The Criminal Code Amendment (Child Marriage) Bill 2018 (the Bill) provides for an Act to repeal provisions in the Criminal Code Act Compilation Act 1913 (WA) (the Criminal Code) that provide marriage as a defence to certain sexual offences committed against a child under the age of 16. These marriage defence provisions have no legal operation in Australia as it is not possible for a person to be lawfully married to a child under 16 years of age in Australia; the Bill thus seeks to delete these defences from the Criminal Code.

The Bill is set out as follows:

**Clause 1  Short title**

The Act will be called the *Criminal Code Amendment (Child Marriage) Act 2018*.

**Clause 2  Commencement**

This clause provides for the commencement of the Act, with sections 1 and 2 coming into operation on the day on which the Act receives the Royal Assent; and the rest of the Act on the day after that day.

**Clause 3  Act amended**

This clause states the purpose of the Act is to amend the Criminal Code.

**Clause 4  Section 321 amended**

This clause amends section 321, by repealing subsections (10)-(13) which provide a defence to certain sexual offences committed against a child under the age of 16, where the accused person is lawfully married to the child. The sexual offences include: sexual penetration of a child, procuring, inciting or encouraging a child to engage in sexual behaviour or to do an indecent act, and indecently dealing with or recording a child.

**Clause 5  Section 321A amended**

This clause amends section 321A, repealing subsection (10) which provides a defence to the sexual offence of persistent sexual conduct with a child under the age of 16, where the accused person is lawfully married to the child.