

Schedule 1 Text of advertisement inviting submissions to the Review

Review of laws surrounding criminal incidents involving the death of an unborn child

The Honourable Michael Campbell QC is conducting a review into whether current provisions of the *Crimes Act 1900* enable the justice system to respond appropriately to criminal incidents involving the death of an unborn child.

The review will also consider the findings of the Review of the Law of Manslaughter conducted by the Honourable Mervyn Finlay QC and changes brought about by the *Crimes Amendment (Grievous Bodily Harm) Bill 2005*. The full terms of reference for the review can be found at: <http://www.lawlink.nsw.gov.au/clrd>.

Interested individuals and organisations are invited to make submissions to the review by **16 July 2010**. Submissions should be sent to:

Campbell Review
C/- Legislation, Policy and Criminal Law Review
Department of Justice and Attorney General
GPO Box 6
SYDNEY NSW 2001

Schedule 2 Submissions received

	Individual	Organisation	Date
1	Mr Andrew Tiedt	Armstrong Legal	6 July 2010
2		Family Voice Australia	7 July 2010
3	Mr Adam Johnston		7 July 2010
4	Ms Brodie Donegan		12 July 2010
5	Ms Judy Gordon		12 July 2010
6	Mr Chiang Lim	NSW Right to Life	16 July 2010
7	Mr Christopher Meney	Life, Marriage and Family Centre, Catholic Archdiocese of Sydney	16 July 2010
8	Mr David Hutt	Australian Christian Lobby	16 July 2010
9	Mr Thomas Spohr	NSW Young Lawyers	19 July 2010
10	Mr Tim Harris		22 July 2010
11	Ms Janet Loughman	Women's Legal Services	26 July 2010
12	Ms Margaret Kirkby	Women's Abortion Action Campaign	9 August 2010
13	Ms Mary Macken	Law Society of NSW	19 August 2010
14	Mr Alan Kirkland	Legal Aid Commission of NSW	31 August 2010
15	Ms Sarah Dahlenburg	Australian Medical Association (NSW) Limited	5 October 2010

Schedule 3 Organisations and individuals to whom letters inviting submissions were sent

	Individual	Organisation	Date
1	Mr John Stratton SC, Deputy Senior Public Defender	Public Defenders Office	9 August 2010
2	Mr Nicolas Cowdery AM QC, Director of Public Prosecutions	Office of the Director of Public Prosecutions	9 August 2010
3	Mr Tom Bathurst QC, President	NSW Bar Association	9 August 2010
4	Dr John Seymour		12 August 2010
5	Mr Laurie Glanfield, Director General	Department of Justice and Attorney General	25 August 2010
6	Ms Carmel Donnelly, General Manager	Motor Accidents Authority	25 August 2010

Schedule 4 Organisations and individuals who responded to request for information

Individual	Organisation	Date
1 Mr Nicolas Cowdery AM QC, Director of Public Prosecutions	Office of the Director of Public Prosecutions	11 August 2010 20 September 2010
2 Dr John Seymour		26 August 2010 6 September 2010
3 Mr Tom Bathurst QC, President	NSW Bar Association	31 August 2010
4 Mr John Stratton SC, Deputy Senior Public Defender	Public Defenders Office	7 September 2010
5 Mr Laurie Glanfield, Director General	Department of Justice and Attorney General	22 September 2010
6 Ms Carmel Donnelly, General Manager	Motor Accidents Authority	25 August 2010

Schedule 5 Interviews

	Organisation / Individual	Date
1	Ms Brodie Donegan	18 August 2010
2	Ms Judy Gordon	18 August 2010
3	The Hon. J Cripps QC, Chairperson, NSW Sentencing Council	23 August 2010
4	Ms Annmarie Lumsden (Director, Grants Division), Legal Aid Commission of NSW	30 August 2010
5	Ms Mary Macken (President), and Ms Lana Nadj (Policy Lawyer), Law Society of NSW	30 August 2010
6	Dr John Seymour	1 September 2010
7	Dr Alec Welsh, Professor in Maternal-Fetal Medicine Royal Hospital for Women / University of New South Wales; NSW Chair of the Royal Australasian and New Zealand College of Obstetrics and Gynecologists.	8 September 2010 29 September 2010

Schedule 6 Table of Cases and Legislation

Cases	
<i>R v Sood</i>	[2006] NSWSC 762
<i>R v Iby</i>	[2005] NSWCCA 178
<i>Vö v France</i>	[2004] ECHR 326
<i>R v Way</i>	[2004] NSWCCA 131
<i>Regina v King</i>	[2003] NSWCCA 399
<i>Harrild v Director of Proceedings</i>	[2003] 3 NZLR 289
<i>Attorney-General's Reference (No 3 of 1994)</i>	[1998] AC 245
<i>CES v Superclinics (Australia) Pty Ltd</i>	(1995) 38 NSWLR 47
<i>Rance v Mid-Downs Health Authority</i>	[1991] 1 QB 587
<i>C v S</i>	[1988] 1 QB 135
<i>Roe v Wade</i>	(1973) 410 US 113
<i>R v Wald</i>	(1971) 3 DCR (NSW)
<i>R v Davidson</i>	[1969] VR 667
<i>The King v Bourne</i>	[1939] 1 KB 687

Legislation	
<i>Abortion Law Reform Act 2008 (VIC)</i>	
<i>Births, Deaths and Marriages Registration Act 1995 (NSW)</i>	
<i>Crimes (Sentencing Procedure) Act 1999 (NSW)</i>	
<i>Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Bill 2002 (NSW)</i>	
<i>Crimes Act 1900 (NSW)</i>	
<i>Crimes Act 1958 (VIC)</i>	
<i>Crimes Amendment (Grievous Bodily Harm) Bill 2005 (NSW)</i>	
<i>Crimes Amendment (Grievous Bodily Harm) Bill 2010 (NSW)</i>	
<i>Infant Life (Preservation) Act 1929 (UK)</i>	
<i>Road Traffic (Safety of Traffic Management) Act 1999 (NSW)</i>	

Unborn Victims of Violence Act 2004 (US)

Victims Rights Act 1996 (NSW)

Workers Compensation Act 1987 (NSW)

Workers Compensation Legislation Amendment Act 2001 (NSW)

Schedule 7 Bibliography

- Converse, H A, "The Fetal Homicide Fallacy: a comparison of California's inconsistent statutes to other states" (2004) *Thomas Jefferson Law Review* 25:451.
- Curran, D S, "Abandonment and Reconciliation: addressing political and common law objections to fetal homicide laws" (2009) *Duke Law Journal* 58:1107.
- Department of Justice and Attorney General, Legislation and Policy Division *Report on the Review of the Victims Support and Rehabilitation Act 1996 and the Victims Rights Act 1996* (1996)
- Mackay, J D, "The Relationship Between Abortion and Child Destruction in English Law" (1988) *Medicine and Law Journal* Vol. 7 No. 6 1989.
- Measey, M A, Tursan d'Espaignet, E, Charles, A and Douglass, C, "Unexplained fetal death: Are women with a history of fetal loss at higher risk?" (2009) *Australian and New Zealand Journal of Obstetrics and Gynaecology* 49:151-157
- Mendes, M, "A Low Threshold of Guilt: interpreting California's fetal murder statute in *People v. Taylor*" (2006) *Loyola of Los Angeles Law Review* 39:1447.
- Savell, K, "Is the 'Born Alive' Rule Outdated and Indefensible?" (2008) *Sydney Law Review* 28:625.
- Seymour, J, *Childbirth and the Law* (Oxford University Press, 2000).
- Simon, K, *Recent Developments in Abortion Law*. NSW Parliamentary Library Research Service E-Brief 2008.
- Simpson, J L and Jauniaux, E R M, "Pregnancy Loss" in Gabbe, S G, Simpson, J L, Niebyl, J R and Galan, H, (eds), *Obstetrics: Normal and Problem Pregnancies: Obstetrics Normal and Problem Pregnancies* (5th ed, Churchill Livingstone Elsevier, 2007) 628.
- Stratton, K and Lloyd, L, "Hospital-based interventions at and following miscarriage: Literature to inform a research-practice initiative" (2008) *Australian and New Zealand Journal of Obstetrics and Gynaecology* 48:5-11
- Walker, A, "From State of California v. Scott Peterson to State of Utah v. Mark Hacking will more states adopt fetal protection laws?" (2009) *4 Criminal Law Brief* 46
- Weselak, M, Arbuckle, T E, Walker, M C and Krewski, D, "The Influence of the Environment and Other Exogenous Agents on Spontaneous Abortion Risk" (2008) *Journal of Toxicology and Environmental Health* 11:221-241
- Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General (1998) *Discussion Paper Model Criminal Code Chapter 5 – Fatal Offences Against the Person*.

New South Wales Law Reform Commission *Report 61 - Names: Registration and Certification of Births and Deaths* (1988)

Laurino, M Y, Bennett, R L, Saraiya, D S, Baumeister, L, Doyle, D L, Leppig, K, Petterson, B, Resta, R, Shields, L, Urich, S, Varga E A and Raskind WH, "Genetic Evaluation and Counseling of Couples with Recurrent Miscarriage: Recommendations of the National Society of Genetic Counsellors" (2005) *Journal of Genetic Counseling* 14:3

Parliamentary Library Research Service *Abortion Law Reform Bill 2008 – Current Issues Brief No. 4.* (Parliament of Victoria, 2008)

Stringer, R, "Fact, Fiction and the Foetus: Violence against Pregnant Women and the Politics of Abortion" (2006) *The Australian Feminist Law Journal* 25.

Bronitt, S and McSherry, B, *Principles of Criminal Law* (3rd ed, LawBook, 2010).

Christie, S, "Crimes against the foetus: the rights and wrongs of protecting the unborn" (2006) *Medico-Legal Journal of Ireland* 12(2), 65-76.

McQueeney, S M, "Recognizing Unborn Victims Over Heightening Punishment for Crimes Against Pregnant Women" (2005) *Criminal and Civil Confinement* 31:461.

Victorian Law Reform Commission *Law of Abortion – Final Report* (2008)

Schedule 8 Summary of Child Destruction/Kill Unborn Child Legislation in Other Australian Jurisdictions and New Zealand

Jurisdiction	Legislation	Provision detail
Australia Capital Territory	<i>Crimes Act 1900 s 42</i> “ <i>Child Destruction</i> ”	A person who unlawfully and, either intentionally or recklessly, by any act or omission occurring in relation to a childbirth and before the child is born alive— <ul style="list-style-type: none"> (a) prevents the child from being born alive; or (b) contributes to the child’s death; is guilty of an offence punishable, on conviction, by imprisonment for 15 years.
	<i>Crimes Act 1900 s 43</i> “ <i>Childbirth-grievous bodily harm</i> ”	A person who unlawfully and, either intentionally or recklessly, by any act or omission occurring in relation to a childbirth and before the child is born alive, inflicts grievous bodily harm on the child, is guilty of an offence punishable, on conviction, by imprisonment for 10 years.
	See also: <i>Crimes Act 1900 s48A</i> “ <i>Aggravated offences – offences against pregnant women</i> ”	
Northern Territory	<i>Criminal Code Act 1983 s 170: “killing unborn child”</i>	Any person who, when a woman or girl is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a crime and is liable to imprisonment for life.
	<i>Criminal Code Act 1983 s 317: “Charge of homicide of child”</i>	Upon an indictment charging a person with murder or manslaughter, if it appears that the person alleged to have been killed was a child of which a woman had recently been delivered, the accused person may be found guilty alternatively of the crime of preventing the child from being born alive by an act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, or of the offence of disposing of the dead body of a child with the intention of concealing the child’s birth.

	<p><i>Criminal Code Act 1983 s208B</i> <i>"Procuring Abortion"</i></p>	<p>(1) A person is guilty of an offence if: (a) the person: (i) <i>administers a drug to a woman or causes a drug to be taken by a woman;</i> or (ii) uses an instrument or other thing on a woman; and (b) the person intends by that conduct to procure the woman's miscarriage.</p> <p>(2) It is immaterial that the woman is not pregnant.</p> <p>Maximum penalty: Imprisonment for 7 years.</p>
Queensland	<p><i>Criminal Code Act 1899 s 313: "killing unborn child"</i></p>	<p>(1) Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.</p> <p>(2) Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime.</p> <p>Maximum penalty—imprisonment for life.</p>
	<p><i>Criminal Code 1899 s294 "Death by acts done at childbirth"</i></p>	<p>When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.</p> <p>Maximum penalty: imprisonment for life</p>
	<p><i>Criminal Code 1899 s 282: "Surgical operations and medical treatment"</i></p>	<p>(1) A person is not criminally responsible for performing or providing, in good faith and with reasonable care and skill, a surgical operation on or medical treatment of— (a) a person or an unborn child for the patient's benefit; or (b) a person or an unborn child to preserve the mother's life; if performing the operation or providing the medical treatment is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.</p> <p>(2) If the administration by a health professional</p>

		<p>of a substance to a patient would be lawful under this section, the health professional may lawfully direct or advise another person, whether the patient or another person, to administer the substance to the patient or procure or supply the substance for that purpose.</p> <p>(3) It is lawful for a person acting under the lawful direction or advice, or in the reasonable belief that the advice or direction was lawful, to administer the substance, or supply or procure the substance, in accordance with the direction or advice.</p> <p>(4) In this section— <i>health professional</i> has the same meaning as in the <i>Health Services Act 1991</i>, section 60. <i>medical treatment</i>, for subsection (1)(a), does not include medical treatment intended to adversely affect an unborn child. <i>patient</i> means the person or unborn child on whom the surgical operation is performed or of whom the medical treatment is provided. <i>surgical operation</i>, for subsection (1)(a), does not include a surgical operation intended to adversely affect an unborn child.</p>
	<p><i>Criminal Code 1899, s224</i> <i>“Attempts to Procure Abortion”</i></p>	<p>Any person who, with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment for 14 years.</p>
	<p><i>Criminal Code 1899, s225</i> <i>“The Like By Women with Child”</i></p>	<p>Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime, and is liable to imprisonment for 7 years.</p>
	<p><i>Criminal Code 1899, s226</i> <i>“Supplying instruments or drugs to procure abortion”</i></p>	<p>Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment for 3 years.</p>

Tasmania	<p><i>Criminal Code Act 1924 s 165:</i> <i>“Causing the death of a child before birth”</i></p>	<p>(1) Any person who causes the death of a child which has not become a human being in such a manner that he would have been guilty of murder if such child had been born alive is guilty of a crime.</p> <p>Charge: Causing the death of a child before birth.</p> <p>(2) No one commits a crime who by any means employed in good faith for the preservation of its mother's life causes the death of any such child before or during its birth.</p>
	<p><i>Criminal Code Act 1924 s 153:</i> <i>“Definition of Homicide: When child becomes human being”</i></p>	<p>(1) Homicide is the killing of a human being by another.</p> <p>(2) Killing is causing the death of a person by an act or omission but for which he would not have died when he did, and which is directly and immediately connected with his death.</p> <p>(3) The question whether an act is directly and immediately connected with a person's death is a question of fact depending upon the circumstances of each particular case.</p> <p>(4) A child becomes a human being when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.</p> <p>(5) The killing of any such child is homicide if it dies in consequence of injuries received before, during, or after birth.</p> <p>(6)</p> <p>(7)</p>
	<p><i>Criminal Code Act 1924 s184A:</i> <i>“Assault on Pregnant Woman”</i></p>	<p>Any person who unlawfully assaults a woman, knowing that woman to be pregnant is guilty of a crime.</p> <p>Charge: Assault on pregnant woman.</p>

	<p><i>Criminal Code Act 1924, s134: "Abortion".</i></p>	<p>(1) Any woman who, being pregnant, unlawfully administers to herself, with intent to procure her own miscarriage, any poison or other noxious thing or with such intent unlawfully uses any instrument or other means whatsoever, is guilty of a crime.</p> <p>(2) Any person who, with intent to procure the miscarriage of a woman, unlawfully administers to her, or causes her to take, any poison or other noxious thing, or with such intent unlawfully uses any instrument or other means whatsoever, is guilty of a crime.</p> <p>Charge:</p> <p>Administering poison [or using means] to procure abortion.</p>
	<p><i>Criminal Code Act 1924, s135: "Aiding an Abortion".</i></p>	<p>Any person who unlawfully supplies to or procures for any other person anything whatever, knowing that it is intended to be unlawfully used with intent to procure the miscarriage of a woman, is guilty of a crime.</p> <p>Charge:</p> <p>Aiding an intended abortion.</p>
<p>South Australia</p>	<p><i>Criminal Law Consolidation Act 1935 s81 "Attempts to procure abortion"</i></p>	<p>(1) Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, shall be guilty of an offence and liable to be imprisoned for life.</p> <p>(2) Any person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her, or causes to be taken by her, any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, shall be guilty of an offence and liable to be imprisoned for life.</p>

	<i>Criminal Law Consolidation Act 1935</i> s82 " <i>Procuring drugs etc to cause abortion</i> "	Any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that it is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child , shall be guilty of an offence and liable to be imprisoned for a term not exceeding three years.
Western Australia	<i>Criminal Code Act Compilation Act 1913 s 290: "Killing unborn child"</i>	Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life. Alternative offence: s. 291. <i>[Section 290 amended by No. 51 of 1992 s. 16(2); No. 70 of 2004 s. 36(3).]</i>
	<i>Criminal Code Act Compilation Act 1913 s 291: "Concealing the birth of children"</i>	Any person who, when a woman is delivered of a child endeavours, by any secret disposition of the dead body of the child, to conceal its birth, whether the child died before, at, or after its birth, is guilty of a crime, and is liable to imprisonment for 2 years. <i>[Section 291 amended by No. 51 of 1992 s. 16(2); No. 70 of 2004 s. 34(1).]</i>
	<i>Criminal Code Act Compilation Act 1913 s271 "Death by acts done at childbirth"</i>	When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.

	<i>Criminal Code Act 1913 s 259: "Surgical and medical treatment"</i>	<p>(1) A person is not criminally responsible for administering, in good faith and with reasonable care and skill, surgical or medical treatment (including palliative care) —</p> <p>(a) to another person for that other person's benefit; or (b) to an unborn child for the preservation of the mother's life,</p> <p>if the administration of the treatment is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.</p> <p>(2) A person is not criminally responsible for not administering or ceasing to administer, in good faith and with reasonable care and skill, surgical or medical treatment (including palliative care) if not administering or ceasing to administer the treatment is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.</p>
Victoria	<i>Crimes Act 1958 s 15: "Definitions"</i>	<p>serious injury includes—</p> <p>(a) a combination of injuries; and</p> <p>(b) the destruction, other than in the course of a medical procedure, of the foetus of a pregnant woman, whether or not the woman suffers any other harm;</p> <p>woman means a female person of any age.</p>
New South Wales	<i>Crimes Act 1900 s 4 (1): "Definitions"</i>	<p>Grievous bodily harm includes:</p> <p>(a) the destruction (other than in the course of a medical procedure) of the foetus of a pregnant woman, whether or not the woman suffers any other harm, and</p> <p>(b) any permanent or serious disfiguring of the person, and</p> <p>(c) any grievous bodily disease (in which case a reference to the infliction of grievous bodily harm includes a reference to causing a person to contract a grievous bodily disease).</p>

	<p><i>Crimes Act 1900</i> s21 “<i>Child murder by mother-verdict of contributing to death etc</i>”</p>	<p>Whosoever, being a woman delivered of a child is indicted for its murder, shall, if the jury acquit her of the murder, and specially find that she has in any manner wilfully contributed to the death of such child, whether during delivery, or at or after its birth, or has wilfully <u>caused</u> any violence, the mark of which has been found on its body, be liable to imprisonment for ten years.</p>
	<p><i>Crimes Act 1900</i> s82 “<i>Administering drugs etc to herself by woman with child</i>”</p>	<p>Whosoever, being a woman with child,</p> <p style="padding-left: 40px;">unlawfully administers to herself any drug or noxious thing, or</p> <p style="padding-left: 40px;">unlawfully uses any instrument or other means,</p> <p>with intent in any such case to procure her miscarriage, shall be liable to imprisonment for ten years.</p>
	<p><i>Crimes Act 1900</i> s83 “<i>Administering drugs etc to woman with intent</i>”</p>	<p>Whosoever:</p> <p style="padding-left: 40px;">unlawfully administers to, or <u>causes</u> to be taken by, any woman, whether with child or not, any drug or noxious thing, or</p> <p style="padding-left: 40px;">unlawfully uses any instrument or other means,</p> <p>with intent in any such case to procure her miscarriage, shall be liable to imprisonment for ten years.</p>
	<p><i>Crimes Act 1900</i> s84 “<i>Procuring Drugs etc</i>”</p>	<p>Whosoever unlawfully supplies or procures any drug or noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used with intent to procure the miscarriage of any woman, whether with child or not, shall be liable to imprisonment for five years.</p>
	<p><i>Crimes Act 1900</i> s42 “<i>Injuries to child at time of birth</i>”</p>	<p>Whosoever, during or after the delivery of a child, intentionally or recklessly inflicts on such child, whether then wholly born or not, any grievous bodily harm, shall be liable to imprisonment for fourteen years.</p>

New Zealand	<i>Crimes Act 1961 s 182: "Killing unborn child"</i>	<p>(1) Every one is liable to imprisonment for a term not exceeding 14 years who causes the death of any child that has not become a human being in such a manner that he would have been guilty of murder if the child had become a human being.</p> <p>(2) No one is guilty of any crime who before or during the birth of any child causes its death by means employed in good faith for the preservation of the life of the mother.</p>
	<i>Crimes Act 196 s183 "Procuring abortion by any means"</i>	<p>(1) Every one is liable to imprisonment for a term not exceeding 14 years who, with intent to procure the miscarriage of any woman or girl, whether she is pregnant or not,—</p> <p style="padding-left: 40px;">(a) unlawfully administers to or causes to be taken by her any poison or any drug or any noxious thing; or</p> <p style="padding-left: 40px;">(b) unlawfully uses on her any instrument; or</p> <p style="padding-left: 40px;">(c) unlawfully uses on her any means other than any means</p> <p>referred to in paragraph (a) or paragraph (b).</p> <p>(2) The woman or girl shall not be charged as a party to an offence against this section.</p>

Schedule 9 Research Note: National Conference of State Legislatures (US)