

TASMANIA

**CRIMINAL CODE AMENDMENT (SEXUAL
ASSAULT) BILL 2017**

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draft only

**CRIMINAL CODE AMENDMENT (SEXUAL
ASSAULT) BILL 2017**

*(Brought in by the Minister for Health, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Criminal Code Act 1924*

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Criminal Code
Amendment (Sexual Assault) Act 2017*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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PART 2 – CRIMINAL CODE ACT 1924 AMENDED

3. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Principal Act amended

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *female genital mutilation* in section 1:

genitalia includes genitalia that have been surgically constructed or reconstructed;

- (b) by inserting “or reconstructed” after “constructed” in the definition of *penis* in section 1;
- (c) by omitting the definition of *sexual intercourse* from section 1;
- (d) by inserting “or reconstructed” after “constructed” in the definition of *vagina* in section 1;
- (e) by inserting the following section after section 2A:

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2B. Sexual intercourse

(1) In this Code –

sexual intercourse means –

- (a) the penetration, to the least degree, of a person's genitalia, anus or mouth by a penis; or
- (b) the penetration, to the least degree, of a person's genitalia or anus by a body part of a person other than a penis; or
- (c) the penetration, to the least degree, of a person's genitalia or anus by an object held or manipulated by, or attached to, another person; or
- (d) cause or compel a person to penetrate –
 - (i) that person's genitalia or anus by a body part of any person, an object or a living thing; or
 - (ii) another person's genitalia or anus

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by a body part of
any person, an
object or a living
thing; or

(e) the continuation of an act
of penetration referred to
in paragraph (a), (b), (c)
or (d) of this definition.

(2) In this section –

penetration does not include
penetration carried out for
a proper medical purpose,
for the purposes of
hygiene or for any
purpose that is authorised
by law.

(f) by omitting from section 14A(1)
“section 124, 125B, 127, 127A or 185”
and substituting “section 124, 125B, 127
or 185”;

(g) by omitting from section 14A(2)
“section 124, 125B, 127A or 185” first
occurring and substituting “section 124,
125B or 185”;

(h) by omitting from section 14A(2)(b)
“section 124, 125B, 127A or 185” and
substituting “section 124, 125B or 185”;

(i) by omitting “section 124, 125B, 125C,
125D, 127 or 127A” from paragraph (a)
of the definition of *relevant offence* in

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- section 14B(1) and substituting
“section 124, 125B, 125C, 125D or 127”;
- (j) by omitting “section 124, 125B, 125C, 125D, 127 or 127A” from paragraph (b) of the definition of *relevant offence* in section 14B(1) and substituting “section 124, 125B, 125C, 125D or 127”;
 - (k) by omitting from section 14B(4) “section 124(3), section 125B(3), section 125C(4), section 125D(5), section 127(2) or section 127A(2)” and substituting “section 124(3), section 125B(3), section 125C(4), section 125D(5) or section 127(2)”;
 - (l) by omitting subsection (3) from section 18;
 - (m) by omitting section 122 and substituting the following section:

122. Bestiality

Any person who engages in conduct of a sexual nature with an animal is guilty of a crime.

Charge: Bestiality.

- (n) by omitting from section 125A(1) “127A,”;
- (o) by omitting “127A,” from the definition of *unlawful sexual act* in section 125D(2);

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- (p) by omitting section 127A;
- (q) by omitting “127A,” from the definition of *unlawful sexual act* in section 130E(4);
- (r) by omitting paragraph (d) from section 335;
- (s) by omitting paragraphs (c), (d) and (e) from section 336 and substituting the following paragraphs:
 - (c) indecent assault; or
 - (d) assault.
- (t) by omitting from section 337(d) “assault; or” and substituting “assault.”;
- (u) by omitting paragraph (e) from section 337;
- (v) by omitting section 337A;
- (w) by omitting paragraph (g) from section 337B(1);
- (x) by omitting

Unnatural sexual intercourse.

from Appendix A and substituting the following item:

Bestiality.

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(y) by omitting the following item

Aggravated sexual assault.

from Appendix A;

(z) by omitting the following item

Section 127A Aggravated sexual assault

from Appendix D.

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