

Serial 51

Care and Protection of Children Amendment (Reporting Obligations) Bill 2009

Ms Carney

A Bill for an Act to amend the *Care and Protection of Children Act*

**NORTHERN TERRITORY OF AUSTRALIA**

**CARE AND PROTECTION OF CHILDREN AMENDMENT (REPORTING  
OBLIGATIONS) ACT 2009**

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**Act No. [ ] of 2009**

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2009

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An Act to amend the *Care and Protection of Children Act*

[Assented to [ ] 2009]  
[Second reading [ ] 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Care and Protection of Children Amendment (Reporting Obligations) Act 2009*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the *Care and Protection of Children Act*.

**4 Amendment of section 26 (Reporting obligations)**

**(1) After section 26(1)**

*insert*

(1A) For subsection (1)(a)(i), a child (a **relevant child**) who has participated in a sexual act with another child (the **other child**) is not a victim of a sexual offence because of the sexual act if all the following circumstances apply:

(a) the sexual act occurred after the relevant child attained the age of 14;

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- (b) the age difference between the relevant child and the other child is no more than 2 years;
  - (c) the other child is not a brother, half-brother, sister or half-sister of the relevant child;
  - (d) the other child did not coerce the relevant child to participate in the sexual act;
  - (e) no other person is liable to prosecution for an offence in relation to the sexual act (for example, because of procuring the relevant child to participate in the sexual act);
  - (f) the relevant child has not been caused harm, and is not likely to be caused harm:
    - (i) by participating in the sexual act; or
    - (ii) as a consequence of participating in the sexual act.

*Note for subsection (1A)(f)*

*A relevant child is caused harm, or is likely to be caused harm, because of participating in a sexual act in the circumstances mentioned in paragraphs (a) to (e) only if doing so causes, or is likely to cause, a significant detrimental effect on the relevant child, as described in section 15.*

- (1B) Subsection (1A) applies in relation to a relevant child even if the child participated in the sexual act before the commencement of that subsection.
- (2) After section 26(3)  
*insert*
- (4) In this section:  
**sexual act** includes sexual intercourse, sexual penetration and any other act of a sexual nature.