



**Criminal Law
Review Division**
Attorney General's
department of nsw

Commencement of the *Crimes Amendment (Consent – Sexual Assault Offences) Act 2007* and the *Crimes (Sentencing Procedure) Amendment Act 2007*

The *Crimes Amendment (Consent – Sexual Assault Offences) Act 2007* and the *Crimes (Sentencing Procedure) Amendment Act 2007* will commence on 1 January 2008.

The object of the *Crimes Amendment (Consent – Sexual Assault Offences) Act 2007* is to amend the *Crimes Act 1900*:

- (a) to define “consent” for the purposes of sexual assault offences as free and voluntary agreement to sexual intercourse, and
- (b) to include in the cases when consent to sexual intercourse is or may be negated: incapacity to consent, intoxication, persons who are asleep or unconscious, unlawful detention, intimidatory or coercive conduct and abuse of a position of authority or trust, and
- (c) to provide that a person commits sexual assault if the person has no reasonable grounds for believing that the other person consents to the sexual intercourse.

The object of the *Crimes (Sentencing Procedure) Act 2007* is to amend the *Crimes (Sentencing Procedure) Act 1999* as follows:

- (a) to provide for a number of new aggravating factors that may be taken into account by a court in sentencing a person for an offence,
- (b) to change the circumstances in which the remorse of an offender may be taken into account as a mitigating factor in sentencing,
- (c) to establish standard non-parole periods for a number of offences,
- (d) to increase the standard non-parole period for the offence of aggravated indecent assault of a child under 10 years of age.