provisions to identify if—
 - (a) the policy objectives of the reviewable provisions remain valid, and
 - (b) the terms of the reviewable provisions remain appropriate for securing the objectives.
 - (2) In conducting the review, the Minister must consider the transcripts of criminal trials—
 - (a) conducted during the review period, and
 - (b) in which a consent direction set out in sections 292A–292E was—
 - (i) given, or
 - (ii) requested by a party to the proceedings to be given.
 - (3) The first review must be commenced within 6 months after the period of 3 years after the commencement date.
 - (4) Subsequent reviews must be commenced every 5 years after the end of the 6-month period.
 - (4A) A report on the outcome of each review must be tabled in each House of Parliament within 1 year after the last day by which the review must be commenced.