

Passed by both Houses



New South Wales

Crimes Amendment (Female Genital Mutilation) Bill 2014

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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,*

, 2014



New South Wales

Crimes Amendment (Female Genital Mutilation) Bill 2014

Act No , 2014

An Act to amend the *Crimes Act 1900* to make further provision for offences relating to female genital mutilation; and for related purposes.

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 (Female Genital Mutilation) Act 2014*.

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 10F Special provisions with respect to geographical jurisdiction

Insert after section 10F (2):

- (3) The necessary geographical nexus exists between the State and an offence against section 45 or 45A if the person against whom the offence is committed is a person ordinarily resident in the State.

[2] Section 45 Prohibition of female genital mutilation

Omit “7 years” from section 45 (1). Insert instead “21 years”.

[3] Section 45 (2)

Omit the subsection.

[4] Section 45A

Insert after section 45:

45A Removing person from State for female genital mutilation

- (1) A person is guilty of an offence if the person takes another person from the State, or arranges for another person to be taken from the State, with the intention of having female genital mutilation performed on the other person.
Maximum penalty: imprisonment for 21 years.
- (2) In proceedings for an offence under subsection (1) and in the absence of proof to the contrary, it is to be presumed that the accused took another person, or arranged for another person to be taken, from the State with the intention of female genital mutilation being performed on the other person if it is proved that:
 - (a) the accused took the person, or arranged for the person to be taken, from the State, and
 - (b) female genital mutilation was performed on the person while outside the State.
- (3) It is not a defence to a charge under this section that the person taken from the State consented to being so taken.
- (4) In this section:
female genital mutilation means an act referred to in section 45 (1) (a), the performance of which would be an offence against that section if performed in the State.

Schedule 2 Amendment of Child Protection (Working with Children) Act 2012 No 51

Schedule 1 Assessment requirement triggers

Insert “or 45A” after “section 45” in clause 1 (2) (d) of Schedule 1.