



New South Wales

# Crimes Amendment (Female Genital Mutilation) Act 2014 No 15

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New South Wales

# Crimes Amendment (Female Genital Mutilation) Act 2014 No 15

Act No 15, 2014

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An Act to amend the *Crimes Act 1900* to make further provision for offences relating to female genital mutilation; and for related purposes. [Assented to 20 May 2014]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Crimes Amendment (Female Genital Mutilation) Act 2014*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1 Amendment of Crimes Act 1900 No 40**

### **[1] Section 10F Special provisions with respect to geographical jurisdiction**

Insert after section 10F (2):

- (3) The necessary geographical nexus exists between the State and an offence against section 45 or 45A if the person against whom the offence is committed is a person ordinarily resident in the State.

### **[2] Section 45 Prohibition of female genital mutilation**

Omit “7 years” from section 45 (1). Insert instead “21 years”.

### **[3] Section 45 (2)**

Omit the subsection.

### **[4] Section 45A**

Insert after section 45:

#### **45A Removing person from State for female genital mutilation**

- (1) A person is guilty of an offence if the person takes another person from the State, or arranges for another person to be taken from the State, with the intention of having female genital mutilation performed on the other person.  
Maximum penalty: imprisonment for 21 years.
- (2) In proceedings for an offence under subsection (1) and in the absence of proof to the contrary, it is to be presumed that the accused took another person, or arranged for another person to be taken, from the State with the intention of female genital mutilation being performed on the other person if it is proved that:
  - (a) the accused took the person, or arranged for the person to be taken, from the State, and
  - (b) female genital mutilation was performed on the person while outside the State.
- (3) It is not a defence to a charge under this section that the person taken from the State consented to being so taken.
- (4) In this section:  
*female genital mutilation* means an act referred to in section 45 (1) (a), the performance of which would be an offence against that section if performed in the State.

## **Schedule 2      Amendment of Child Protection (Working with Children) Act 2012 No 51**

### **Schedule 1 Assessment requirement triggers**

Insert “or 45A” after “section 45” in clause 1 (2) (d) of Schedule 1.

[Second reading speech made in—  
Legislative Assembly on 5 March 2014  
Legislative Council on 13 May 2014]