

Tabled 23 June  
AGD.

### **State and Territory offences relating to Sexual Servitude**

- Six of the eight States and Territories (NSW, SA, NT, ACT, WA, Vic) already have offences criminalising sexual servitude, including conducting a business involving sexual servitude.
- These State and Territory offences cover purely domestic activity.
- The penalties for the State and Territory sexual servitude offences are comparable to the Commonwealth offence penalties.
- The remaining two jurisdictions (Qld and Tas) have other criminal offences that could be used to prosecute incidents of trafficking in persons – for example, unlawful confinement and compelling a person to engage in sexual behaviour.
- Attached is a list of the State and Territory offences that are most directly relevant to sexual servitude. All States and Territories also have a range of ordinary criminal offences (including assault, unlawful confinement and sexual assault) that which could be expected to cover domestic trafficking related activity, both sexual and non-sexual.

State	Legislation	Section	Content
NSW	Crimes Act 1900	80B	meaning of 'sexual servitude'
NSW	Crimes Act 1900	80C	meaning of 'circumstances of aggravation' – including where alleged victim is under 18yrs
NSW	Crimes Act 1900	80D	offence of causing sexual servitude
NSW	Crimes Act 1900	80E	offence of conduct of business involving sexual servitude
NSW	Crimes Act 1900	80F	alternative verdicts
SA	Criminal Law Consolidation Act (CLCA) 1935	66(1)	offence of compelling a person to provide/continue to provide commercial sexual services guilty of offence of inflicting sexual servitude (higher penalties where victim is a child)
SA	CLCA 1935	66(2)	offence of using undue influence to get another person to provide/continue to provide commercial sexual services (higher penalties where victim is a child)
SA	CLCA 1935	67	offence of deceptive recruiting for commercial sexual services (higher penalties where victim is a child)
NT	Criminal Code Act	202A	meaning of 'sexual servitude' etc
NT	Criminal Code Act	202B	offence of causing sexual servitude (higher penalties where victim is a child)
NT	Criminal Code Act	202C	offence of conducting business involving sexual servitude (higher penalties where victim is a child)
NT	Criminal Code Act	202D	offence of deceptive recruiting for sexual services (higher penalties where victim is a child)
ACT	Crimes Act 1900	78	meaning of and 'sexual servitude' etc
ACT	Crimes Act 1900	79(1)	offence of causing sexual servitude
ACT	Crimes Act 1900	79(2)	offence of conducting business involving sexual servitude
ACT	Crimes Act 1900	80	offence of deceptive recruiting for sexual services
ACT	Crimes Act 1900	81	increased penalty for aggravated offences ie where offence committed against person under 18 yrs
Qld	Criminal Code Act	217	offence of procuring young person for carnal knowledge (including by enticing/recruiting)
Qld	Criminal Code Act 1899	218	offence of procuring sexual acts by coercion (including by false pretence)
Vic	Crimes Act 1958	55	offence of detention of person with the intention that they should take part in act of sexual penetration
Vic	Crimes Act 1958	60AB(2)	offence of causing another person to provide/continue to provide commercial sexual

			services by use of force, a threat, unlawful detention, fraud or misrepresentation (including by omission), or manifestly excessive debt
Vic	Crimes Act 1958	60AB(3)	offence to induce or cause a person to provide commercial sexual services, knowing or being reckless about whether the person will not be free to stop providing those services because of the use of force, threat, unlawful detention, fraud or misrepresentation, or a manifestly excessive debt
Vic	Crimes Act 1958	60AB(4)	offence of conducting a business that involves providing commercial sexual services, knowing or being reckless as to whether the persons providing those services are not free to stop because of force, threat, unlawful detention, fraud or misrepresentation or a manifestly excessive debt
Vic	Crimes Act 1958	60AC	offence of aggravated sexual servitude where a person commits an offence against 60AB(2), (3) or (4), and intended to commit, or was reckless about committing, the offence against a person under 18
Vic	Crimes Act 1958	60AD	offence of deceptive recruiting for commercial sexual services
Vic	Crimes Act 1958	60AE	offence of aggravated deceptive recruiting for commercial sexual services where offence committed against a person under 18
WA	Criminal Code	327	offence of compelling a person to engage in sexual behaviour
WA	Criminal Code	333	offence of unlawful detention of another person (for any reason)
WA	Criminal Code	331B	offence of compelling a person to provide/continue to provide a sexual service (higher penalties where victim is a child)
WA	Criminal Code	331C	offence of conducting a business that involves compelling a person to provide/continue to provide a sexual service (higher penalties where victim is a child)
WA	Criminal Code	331D	offence of deceptive recruiting for commercial sexual services (higher penalties where victim is a child)
Tas	Criminal Code Act 1924	129	offence of procuring a person by threats, intimidation or false pretences to have unlawful sexual intercourse.