

Passed by both Houses



New South Wales

Crimes Legislation Amendment (Child Sex Offences) Bill 2015

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2015



New South Wales

Crimes Legislation Amendment (Child Sex Offences) Bill 2015

Act No , 2015

An Act to amend the *Crimes Act 1900* with respect to the offence of sexual intercourse with a child under 10 years of age and to amend the *Crimes (Sentencing Procedure) Act 1999* to set standard non-parole periods for certain child sex offences.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Legislation Amendment (Child Sex Offences) Act 2015*.

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 66A

Omit the section. Insert instead:

66A Sexual intercourse—child under 10

- (1) Any person who has sexual intercourse with a child who is under the age of 10 years is guilty of an offence.
Maximum penalty: imprisonment for life.
- (2) A person sentenced to imprisonment for life for an offence under this section is to serve that sentence for the term of the person's natural life.
- (3) Nothing in this section affects the operation of section 21 of the *Crimes (Sentencing Procedure) Act 1999* (which authorises the passing of a lesser sentence than imprisonment for life).
- (4) Nothing in this section affects the prerogative of mercy.

[2] Section 66E Alternative verdicts

Omit "section 66A (1) or (2)" from section 66E (1). Insert instead "section 66A".

[3] Section 66E (2)

Omit the subsection.

[4] Section 77 Consent no defence in certain cases

Omit "66A (1) or (2)" from section 77 (1). Insert instead "66A".

[5] Section 431A Life sentences

Omit "section 66A (2)" from section 431A (2). Insert instead "section 66A".

[6] Schedule 11 Savings and transitional provisions

Insert at the end of the Schedule:

Part 34 Crimes Legislation Amendment (Child Sex Offences) Act 2015

76 Application of amendments

An amendment made by the *Crimes Legislation Amendment (Child Sex Offences) Act 2015* applies only in respect of an offence committed, or alleged to have been committed, on or after the commencement of the amendment.

Schedule 2 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92

[1] Part 4, Division 1A, Table

Omit “Section 66A (1) or (2)” from item 10. Insert instead “Section 66A”.

[2] Part 4, Division 1A, Table

Insert after item 10:

10A	Section 66B of the <i>Crimes Act 1900</i> (attempt, or assault with intent, to have sexual intercourse with a child under 10 years)	10 years
10B	Section 66C (1) of the <i>Crimes Act 1900</i> (sexual intercourse with a child 10–14 years)	7 years
10C	Section 66C (2) of the <i>Crimes Act 1900</i> (aggravated sexual intercourse with a child 10–14 years)	9 years
10D	Section 66C (4) of the <i>Crimes Act 1900</i> (aggravated sexual intercourse with a child 14–16 years)	5 years
10E	Section 66EB (2) of the <i>Crimes Act 1900</i> (procure a child under 14 years for unlawful sexual activity)	6 years
10F	Section 66EB (2) of the <i>Crimes Act 1900</i> (procure a child 14–16 years for unlawful sexual activity)	5 years
10G	Section 66EB (2A) of the <i>Crimes Act 1900</i> (meet a child under 14 years following grooming)	6 years
10H	Section 66EB (2A) of the <i>Crimes Act 1900</i> (meet a child 14–16 years following grooming)	5 years
10I	Section 66EB (3) of the <i>Crimes Act 1900</i> (groom a child under 14 years for unlawful sexual activity)	5 years
10J	Section 66EB (3) of the <i>Crimes Act 1900</i> (groom a child 14–16 years for unlawful sexual activity)	4 years
10K	Section 91D (1) of the <i>Crimes Act 1900</i> (induce a child under 14 years to participate in child prostitution)	6 years
10L	Section 91E (1) of the <i>Crimes Act 1900</i> (obtain benefit from child prostitution, child under 14 years)	6 years
10M	Section 91G (1) of the <i>Crimes Act 1900</i> (use a child under 14 years for child abuse material purposes)	6 years

[3] Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Crimes
Legislation Amendment (Child Sex Offences) Act
2015**

Standard non-parole periods

The amendments made to this Act by the *Crimes Legislation Amendment (Child Sex Offences) Act 2015* do not apply to offences committed before the commencement of the amendments.