

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 20 November 1985

HOMOSEXUAL LAW REFORM BILL

*Proposed Amendments*

TREVOR MALLARD, in Committee, to move the following amendments:

*Clause 5:* To insert in line 29 on page 4, and also in line 37 on that page, after the word "under" in both cases, the words "subsection (1) (a) of".

---

EXPLANATORY NOTE

The proposed *section 142*, set out in *clause 5* of the Bill, makes it an offence to commit anal intercourse on any person who is under 16 years of age, or who is severely subnormal (the accused either knowing or having good reason to believe that the other party is severely subnormal).

*Subsection (6)* provides a defence in both cases where the accused proves that the other party consented and that he is younger than the other party.

*Subsection (7)* provides a defence in both cases where the accused proves that the other party consented, that the accused was under 21 years of age at the time of the act, and that he believed on reasonable grounds that the other party was of or over the age of 16 years.

The proposed amendments limit the availability of each of these defences to cases where the other party is under the age of 16 years. They would not be available where the other party is severely subnormal.