

1991  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Collaery)

**Crimes (Amendment) Bill (No. 3) 1991**

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**A BILL  
FOR**

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

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

**Short title**

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

**Commencement**

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.  
10 (2) Section 4 shall be taken to have commenced on the day on which Part IIIA of the Crimes Act commenced.

**Crimes Act**

3. In this Act, "Crimes Act" means the Crimes Act, 1900 of the State of New South Wales in its application in the Territory.

**Insertion**

- 15 4. After section 92E of the Crimes Act the following section is inserted:

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81087 Job No.: 1991/56 (T87/91)

**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;

5 ‘particular sexual offence’ means an offence under this Part other than subsection (2);

‘young person’ means a person who is under the age of 12 years.

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

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

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

“(5) It is a defence to a prosecution for an offence under subsection (2) if the defendant establishes that at the time of each act of sexual intercourse—

20 (a) the defendant believed on reasonable grounds that the young person was of or above the age of 16 years; or

(b) the defendant and the young person were parties to a marriage, or a union in the nature of a marriage, solemnised in a foreign country that under the law of that country was recognised as valid when it was solemnised.

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

30 “(7) If a person convicted under subsection (2) is found, during the course of the relationship, to have engaged in an act of sexual intercourse with the young person in circumstances that would constitute a particular sexual offence (whether or not the person has been convicted of that offence), the offence under subsection (2) is punishable by imprisonment—

(a) if the particular sexual offence is punishable by imprisonment for less than 14 years—for 14 years;

35 (b) if the particular sexual offence is punishable by imprisonment for a period of 14 years or more—for life.

“(8) Subject to subsection (9), a person may be charged in 1 indictment with an offence under subsection (2) and with a particular sexual offence or

particular sexual offences 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.

- 5 “(9) 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 a particular sexual offence committed during the course of the relationship, the court shall not direct that those sentences be cumulative.”