



New South Wales

Crimes Amendment (Sexual Servitude) Act 2001 No 99

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Crimes Amendment (Sexual Servitude) Act 2001 No 99

Act No 99, 2001

An Act to amend the *Crimes Act 1900* to create offences relating to sexual servitude, and to amend the *Child Protection (Offenders Registration) Act 2000* and the *Child Protection (Prohibited Employment) Act 1998* to extend those Acts to any such sexual servitude offence committed against a child. [Assented to 11 December 2001]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Sexual Servitude) Act 2001*.

2 Commencement

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

3 Amendment of Crimes Act 1900 No 40

The *Crimes Act 1900* is amended as set out in Schedule 1.

4 Amendment of Child Protection (Offenders Registration) Act 2000 No 42

The *Child Protection (Offenders Registration) Act 2000* is amended as set out in Schedule 2.

5 Amendment of Child Protection (Prohibited Employment) Act 1998 No 147

The *Child Protection (Prohibited Employment) Act 1998* is amended as set out in Schedule 3.

Schedule 1 Amendment of Crimes Act 1900

(Section 3)

Part 3, Division 10A

Insert after section 80A:

Division 10A Sexual servitude

80B Meaning of “sexual servitude”

(1) For the purposes of this Division, sexual servitude is the condition of a person who provides sexual services and who, because of the use of force or threats:

- (a) is not free to cease providing sexual services, or
- (b) is not free to leave the place or area where the person provides sexual services.

(2) In this section:

sexual service means the commercial use or display of the body of the person providing the service for the sexual arousal or sexual gratification of others.

threat means:

- (a) a threat of force, or
- (b) a threat to cause a person’s deportation, or
- (c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

80C Meaning of “circumstances of aggravation”

In this Division, *circumstances of aggravation* means circumstances involving either or both of the following:

- (a) the alleged victim is under the age of 18 years,
- (b) the alleged victim has a serious intellectual disability.

80D Causing sexual servitude

- (1) A person:
- (a) who causes another person to enter into or remain in sexual servitude, and
 - (b) who intends to cause, or is reckless as to causing, that sexual servitude,

is guilty of an offence.

Maximum penalty: Imprisonment for 15 years.

- (2) A person is guilty of an offence against this subsection if the person commits an offence under subsection (1) in circumstances of aggravation.

Maximum penalty: Imprisonment for 19 years.

80E Conduct of business involving sexual servitude

- (1) A person:
- (a) who conducts any business that involves the sexual servitude of other persons, and
 - (b) who knows about, or is reckless as to, that sexual servitude,

is guilty of an offence.

Maximum penalty: Imprisonment for 15 years.

- (2) A person commits an offence against this subsection if the person commits an offence under subsection (1) in circumstances of aggravation.

Maximum penalty: Imprisonment for 19 years.

- (3) For the purposes of this section, *conducting a business* includes:

- (a) taking any part in the management of the business, or
- (b) exercising control or direction over the business, or
- (c) providing finance for the business.

80F Alternative verdicts

If on the trial of a person for an offence under section 80D (2) or 80E (2) the jury is not satisfied that the accused is guilty of the offence charged but is satisfied on the evidence that the accused is guilty of an offence under section 80D (1) or 80E (1), respectively, it may find the accused not guilty of the offence charged but guilty of the latter offence, and the accused is liable to punishment accordingly.

Schedule 2 Amendment of Child Protection (Offenders Registration) Act 2000

(Section 4)

Section 3 Definitions

Insert after paragraph (b) of the definition of *Class 2 offence* in section 3 (1):

- (b1) an offence under section 80D or 80E of the *Crimes Act 1900*, where the person against whom the offence is committed is a child, or

Schedule 3 Amendment of Child Protection (Prohibited Employment) Act 1998

(Section 5)

Section 5 Prohibited persons

Insert after paragraph (b) of the definition of *serious sex offence* in section 5 (3):

- (b1) an offence under section 80D or 80E of the *Crimes Act 1900*, where the person against whom the offence is committed is a child, or

[Minister's second reading speech made in—
Legislative Assembly on 17 October 2001
Legislative Council on 27 November 2001]