



AUSTRALIAN CAPITAL TERRITORY

## **Crimes (Amendment) Act (No. 3) 1991**

**No. 90 of 1991**

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### **An Act to amend the Crimes Act, 1900 of the State of New South Wales in its application in the Territory**

*[Notified in ACT Gazette S155: 24 December 1991]*

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

#### **Short title**

1. This Act may be cited as the *Crimes (Amendment) Act (No. 3) 1991*.

#### **The Crimes Act**

2. In this Act, “Crimes Act” means the Crimes Act, 1900 of the State of New South Wales in its application in the Territory.

#### **Insertion**

3. After section 92E of the Crimes Act the following section is inserted:

#### **Maintaining a sexual relationship with a young person**

“92EA. (1) In this section—

‘adult’ means a person who has attained the age of 18 years;

‘sexual act’ means an act that constitutes an offence under this Part but does not include an act referred to in subsection 92E (2) or 92K (2) if the person who committed the act establishes the matters referred to in subsection 92E (3) or 92K (3), as the case may be, that would be a defence if the person had been charged with an offence against subsection 92E (2) or 92K (2), as the case may be;

‘young person’ means a person who is under the age of 16 years.

“(2) A person who, being an adult, maintains a sexual relationship with a young person is guilty of an offence.

“(3) For the purposes of subsection (2), an adult shall be taken to have maintained a sexual relationship with a young person if the adult has engaged in a sexual act in relation to the young person on 3 or more occasions.

“(4) In proceedings for an offence under subsection (2), evidence of a sexual act is not inadmissible by reason only that it does not disclose the date or the exact circumstances in which the act occurred.

“(5) Subject to subsection (6), a person who is convicted of an offence under subsection (2) is liable to imprisonment for 7 years.

“(6) If a person convicted under subsection (2) is found, during the course of the relationship, to have committed another offence under this Part in relation to the young person (whether or not the person has been convicted of that offence), the offence under subsection (2) is punishable by imprisonment—

- (a) if the other offence is punishable by imprisonment for less than 14 years—for 14 years; or
- (b) if the other offence is punishable by imprisonment for a period of 14 years or more—for life.

“(7) Subject to subsection (8), a person may be charged in 1 indictment with an offence under subsection (2) and with another offence under this Part alleged to have been committed by the person during the course of the alleged relationship and may be convicted of and punished for any or all of the offences so charged.

“(8) Notwithstanding subsection 443 (3), where a person convicted of an offence under subsection (2) is sentenced to a term of imprisonment for that offence and a term of imprisonment for another offence under this Part committed during the course of the relationship, the court shall not direct that those sentences be cumulative.

“(9) A prosecution for an offence under subsection (2) shall not be commenced except by, or with the consent of, the Director of Public Prosecutions.”.

### **Dishonest use of computers**

4. (1) Section 115 of the Crimes Act is relocated so that it appears in Division 5 of Part IV after section 154 of the Crimes Act as amended by this Act, and is renumbered as section 155.

(2) A reference in a law of the Territory, or in an instrument or document made under or having effect for the purpose of such a law, to section 115 of the Crimes Act shall be read as a reference to that section as renumbered by this section.

### **Insertion**

5. After Part XVA of the Crimes Act the following Part is inserted:

## **“PART XVB—GRANT OF PARDON AND REMISSION OF PENALTIES**

### **Grant of pardon**

“557. (1) The Executive may, by instrument, grant to a person a pardon in respect of an offence of which that person has been convicted.

“(2) A pardon granted to a person under subsection (1) in respect of an offence discharges the person from any further consequences of the conviction for that offence.

### **Remission of penalties**

“558. The Executive may, by instrument, remit, in whole or in part, a sentence of imprisonment imposed on, a fine or other monetary penalty ordered to be paid by, or a forfeiture of property ordered to be forfeited by, a person on conviction for an offence against a law of the Territory.”.

### **Insertion**

6. After section 577 of the Crimes Act the following section is inserted:

### **Regulations**

“578. The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or

- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”.

*[Presentation speech made in Assembly on 5 December 1991]*

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