



Australian Capital Territory

Crimes Legislation Amendment Act 2011

A2011-7

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Australian Capital Territory

Crimes Legislation Amendment Act 2011

A2011-7

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2011*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the following legislation:

- *Crimes Act 1900*
- *Crimes (Sentencing) Act 2005*
- *Criminal Code 2002*
- *Prostitution Act 1992*.

Part 2 Crimes Act 1900

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

insert

(2) In this section:

object includes an animal.

5 Act of indecency without consent Section 60 (1)

omit

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

substitute

who is reckless as to whether that other person consents

6 Section 60 (2)

omit

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

substitute

who is reckless as to whether that other person consents

7 New section 60 (3)

insert

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

8 New section 63A

insert

63A Bestiality

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

Maximum penalty: imprisonment for 10 years.

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

Part 3 Crimes (Sentencing) Act 2005

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

substitute

- (a) after any of the following:
- (i) the offender has pleaded guilty to the offence;
 - (ii) the court has found the offence proved;
 - (iii) the offender has been found guilty or convicted of the offence; and

Part 4 Criminal Code 2002

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

substitute

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

11 Trafficking in controlled drug Section 603, new note

after section 603 (8), insert

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

12 New section 636A

in part 6.6, insert

636A Alternative verdicts—trafficking in or possessing controlled drug

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

(3) In this section:

alternative offence means an offence against—

- (a) the *Drugs of Dependence Act 1989*, section 169 (Possessing drugs of dependence); or
- (b) that Act, section 171 (Possessing prohibited substances); or
- (c) the *Medicines, Poisons and Therapeutic Goods Act 2008*, section 36 (Possessing certain declared substances).

Part 5 Prostitution Act 1992

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

insert

21A	63A	bestiality
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 December 2010.

2 Notification

Notified under the Legislation Act on 16 March 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2011, which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2010 and was passed by the Assembly on 8 March 2011.

Clerk of the Legislative Assembly

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