

Passed by both Houses



New South Wales

# Crimes Legislation Amendment (Child Sex Offences) Bill 2015

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Crimes Act 1900 No 40	3
Schedule 2 Amendment of Crimes (Sentencing Procedure) Act 1999 No 92	4

---

*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.