

Serial 23  
Criminal Code Amendment Bill (No. 5) 2001  
Dr Toyne

**A BILL  
for  
AN ACT**

to amend the Criminal Code

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NORTHERN TERRITORY OF AUSTRALIA  
CRIMINAL CODE AMENDMENT ACT (NO. 5) 2001

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No. of 2001

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

## AN ACT

to amend the Criminal Code

[Assented to 2001]  
[Second reading 2001]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Criminal Code Amendment Act (No. 5) 2001*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. New Division**

Part VI of the Criminal Code is amended by inserting after Division 6 the following:

**"Division 6A – Sexual servitude and deceptive recruiting for sexual services**

**"202A. Interpretation**

"(1) In this Division –

'sexual services' means the commercial use or display of the body of the person providing the services for the sexual gratification of others;

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

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

'threat' means –

- (a) a threat of force;
- (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.

"(2) For the purposes of this Division, the question whether, because of the use of force or a threat, a person is not free –

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

**"202B. Sexual servitude**

"(1) A person whose conduct causes an adult to enter into or continue in sexual servitude is guilty of a crime and is liable to imprisonment for 15 years.

"(2) A person whose conduct causes a child of or over the age of 12 years to enter into or continue in sexual servitude is guilty of a crime and is liable to imprisonment for 20 years.

"(3) A person whose conduct causes a child under the age of 12 years to enter into or continue in sexual servitude is guilty of a crime and is liable to imprisonment for life.

**"202C. Conducting business involving sexual servitude**

"(1) A person who conducts a business that involves the sexual servitude of adults is guilty of a crime and is liable to imprisonment for 15 years.

"(2) A person who conducts a business that involves the sexual servitude of a child of or over the age of 12 years is guilty of a crime and is liable to imprisonment for 20 years.

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"(3) A person who conducts a business that involves the sexual servitude of a child under the age of 12 years is guilty of a crime and is liable to imprisonment for life.

"(4) In this section, a reference to a person who conducts a business includes a reference to –

- (a) a person who takes part in the management of the business;
- (b) a person who exercises control or direction over the business; and
- (c) a person who provides finance for the business.

**"202D. Deceptive recruiting for sexual services**

"(1) A person who, with the intention of inducing another person to enter into an engagement to provide sexual services, deceives that person about the fact that the engagement will involve the provision of sexual services is guilty of a crime and is liable to imprisonment for 10 years.

"(2) If the person deceived by the offender is a child, the offender is liable to imprisonment for 15 years.

**"202E. Knowledge of age immaterial**

"It is immaterial in relation to a crime referred to in this Division committed with respect to a person who was at the time of the crime a child, or a child of a specified age, that the accused person –

- (a) did not know that the person was a child or a child of a specified age; or
  - (b) believed that the person was an adult or a child of a different age."
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