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### SEXUAL OFFENCES IN CANADIAN LAW

By: Hamish C. Stewart  
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#### What's New in this Update:

This release features updates to case law and commentary in Chapters 3 (Sexual Assault) and Chapter 4 (Offences Involving Children).

#### Highlights

● **Sexual Assault — Mens Rea for Absence of Consent — The Subjective Fault Elements** — Recklessness is a subjective mental state: it requires proof of the accused's actual awareness of the possibility that the complainant had not communicated consent: *R. v. A.B.*, 2024 ONCA 446.

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● **Offences Involving Children — Mistake of Age — Mistake of Age and Mens Rea** — The Court of Appeal held that where there is no air of reality to the defence that the accused took all reasonable steps to ascertain the complainant's age, the Crown can obtain a conviction simply by proving the complainant was underage: *R. v. Seangio*, 2024 BCCA 143.

● **Offences Involving Children — Mistake of Age — All Reasonable Steps** — The standard for reasonable steps to ascertain the complainant's age is high in the sense that the steps must provide compelling information that establishes the complainant's age with a high degree of certainty: *R. v. Hason*, 2024 ONCA 369.