



New South Wales

Crimes Amendment (Sexual Offences and Female Genital Mutilation) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* (*the Act*) to—

- (a) clarify certain aspects of female genital mutilation offences, and
- (b) make it an offence for a person to intentionally carry out a sexual act in the presence of a child, where the presence of the child is a source of sexual gratification or arousal for the person, and
- (c) increase the maximum penalty for the offence of indecently interfering with a dead human body, and
- (d) provide that, at trial, when the trier of fact is satisfied that the accused committed a sexual offence or misconduct with regard to a corpse against the deceased, but is uncertain as to the time of death of the deceased, the accused is liable for whichever offence has the lesser maximum penalty, and
- (e) raise the age threshold for the definition of *child* from the age of 16 years to the age of 18 years for child abuse material offences.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1[1] and [5] clarify that female genital mutilation offences can be committed against a person regardless of the person's age.

Schedule 1[2] clarifies that female genital mutilation offences are not limited to acts performed for a ritualistic or traditional purpose. **Schedule 1[6]** makes a consequential amendment.

Schedule 1[3] provides that it is not an offence to mutilate female genitalia to perform—

- (a) piercing or tattooing in certain circumstances, or
- (b) another act prescribed by the regulations.

Schedule 1[4] amends the Act, section 45(7), definition of *authorised professional* to include a person who is a member of a class of persons prescribed by the regulations.

Schedule 1[7]–[10] make it an offence for a person to intentionally carry out a sexual act—

- (a) in the presence of a child under the age of 10 years, or
- (b) in the presence of a child who is of or above the age of 10 years and under the age of 16 years, including in circumstances of aggravation, or
- (c) in the presence of a child under the age of 16 years, for the production of child abuse material.

The offences apply if the presence of the child is a source of sexual arousal or gratification of the person carrying out the sexual act.

Schedule 1[11] inserts proposed section 80AH to provide that if, on the trial of a person charged with a sexual offence under the Act, Part 3, Division 10 or the offence of indecently interfering with a dead human body, the trier of fact is satisfied that the person committed a sexual offence or offence of indecently interfering with a dead human body but is not satisfied which offence was committed, the person is not entitled to be acquitted and is liable to be sentenced for the offence with the lesser punishment.

Schedule 1[12] increases the maximum penalty for the offence of indecently interfering with any dead human body to 3 years imprisonment.

Schedule 1[13] amends the definition of *child* for the Act, Part 3, Division 15A, concerning child abuse material, to include persons aged 16 and 17. **Schedule 1[14]–[16]** make consequential amendments.



New South Wales

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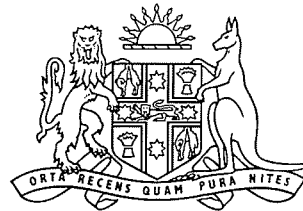
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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes Amendment (Sexual Offences and Female Genital Mutilation) Bill 2025

No , 2025

A Bill for

An Act to amend the *Crimes Act 1900* to make miscellaneous amendments relating to sexual offences and female genital mutilation.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Sexual Offences and Female Genital Mutilation) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences as follows—	6
(a) Schedule 1[11]—on a day to be appointed by proclamation,	7
(b) otherwise—on the date of assent to this Act.	8

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 45 Prohibition of female genital mutilation

Insert “, regardless of the age of the other person” after “another person” wherever occurring in section 45(1)(a) and (b).

[2] Section 45(2)

Insert after section 45(1)—

- (2) To avoid doubt, subsection (1)(a) is not limited to acts performed for ritualistic or traditional purposes.

[3] Section 45(4A)

Insert after section 45(4)—

- (4A) Also, it is not an offence against this section to perform any of the following acts on another person—
- (a) piercing or tattooing, if the piercing or tattooing is carried out in accordance with all relevant legal, professional and ethical requirements applicable to the piercing or tattooing, or
 - (b) another act that is prescribed by the regulations.

[4] Section 45(7), definition of “authorised professional”, paragraph (d)

Omit “medical student.”. Insert instead—

medical student, or

- (e) a person who is a member of a class of persons prescribed by the regulations.

[5] Section 45A Removing person from State for female genital mutilation

Insert after section 45A(1)—

- (1A) Subsection (1) applies regardless of the age of the person taken from the State or arranged to be taken from the State.

[6] Section 45A(4)

Insert after the definition of *female genital mutilation*—

Note— See section 45(2), which provides that section 45(1)(a) is not limited to acts performed for ritualistic or traditional purposes.

[7] Section 66DC Sexual act—child under 10

Insert after section 66DC(a)—

- (a1) carries out a sexual act—
 - (i) in the presence of a child who is under the age of 10 years, and
 - (ii) for which the presence of the child is a source of sexual arousal or gratification of the person carrying out the sexual act, or

[8] Section 66DD Sexual act—child between 10 and 16

Insert after section 66DD(a)—

- (a1) carries out a sexual act—
 - (i) in the presence of a child who is of or above the age of 10 years and under the age of 16 years, and

	(ii) for which the presence of the child is a source of sexual arousal or gratification of the person carrying out the sexual act, or	1 2
[9]	Section 66DE Aggravated sexual act—child between 10 and 16	3
	Insert after section 66DE(1)(a)—	4
	(a1) carries out a sexual act—	5
	(i) in the presence of a child who is of or above the age of 10 years and under the age of 16 years, and	6 7
	(ii) for which the presence of the child is a source of sexual arousal or gratification of the person carrying out the sexual act, or	8 9
[10]	Section 66DF Sexual act for production of child abuse material—child under 16	10
	Insert after section 66DF(a)—	11
	(a1) carries out a sexual act—	12
	(i) in the presence of a child who is under the age of 16 years, and	13
	(ii) for which the presence of the child is a source of sexual arousal or gratification of the person carrying out the sexual act, or	14 15
[11]	Section 80AH	16
	Insert after section 80AG—	17
80AH	Special verdict of “sexual offence or misconduct with regard to corpse”	18
	(1) This section applies if, on the trial of a person charged with an offence under this division or section 81C(a), the trier of fact—	19 20
	(a) is satisfied beyond reasonable doubt that the person committed either an offence under this division or section 81C(a), but	21 22
	(b) is not certain about which of the offences was committed due to uncertainty about whether the victim was alive or deceased at the time the conduct the subject of the offence occurred.	23 24 25
	(2) The person—	26
	(a) is not entitled to be acquitted, and	27
	(b) is liable to be sentenced for the offence under this division or under section 81C(a), whichever of the offences has the lesser punishment.	28 29
[12]	Section 81C Misconduct with regard to corpses	30
	Omit “shall be liable to imprisonment for two years”. Insert instead—	31
	is liable to—	32
	(a) for an offence against paragraph (a)—imprisonment for 3 years, or	33
	(b) for an offence against paragraph (b)—imprisonment for 2 years.	34
[13]	Section 91FA Definitions	35
	Omit “16” from section 91FA, definition of <i>child</i> . Insert instead “18”.	36
[14]	Section 91FA, definition of “young person”	37
	Omit the definition.	38
[15]	Sections 91G(6) and 91H(3)	39
	Omit “or young person” wherever occurring.	40

[16]	Sections 91HA(10)(a) and 91HB(a)	1
	Omit “under the age of 18 years” wherever occurring. Insert instead “a child”.	2