


Not relevant




3 **Bills for introduction**

Not relevant



302	AGO0116/06CS	Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill (Michael Atkinson) APPROVED
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Not relevant



302

CABINET COVER SHEET

1. **TITLE:** **CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL**

2. **MINISTERS:** **THE HON. CARMEL ZOLLO M.L.C.**
ACTING ATTORNEY-GENERAL
THE HON. JENNIFER RANKINE M.P.
MINISTER FOR THE STATUS OF WOMEN

3. **PURPOSE:** To seek Cabinet approval to introduce the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill*

4. **IDENTIFY THE RELEVANT GOVERNMENT POLICY OR TARGET IN SOUTH AUSTRALIA'S STRATEGIC PLAN OR BOTH:** We make the proposal as part of the Government's Review of Rape, Sexual Assault and Domestic Violence laws initiated as part of a whole-of-Government policy initiative called *Our Commitment to Women's Safety in South Australia*.

5. **ICT COMPONENT:** Does the submission have a material ICT Component? Yes No

6. **RESOURCES REQUIRED FOR FULFILMENT:** Treasury and Finance was consulted on project/implementation costs for the proposal to draft this legislation and were of the view that there were no resource implications.

7. **PUBLIC AND ENVIRONMENTAL EFFECT:** The regulatory effect of the proposal is in changing criminal laws that apply to the whole population.

The social effect of the proposal will be positive, in that it declares the legal boundaries of sexual behaviour.

8. **RISKS:** The risks of the proposal are political, in that it may be criticised for prejudicing the rights of defendants to sexual charges, and conversely, for not going far enough in championing the rights of alleged victims.

9. **CONSULTATION:** Ms Liesl Chapman has been consulted on this draft Bill. Time did not allow any wider consultation on it. Cabinet approved the drafting of the Bill on 8 January, 2007, and we would like it to be introduced in the first Parliamentary sitting week this year (beginning 6 February, 2007) with a view to its

being enacted early in the year. Cabinet submission lodgement processes do not allow time to both draft the Bill and consult upon the draft Bill within this time.

The agencies that were consulted in developing the proposal to draft the legislation were described in paragraph 3.10 of the Cabinet Submission for drafting.

Treasury and Finance was consulted on project/implementation costs for the proposal to draft this legislation and thought there were no budget implications.

10. COMMUNICATION STRATEGY:

Information about the legislation will be communicated through the media as approved in the proposal to draft this legislation.

11. URGENCY:

The submission is urgent and not within the 10-day rule. The legislation is to be introduced to Parliament in the sitting week beginning 6 February, 2007.

12. RECOMMENDATION:

We recommend that Cabinet approve the introduction of the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill*.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission. OR

~~I declare the interests set out in Appendix about this submission.~~


THE HON. CARMEL ZOLLO M.L.C.

PORTFOLIO:

ACTING ATTORNEY-GENERAL

DATE: 2nd February 2007

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission. OR

~~I declare the interests set out in Appendix about this submission.~~

THE HON. JENNIFER RANKINE M.P.

PORTFOLIO:


MINISTER FOR THE STATUS OF WOMEN

DATE: 2nd February 2007

Contact Officer:

Helen Wighton

(08) 8207 1849

To: THE HON. THE PREMIER FOR CABINET

About: CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES)
AMENDMENT BILL

1. PROPOSAL

- 1.1 That Cabinet approve the introduction of the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill*.

2. BACKGROUND

- 2.1 On 8 January, 2007 Cabinet approved a proposal by the Minister for the Status of Women and the Attorney-General for drafting legislative reforms proposed in a Final Report entitled *Review of South Australian Rape and Sexual Assault Law: Recommendations For Reform*, 18 October, 2006 as modified in consultation notes to recommendations 4(3)(b), 5(2), 6, 8, and 10(3)(a) of the Report that appeared in paragraph 3.5 of that proposal.
- 2.2 The reforms are to be the subject of two separate Bills, of which this is one.
- 2.3 This Bill is for the substantive reforms to the criminal law described in Parts B and C of Cabinet's instructions to Parliamentary Counsel.
- 2.4 The reforms that are the subject of Part A of those instructions will be incorporated with amendments already approved to improve the way evidence is taken from vulnerable witnesses in a Bill called the *Evidence (Miscellaneous) Amendment Bill*. We will seek approval to introduce that Bill in a separate submission to Cabinet.

3. DISCUSSION

- 3.1 The *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill* will amend the *Criminal Law Consolidation Act 1935* and make related amendments to the *Child Sex Offenders Registration Act 2006*.
- 3.2 The amendments to the *Criminal Law Consolidation Act 1935* will achieve substantive reform of the offence of persistent sexual abuse, of the offence of rape and of the law on the severance of counts in sexual-offence proceedings.
- 3.3 The amendments to the *Child Sex Offenders Registration Act 2006* are to ensure that the repealed offence of persistent sexual abuse of a child, as in force until its proposed repeal, and its replacement (the new offence of persistent sexual exploitation of a child) are each offences for which an offender is liable to registration under that Act.

3.4 We are satisfied that the Bill accords with Parts B and C of the instructions to Parliamentary Counsel that Cabinet approved for drafting reforms to the rape and sexual assault laws.

3.5 A copy of the Bill and a second reading report are included as Attachments 1 and 2 to this submission.

3.6 Other implications and effects

3.6.1 Economic, Financial and Budget Implications

The proposal has no economic, financial or budget implications.

3.6.2 Required Resources

The proposal has no budget impact.

3.6.3 South Australia's Strategic Plan

We make the proposal as part of the Government's Review of Rape, Sexual Assault and Domestic Violence laws initiated as part of a whole-of-Government policy initiative called *Our Commitment to Women's Safety in South Australia*.

3.6.4 Information and Communication Technology Requirements

The proposal has no I.C.T. component.

3.6.5 Staffing Implications

The proposal has no staffing implications.

3.7 Public and Environmental Effect

3.7.1 The regulatory effect of the proposal is in changing criminal laws that apply to the whole population.

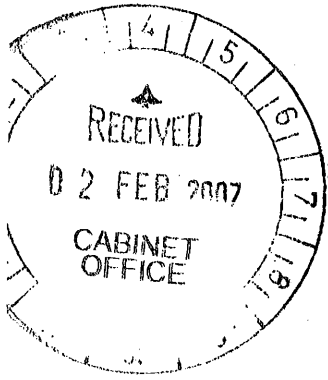
3.7.2 The social effect of the proposal will be positive, in that it declares the legal boundaries of sexual behaviour.

3.8 Risk Management Strategy

The risks of the proposal are political, in that it may be criticised for prejudicing the rights of defendants to sexual charges, and conversely, for not going far enough in championing the rights of alleged victims.

3.9 Consultation

3.9.1 Ms Liesl Chapman has been consulted on this draft Bill. Time did not allow any wider consultation on it. Cabinet approved the drafting of the Bill on 8 January, 2007. We would like it to be introduced in the first Parliamentary sitting week this year (beginning 6 February, 2007) with a view to its being enacted early in the year. Cabinet submission lodgement processes did not allow time to both draft the Bill and consult upon it within this time.



3.9.2 The agencies that were consulted in developing the proposal to draft the legislation were described in paragraph 3.10 of the Cabinet Submission for drafting.

3.9.3 Treasury and Finance was consulted on project/implementation costs for the proposal to draft this legislation and thought there were no budget implications.

3.10 Implementation Plan

No implementation plan is required.

3.11 Communication Strategy

Information about the legislation will be communicated through the media as approved in the proposal to draft this legislation.

3.12 Executive Council

The proposal does not require the approval of Her Excellency the Governor in Executive Council after Cabinet approval.

4. RECOMMENDATION

We recommend that Cabinet approve the introduction of the *Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill*.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

~~OR~~

~~I declare the interests set out in Appendix about this submission.~~

The Hon. Carmel Zollo M.L.C.
Acting Attorney-General

2nd February, 2007

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

~~OR~~

~~I declare the interests set out in Appendix about this submission.~~

The Hon. Jennifer Rankine M.P.
Minister for the Status of Women

2nd. February, 2007

In Cabinet

1 - 5 FEB 2007



Draft bill prepared by Parliamentary Counsel

21 pages removed

Exempt clause 10(1) – legal professional privilege