



AUSTRALIAN CAPITAL TERRITORY

Crimes Amendment Act 2001

No 8 of 2001

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AUSTRALIAN CAPITAL TERRITORY

Crimes Amendment Act 2001

No 8 of 2001

An Act to amend the *Crimes Act 1900*, and for other purposes

[Notified in ACT Gazette No 10: 8 March 2001]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Crimes Amendment Act 2001*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Crimes Act 1900*.

Note The Act is amended in the body of the Act and in Schedule 1.

4 Insertion

After Part 3B the following Part is inserted:

“PART 3C—SEXUAL SERVITUDE

“92ZA Definitions of *sexual servitude* and *sexual services*

“(1) In this Part:

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

sexual servitude is the condition of a person who provides sexual services and who, because of the use of force or a threat, is not free—

- (a) to stop providing sexual services; or
- (b) to leave the place or area where the person provides sexual services.

“(2) For the definition of *sexual servitude* in subsection (1), the question whether, because of the use of force or a threat, a person is not free to stop providing sexual services, or to leave the place or area where the person provides sexual services, is to be decided according to whether a reasonable adult would consider, in the circumstances, that the person is not free to stop or leave.

“(3) In this section:

threat means—

- (a) a threat of force; or
- (b) a threat to cause a person’s deportation; or
- (c) a threat of other detrimental action unless there are reasonable grounds for the threat.

“92ZB Sexual servitude offences

“(1) A person commits an offence if—

- (a) the person’s conduct causes someone else to enter into or remain in sexual servitude; and
- (b) the person intends to cause, or is reckless about causing, someone else to enter into or remain in sexual servitude.

Maximum penalty:

- (a) for an aggravated offence—imprisonment for 19 years; or
- (b) in any other case—imprisonment for 15 years.

Note Aggravated offence is defined in section 92ZD.

- “(2) A person commits an offence if the person—
- (a) conducts a business that involves the sexual servitude of others; and
 - (b) knows that, or is reckless about whether, the business involves the sexual servitude of others.

Maximum penalty:

- (a) for an aggravated offence—imprisonment for 19 years; or
- (b) in any other case—imprisonment for 15 years.

Note Aggravated offence is defined in section 92ZD.

“(3) In this section:

conducts a business includes—

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

“92ZC Deceptive recruiting for sexual services

A person commits an offence if the person, with the intention of inducing someone else to enter into an engagement to provide sexual services, deceives the other person about the fact that the engagement will involve the provision of sexual services.

Maximum penalty:

- (a) for an aggravated offence—imprisonment for 9 years; or
- (b) in any other case—imprisonment for 7 years.

Note Aggravated offence is defined in section 92ZD.

“92ZD Increased penalty for aggravated offences

“(1) An offence against section 92ZB or 92ZC is an ***aggravated offence*** if the offence was committed against a person younger than 18 years old.

“(2) If the prosecution intends to prove an aggravated offence, the charge must allege that the offence was committed against a person younger than 18 years old.

“(3) To prove an aggravated offence, the prosecution must prove that the defendant intended to commit, or was reckless about committing, the offence against a person younger than 18 years old.

“92ZE Alternative verdict if aggravated offence not proven

If, on trial for an aggravated offence against section 92ZB or 92ZC, the jury is not satisfied that the defendant is guilty of an aggravated offence, but is otherwise satisfied that the defendant is guilty of an offence against the section, it may find the defendant not guilty of the aggravated offence but guilty of an offence against the section.”.

5 Repeal of Acts

The following Acts are repealed:

- *Slave Trade Act 1824*
- *Slavery Abolition Act 1833*
- *Slave Trade Act 1843*
- *Slave Trade Act 1873.*

6 Consequential amendments of *Interpretation Act 1967*

The *Interpretation Act 1967* is amended by omitting items 21, 23, 24 and 29 of Part 1 of Schedule 1.

SCHEDULE 1

(See s 3)

MINOR AMENDMENTS

[1.1] Heading to Part 1—

Omit “**AND INTERPRETATION**”.

[1.2] Sections 1 and 2—

Omit the sections, substitute the following section:

“1 Name of Act

This Act is the *Crimes Act 1900*.”.

[1.3] Subsection 4 (1) (definitions of *court and judge, judge, law of the Territory, person, and weapon and weapon or instrument*)—

Omit the definitions.

[1.4] Subsection 4 (1) (remaining definitions)—

Relocate to the dictionary.

[1.5] Remainder of section 4—

Omit.

[1.6] Before section 8 insert the following sections:

“4 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition ‘*motor vehicle*—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.’ means that the expression ‘motor vehicle’ is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).”.

“5 Meaning of *loaded arms*

For this Act, a firearm, airgun or air pistol that is unlawfully presented at a person is taken, unless the contrary is proved, to be *loaded arms*.

SCHEDULE 1—continued

“6 Reference to *the jury* read as reference to magistrate

In a provision of this Act relating to an offence, a reference to *the jury* is, if a person charged with the offence is dealt with summarily, a reference to the magistrate.

“7 Note

A note included in this Act is explanatory and is not part of this Act.

Note See *Interpretation Act 1967*, ss 12 (1), (4) and (5) for the legal status of notes.”.

[1.7] Section 93 (definition of *offensive weapon*)—

Omit the definition.

[1.8] Section 145—

Insert at the end the following subsection:

“(3) In this section:

instrument includes an imitation or replica of an instrument.

weapon includes an imitation or replica of a weapon.”.

[1.9] Section 493 (heading)—

Omit the heading, substitute the following heading:

“493 Possession of offensive weapons and disabling substances”.

[1.10] Subsection 493 (2) (definition of *offensive weapon*)—

Omit the definition.

[1.11] Section 494 (heading)—

Omit the heading, substitute the following heading:

“494 Possession of offensive weapons and disabling substances with intent”.

[1.12] Subsection 494 (2) (definition of *offensive weapon*)—

Omit the definition.

[1.13] Schedule 1—

Omit the Schedule.

SCHEDULE 1—continued

[1.14] Dictionary

After Schedule 6 insert the following dictionary:

“DICTIONARY

(See s 4)

aggravated offence, for Part 3C (Sexual servitude)—see section 92ZD.

sexual services, for Part 3C (Sexual servitude)—see section 92ZA.

sexual servitude, for Part 3C (Sexual servitude)—see section 92ZA.”.

Endnote

Act amended

- 1 Republished as in force on 10 November 1999 (Republication No 6). See also Acts 1999 Nos 71, 79 and 91; 2000 Nos 3, 56 and 58.

[Presentation speech made in Assembly on 7 December 2000]