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Sent: Friday, 14 February 2020 11:33 AM
To: Hinss, Oliver <Oliver.Hinss@justice.tas.gov.au <mailto:Oliver.Hinss@justice.tas.gov.au> >
Subject: RE: Re-naming sexual offence

Dear Oliver,

Thank you for your email.

We have not made a formal submission. In lieu of that, set out below are the major points raised by members of the Society's criminal law committee when they met with you and Ms Mignot on 21 January.

- * The committee was concerned that any amendments ensure that the elements of each offence remain unchanged. It noted assurances that it was not intended to change the legal requirements to prove any of the crimes under discussion.
- * Section 124. Concern was expressed with use of the term child sexual abuse. It was thought that the term might discourage pleas of guilty. The alternative set out in the proposal paper is 'unlawful sexual intercourse'. The committee did not understand the argument in the paper that use of the term sanitises the act and may not accurately reflect the crime. How adding the word 'unlawful' sanitises the act it describes is not apparent.
- * The concern expressed with respect to section 124 was not echoed with section 125A, and the proposed use of the term 'persistent child sexual abuse'.
- * Section 125D. Various alternative terms to procure were discussed, including groom, persuade and incite. The committee noted that the change in terminology in this case may lead to a different legal test for guilt and so any change might be better left to the future, after proper consideration and consultation.

Regards,

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