Dear Professor Warner

I advise that I wish to make a submission to the Law Reform Commission about its reference regarding the defence of mistake to underage sexual offences.

My submission is as follows:

The defence of mistake has been available for most crimes in Tasmania since at least the enactment of the criminal law code in 1924.

There is no evidence that the availability of that defence has led to any crime wave or made it difficult to obtain convictions.

No doubt that is because the mistake must be reasonable as well as honest and juries are sceptical of people who confess to committing the acts which constitute a crime and then claim it has all been a mistake.

The law should not be changed because the tabloid media sees fit to run a lot of stories about a 12 year old girl who was prostituted by her mother and her mother’s boyfriend.

One should note that the persons who bear the major criminal responsibility in this matter; that is the mother and her boyfriend, were sentenced to substantial terms of imprisonment.

The law should not be changed just because there is some unusual case which crops up, the old adage of “hard cases make bad law” applies.

Also the fact that some politicians make political capital out of this most unfortunate occurrence is not a reason to change the law.

I suggest the commission bring down its report shortly after the next state election recommending there be no change and no one will make any fuss about that because there is no vested interest in making a fuss about it shortly after the next state election.

Regards

**John Green LLB**

Lawyer