

**CRIMES (FEMALE GENITAL MUTILATION) AMENDMENT
ACT 1994 No. 58**

NEW SOUTH WALES



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**CRIMES (FEMALE GENITAL MUTILATION) AMENDMENT
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Act No. 58, 1994

An Act to amend the Crimes Act 1900 to prohibit female genital mutilation. [Assented to 5 October 1994]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes (Female Genital Mutilation) Amendment Act 1994.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Crimes Act 1908 NO. 40

3. The Crimes Act 1900 is amended by inserting after section 44 the following section:

Prohibition of female genital mutilation

45. (1) A person who:

- (a) excises, infibulates or otherwise mutilates the whole or any part of the labia majora or labia minora or clitoris of another person; or
- (b) aids, abets, counsels or procures a person to perform any of those acts on another person,

is liable to penal servitude for 7 years.

(2) An offence is committed against this section even if one or more of the acts constituting the offence occurred outside New South Wales if the person mutilated by or because of the acts is ordinarily resident in the State.

(3) It is not an offence against this section to perform a surgical operation if that operation:

- (a) is necessary for the health of the person on whom it is performed and is performed by a medical practitioner; or
- (b) is performed on a person in labour or who has just given birth, and for medical purposes connected with that labour or birth, by a medical practitioner or authorised professional; or
- (c) is a sexual reassignment procedure and is performed by a medical practitioner.

(4) In determining whether an operation is necessary for the health of a person only matters relevant to the medical welfare of the person are to be taken into account.

(5) It is not a defence to a charge under this section that the person mutilated by or because of the acts alleged to have been committed consented to the acts.

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(6) This section applies only to acts occurring after the commencement of the section.

(7) In this section:

“authorised professional” means:

- (a) a person authorised to practise midwifery under the Nurses Act 1991 or undergoing a course of training with a view to being so authorised; or
- (b) in relation to an operation performed in a place outside New South Wales—a person authorised to practise midwifery by a body established under the law of that place having functions similar to the functions of the Nurses Registration Board, or undergoing a course of training with a view to being so authorised; or
- (c) a medical student;

“medical practitioner”, in relation to an operation performed in a place outside New South Wales, includes a person authorised to practise medicine by a body established under the law of that place having functions similar to the functions of the New South Wales Medical Board;

“medical student” means:

- (a) a registered medical student within the meaning of the Medical Practice Act 1992; or
- (b) in relation to an operation performed in a place outside New South Wales—a person undergoing a course of training with a view to being authorised to be a medical practitioner in that place;

sexual reassignment procedure” means a surgical procedure to alter the genital appearance of a person to the appearance (as nearly as practicable) of the opposite sex to the sex of the person.

*[Minister's second reading speech made in—
Legislative Council on 4 May 1994
Legislative Assembly on 12 May 1994]*