



New South Wales

# Crimes Legislation Amendment (Child Sex Offences) Bill 2015

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend section 66A of the *Crimes Act 1900* to make the offence of having sexual intercourse with a child who is under the age of 10 years punishable by a maximum penalty of life imprisonment, and
- (b) to amend the *Crimes (Sentencing Procedure) Act 1999* to establish standard non-parole periods for various child sex offences under the *Crimes Act 1900*.

## Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Crimes Act 1900 No 40

Under section 66A of the *Crimes Act 1900* the offence of having sexual intercourse with a child under the age of 10 years currently carries a maximum penalty of 25 years imprisonment while the offence, if committed in circumstances of aggravation, carries a maximum penalty of imprisonment for life.

Schedule 1 [1] substitutes section 66A to remove the distinction between the basic offence and the aggravated offence and make the basic offence carry a maximum penalty of imprisonment for life.

Under section 21 of the *Crimes (Sentencing Procedure) Act 1999* a court may nevertheless impose a sentence of imprisonment for a specified term. A standard non-parole period of 15 years is set under Division 1A of Part 4 of that Act.

Schedule 1 [2], [3], [4] and [5] contain consequential amendments.

Schedule 1 [6] is a savings and transitional provision.

## **Schedule 2      Amendment of Crimes (Sentencing Procedure) Act 1999 No 92**

The Table to Division 1A of Part 4 of the *Crimes (Sentencing Procedure) Act 1999* (the *Table*) sets standard non-parole periods for a number of offences. When determining a sentence for an offence listed in the Table, a court is required to take into account the standard non-parole period for the offence.

Schedule 2 [2] amends the Table to introduce standard non-parole periods for certain child sex offences under the *Crimes Act 1900* set out in the amendment.

Schedule 2 [1] makes an amendment that is consequential on the amendment made by Schedule 1 [1].

Schedule 2 [3] is a savings and transitional provision.