

2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Crimes Legislation Amendment Bill 2010

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J2010-418

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# **Crimes Legislation Amendment Bill 2010**

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## **A Bill for**

An Act to amend legislation about crimes, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes Legislation Amendment Act 2010*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • *Crimes Act 1900*
- 11 • *Crimes (Sentencing) Act 2005*
- 12 • *Criminal Code 2002*
- 13 • *Prostitution Act 1992*.

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1 **Part 2** **Crimes Act 1900**

2 **4** **Meaning of *sexual intercourse* in pt 3**  
3 **New section 50 (2)**

4 *insert*

5 (2) In this section:

6 *object* includes an animal.

7 **5** **Act of indecency without consent**  
8 **Section 60 (1)**

9 *omit*

10 who knows that that other person does not consent, or who is  
11 reckless as to whether that other person consents,

12 *substitute*

13 who is reckless as to whether that other person consents

14 **6** **Section 60 (2)**

15 *omit*

16 who knows that that other person does not consent, or who is  
17 reckless as to whether that other person consents,

18 *substitute*

19 who is reckless as to whether that other person consents

20 **7** **New section 60 (3)**

21 *insert*

22 (3) For this section, proof of knowledge or recklessness is sufficient to  
23 establish the element of recklessness.

1 **8 New section 63A**

2 *insert*

3 **63A Bestiality**

4 A person commits an offence if the person engages in a sexual  
5 activity of any kind with an animal.

6 Maximum penalty: imprisonment for 10 years.

7 *Note* A reference to an offence includes a reference to a related ancillary  
8 offence, eg attempt (see Legislation Act, s 189).

1 **Part 3** **Crimes (Sentencing) Act 2005**

2 **9** **Victim impact statements—use in court**  
3 **Section 52 (2) (a)**

4 *substitute*

5 (a) after any of the following:

6 (i) the offender has pleaded guilty to the offence;

7 (ii) the court has found the offence proved;

8 (iii) the offender has been found guilty or convicted of the  
9 offence; and

1 **Part 4** **Criminal Code 2002**

2 **10 Unlawful possession of stolen property**  
3 **Section 324 (4), definition of *stolen property***

4 *substitute*

5 *stolen property* means property obtained in a way that is an  
6 appropriation of property under section 304.

7 **11 Trafficking in controlled drug**  
8 **Section 603, new note**

9 *after section 603 (8), insert*

10 *Note* For an alternative verdict provision applying to an offence against this  
11 section, see s 636A.

12 **12 New section 636A**

13 *in part 6.6, insert*

14 **636A Alternative verdicts—trafficking in or possessing**  
15 **controlled drug**

- 16 (1) This section applies if, in a prosecution for an offence against  
17 section 603 (Trafficking in controlled drug), the trier of fact—  
18 (a) is not satisfied beyond reasonable doubt that the defendant  
19 committed the offence; but  
20 (b) is satisfied beyond reasonable doubt that the defendant  
21 committed an alternative offence.  
22 (2) The trier of fact may find the defendant guilty of the alternative  
23 offence, but only if the defendant has been given procedural fairness  
24 in relation to that finding of guilt.



- 1           (3) In this section:
- 2                 *alternative offence* means an offence against—
- 3                 (a) the *Drugs of Dependence Act 1989*, section 169 (Possessing
- 4                     drugs of dependence); or
- 5                 (b) that Act, section 171 (Possessing prohibited substances); or
- 6                 (c) the *Medicines, Poisons and Therapeutic Goods Act 2008*,
- 7                     section 36 (Possessing certain declared substances).

1 **Part 5 Prostitution Act 1992**

2 **13 Disqualifying offences—Crimes Act 1900**  
3 **Schedule 1, new item 21A**

4 *insert*

|     |     |            |
|-----|-----|------------|
| 21A | 63A | bestiality |
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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

**2 Notification**

Notified under the Legislation Act on 2010.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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