

South Australia

**Criminal Law Consolidation (Paedophilia)
Amendment Bill 2005**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Paedophilia) Amendment Act 2005*.

5 2—Commencement

This Act will come into operation 1 month after the date of assent.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 49—Unlawful sexual intercourse

- (1) Section 49(1)—delete subsection (1)
- (2) Section 49(3)—delete "of or above the age of 14 years and"

5—Amendment of section 56—Indecent assault

- 15 Section 56—delete "or, where the victim was at the time of the commission of the offence under the age of 14 years, for a term not exceeding ten years"

6—Amendment of section 66—Sexual servitude and related offences

- (1) Section 66(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the victim is a child—imprisonment for 19 years;
- (b) in any other case—imprisonment for 15 years.

5 (2) Section 66(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the victim is a child—imprisonment for 12 years;
- (b) in any other case—imprisonment for 7 years.

7—Amendment of section 68—Use of children in commercial sexual services

10 (1) Section 68(1), penalty provision—delete penalty provision and substitute:

Maximum penalty: Imprisonment for 9 years.

(2) Section 68(2), penalty provision—delete penalty provision and substitute:

Maximum penalty: Imprisonment for 3 years.

(3) Section 68(2), penalty provision—delete penalty provision and substitute:

15 Maximum penalty: Imprisonment for 2 years.

8—Insertion of section 73A

After section 73 insert:

73A—Paedophilia

20 (1) If a person is found guilty of a sexual offence against a child aged under 14 years (the *relevant sexual offence*), the person must, instead of being convicted of that offence, be convicted of paedophilia.

25 (2) A person convicted of paedophilia is, despite any other penalty prescribed by this Act in relation to the relevant sexual offence, liable to a term of imprisonment as follows:

- (a) if the relevant sexual offence is an offence against section 48, 49, 66 or 68(1)—life imprisonment;
- (b) if the relevant sexual offence is an offence against section 59 or section 67—15 years imprisonment;
- 30 (c) if the relevant sexual offence is an offence against section 56, 60, 61 or 68(2)—10 years imprisonment;
- (d) if the relevant sexual offence is an offence against section 58 or 68(3)—5 years imprisonment.

35 (3) In this section—

sexual offence means an offence against Division 11 or Division 12.

Schedule 1—Transitional provision

The *Criminal Law Consolidation Act 1935* as amended by this Act only applies in relation to an offence committed after the commencement of this Act.