

Legislative Council

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South Australia

Statutes Amendment (Sexual Offences) Bill 2023

A BILL FOR

An Act to amend the *Bail Act 1985*, the *Child Sex Offenders Registration Act 2006*, the *Criminal Law Consolidation Act 1935* and the *Sentencing Act 2017*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Sexual Offences) Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Bail Act 1985*

3—Insertion of section 10AA

After section 10 insert:

10AA—Special considerations for child sexual material offences

- (1) A bail authority considering an application for bail by an eligible person who has been charged with a child sexual material offence must, when having regard to the gravity of the offence in accordance with section 10(1)(a), take into account the harm that people who deal with child sexual material cause to children by contributing to demand for the abuse of children.
- (2) In this section—
child sexual material means child exploitation material within the meaning of Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*;
child sexual material offence means an offence against section 63, 63AA, 63A or 63AAB of the *Criminal Law Consolidation Act 1935*.

4—Transitional provision

The *Bail Act 1985* as amended by this Part applies in relation to a person who applies for bail on or after the commencement of this Part (regardless of whether the relevant offence was committed before or after that commencement).

Part 3—Amendment of *Child Sex Offenders Registration Act 2006*

5—Amendment of Schedule 1—Class 1 and 2 offences

- (1) Schedule 1, clause 2(h)—delete "provide commercial sexual services" and substitute:
perform commercial sexual acts
- (2) Schedule 1, clause 2(i)—delete "in commercial sexual services" and substitute:
to perform commercial sexual acts
- (3) Schedule 1, clause 3(i)—delete "services" and substitute:
acts
- (4) Schedule 1, clause 3(j)—delete "in commercial sexual services" and substitute:
to perform commercial sexual acts

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

6—Amendment of heading to Part 3 Division 12

Heading to Part 3 Division 12—delete "Commercial sexual services" and substitute:
Sexual servitude

7—Amendment of section 65A—Definitions relating to commercial sexual services

- (1) Section 65A, heading—delete "relating to commercial sexual services"
- (2) Section 65A(1), definition of *commercial sexual services*—delete the definition and substitute:

commercial sexual acts means acts performed by a person for payment (whether made to the person or to another) involving the use or display of the body of that person for the sexual gratification of another or others;
- (3) Section 65A(1), definition of *sexual servitude*—delete "provides commercial sexual services" and substitute:

performs commercial sexual acts

8—Amendment of section 66—Sexual servitude and related offences

- (1) Section 66(1) and (2)—delete "provide" wherever occurring and substitute in each case:

perform
- (2) Section 66(1) and (2)—delete "services" wherever occurring and substitute in each case:

acts

9—Amendment of section 67—Deceptive recruiting for commercial sexual services

- (1) Section 67, heading—delete "services" and substitute:

acts
- (2) Section 67(b)—delete "provide commercial sexual services" wherever occurring and substitute in each case:

perform commercial sexual acts

10—Amendment of section 68—Use of children in commercial sexual services

- (1) Section 68, heading—delete "services" and substitute:

acts
- (2) Section 68(1) and (2)—delete "provide" wherever occurring and substitute in each case:

perform
- (3) Section 68(1), (2) and (3)—delete "services" wherever occurring and substitute in each case:

acts
- (4) Section 68(3)(a)—delete "provides" and substitute:

performs

- (5) Section 68(3)—delete "provided" wherever occurring and substitute in each case:
performed

Part 5—Amendment of *Sentencing Act 2017*

11—Amendment of section 40—Reduction of sentences for guilty pleas in other cases

Section 40(8), definition of *serious sexual offence*, (a)—after "63," insert:

63AA, 63A, 63AAB,

12—Transitional provision

- (1) The *Sentencing Act 2017* as amended by this Part applies in relation to the sentencing of a person for an offence to which the person pleads guilty on or after the commencement of this Part (regardless of whether the offence was committed before or after that commencement).
- (2) To avoid doubt, nothing in this Part affects any sentence imposed before the commencement of this Part.