



New South Wales

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

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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,*

, 2025



New South Wales

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

Act No , 2025

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

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 Amendment (Sexual Offences and Female Genital Mutilation) Act 2025*.

2 Commencement

This Act commences as follows—

- (a) Schedule 1[11]—on a day to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

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

[9] Section 66DE Aggravated sexual act—child between 10 and 16

Insert after section 66DE(1)(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

[10] Section 66DF Sexual act for production of child abuse material—child under 16

Insert after section 66DF(a)—

- (a1) carries out a sexual act—
 - (i) in the presence of a child who is 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

[11] Section 80AH

Insert after section 80AG—

80AH Special verdict of “sexual offence or misconduct with regard to corpse”

- (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—
 - (a) is satisfied beyond reasonable doubt that the person committed either an offence under this division or section 81C(a), but
 - (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.
- (2) The person—
 - (a) is not entitled to be acquitted, and
 - (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.

[12] Section 81C Misconduct with regard to corpses

Omit “shall be liable to imprisonment for two years”. Insert instead—

is liable to—

- (a) for an offence against paragraph (a)—imprisonment for 3 years, or
- (b) for an offence against paragraph (b)—imprisonment for 2 years.

[13] Section 91FA Definitions

Omit “16” from section 91FA, definition of *child*. Insert instead “18”.

[14] Section 91FA, definition of “young person”

Omit the definition.

[15] Sections 91G(6) and 91H(3)

Omit “or young person” wherever occurring.

[16] Sections 91HA(10)(a) and 91HB(a)

Omit “under the age of 18 years” wherever occurring. Insert instead “a child”.