

# 1. Commonwealth

## CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

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<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Crimes Act 1914</b></p>	<p>Cth</p>	<p>Section 3 (Interpretation)</p>	<p>'<b>child</b>' is defined as someone is the '<b>child</b>' of a person if he or she is a child of the person within the meaning of the <i>Family Law Act 1975</i>.</p>
			<p>15GE(1)</p>	<p>A Serious Commonwealth offence:  (a) involves a matter mentioned in subsection (2); and  (b) is punishable on conviction by imprisonment for a period of 3 years or more.</p>
			<p>15GE(2)</p>	<p>The matters are as follows:  .....  (s) people smuggling;  (t) slavery;  (v) the organisation, financing or perpetration of sexual servitude or a sexual offence against a person who is under 18 outside Australia;  (zb) a matter that is of the same general nature as a matter mentioned in one of the preceding paragraphs;  (zc) a matter that is prescribed by the regulations for the</p>

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				purposes of this paragraph.
			Part IAD - (Protection of children in proceedings for sexual offences)  15Y(1)	Part IAD applies to any proceedings for:  .....  (c) an offence against Division 270 of the <i>Criminal Code</i> (Slavery, sexual servitude and deceptive recruiting); or  (caa) an offence against Division 271 of the <i>Criminal Code</i> (trafficking in persons, trafficking in children, debt bondage); or
			15YA (Definitions)	' <b>child</b> ' means a person who is under 18.  ' <b>child complainant</b> ', in relation to a proceeding, means a child who is, or is alleged to be, a victim of an offence, of a kind referred to in subsection 15Y(1), to which the proceeding relates. The child need not be involved in the proceeding or the initiation of the proceeding.  ' <b>child witness</b> ', in relation to a proceeding, means a child (including a child complainant) who is a witness in the proceeding.
			15YB	Evidence of a child witness' or child complainant's reputation with respect to sexual activities is inadmissible in a proceeding, unless the court gives leave.  Section 2 requires the court not grant leave unless satisfied that the evidence is substantially relevant to facts in issue in

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				<p>the proceeding.</p> <p>Section 3 states the evidence is not to be treated as substantially relevant to facts in issue merely because of inferences it may raise as to the child witness' or child complainant's general disposition.</p> <p>Section 4 states the evidence, if admitted, is not relevant to the child witness' or child complainant's credibility.</p> <p>This section does not apply if the child is a defendant in the proceeding.</p>
			15YC	<p>Evidence of a '<b>child witness</b>' or child complainant's experience of sexual activity is inadmissible unless:</p> <p>(a) the court gives leave; or</p> <p>(b) the evidence is of sexual activities with a defendant in the proceeding.</p> <p>The court must not give leave unless satisfied that:</p> <p>(a) the evidence is substantially relevant to facts in issue in the proceeding; or</p> <p>(b) if the evidence relates to the credibility of a child witness and is to be adduced in cross-examination of the child - the evidence has substantial probative value.</p> <p>Without limiting the matters to which the court may have regard in deciding whether the evidence has substantial</p>

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				<p>probative value, it is to have regard to:</p> <p>(a) whether the evidence tends to prove that the witness knowingly or recklessly made a false representation when the witness was under an obligation to tell the truth; and</p> <p>(b) the period that has elapsed since the acts or events to which the evidence relates were done or occurred.</p> <p>This section does not apply if the child is a defendant in the proceeding.</p>
	<b>Criminal Code Act 1995</b>	Cth	268.10	<p>Crime against humanity - enslavement</p> <p>It is an offence to exercise any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking persons, in particular women and children) and the conduct is committed as part of a widespread or systemic attack directed against a civilian population.</p> <p>Penalty: Imprisonment for 25 years.</p> <p><b>'exercises any or all of the powers attaching to the right of ownership'</b> over a person includes purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person.</p>
			268.15	<p>Crime against humanity - sexual slavery</p> <p>It is an offence to cause another person to enter into or</p>

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				<p>remain in sexual slavery and the conduct is committed as a widespread or systemic attack directed against a civilian population.</p> <p>Penalty: Imprisonment for 25 years.</p> <p><b>'sexual slavery'</b> is the condition of a person who provides sexual services and who, because of the use of force or threats:</p> <p>(a) is not free to cease providing sexual services; or</p> <p>(b) is not free to leave the place or area where the person provides sexual services.</p> <p><b>'sexual service'</b> means the use or display of the body of the person providing the service for the sexual gratification of others.</p> <p><b>'threat'</b> means:</p> <p>(a) a threat of force; or</p> <p>(b) a threat to cause a person's deportation; or</p> <p>(c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.</p>
			268.21	<p>Crime against humanity - enforced disappearance of persons</p> <p>Under section 1 it is an offence to arrest, detain or abduct one</p>

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				<p>or more persons and the arrest detention or abduction is authorised or supported by the government of a country or a political organisation as part of a widespread or systematic attack directed against a civilian population.</p> <p>It must be proved that after the arrest, detention or abduction, the government or organisation refuses to acknowledge the deprivation of freedom of, or to give information on the fate or whereabouts of, the person or persons.</p> <p>Penalty: Imprisonment for 17 years.</p> <p>Under section 2 it is an offence if one or more persons have been arrested, detained or abducted and the arrest detention or abduction was carried out with the authorisation or support of the government of a country or a political organisation and the perpetrator refuses to acknowledge the deprivation of freedom, or to give information on the fate or whereabouts, of the person or persons. The arrest, detention or abduction and the refusal must occur as part of a widespread or systematic attack directed against a civilian population and the perpetrator knows that the refusal is part of, or intends the refusal to be part of, such an attack.</p> <p>Penalty: Imprisonment for 17 years.</p>
			270.1 (definition)	<p>Division 270 - Slavery, sexual servitude and deceptive recruiting</p> <p><b>'slavery'</b> is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or</p>

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				contract made by the person.
			270.2	Slavery remains unlawful and its abolition is maintained, despite the repeal by the <i>Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999</i> of Imperial Acts relating to slavery.
			270.3	<p><b>'Slavery offences'</b></p> <p>Section 1 states a person who intentionally possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership, or engages in slave trading, or enters into any commercial transaction involving a slave, or exercises control or direction over, or provides finance for:</p> <p>(i) any act of slave trading; or</p> <p>(ii) any commercial transaction involving a slave;</p> <p>is guilty of an offence. The offence can occur inside or outside of Australia.</p> <p>Penalty: Imprisonment for 25 years.</p>
			270.3	<p>Section 2 states a person who:</p> <p>(a) whether within or outside Australia:</p> <p>(i) enters into any commercial transaction involving a slave; or</p> <p>(ii) exercises control or direction over, or provides finance</p>

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				<p>for, any commercial transaction involving a slave; or</p> <p>(iii) exercises control or direction over, or provides finance for, any act of slave trading; and</p> <p>(b) is reckless as to whether the transaction or act involves a slave, slavery or slave trading;</p> <p>is guilty of an offence.</p> <p>Penalty: Imprisonment for 17 years.</p> <p>In this section:</p> <p><b>'slave trading'</b> includes:</p> <p>(a) the capture, transport or disposal of a person with the intention of reducing the person to slavery; or</p> <p>(b) the purchase or sale of a slave.</p>
			270.4(1) and (2)	<p>Definition of <b>'sexual servitude'</b></p> <p>For the purposes of this Division, <b>'sexual servitude'</b> is the condition of a person who provides sexual services and who, because of the use of force or threats:</p> <p>(a) is not free to cease providing sexual services; or</p> <p>(b) is not free to leave the place or area where the person provides sexual services.</p>

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				<p><b>'threat'</b> means:</p> <ul style="list-style-type: none"> <li>(a) a threat of force; or</li> <li>(b) a threat to cause a person's deportation; or</li> <li>(c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.</li> </ul>
			270.5	Specifies that Section 15.2 (the extended geographical jurisdiction) applies to an offence of section 270.6 or 270.7
			270.6(1)	<p><b>Sexual servitude offences</b></p> <p>A person whose conduct causes another person to enter into or remain in sexual servitude and who intends to cause, or is reckless as to causing, that sexual servitude is guilty of an offence.</p>
			270.6(2)	A person who conducts any business that involves the sexual servitude of other persons and who knows about, or is reckless as to, that sexual servitude is guilty of an offence.
			270.6(3)	<p>In this section 270.6</p> <p><b>'conducting a business'</b> includes:</p> <ul style="list-style-type: none"> <li>(a) taking any part in the management of the business; or</li> <li>(b) exercising control or direction over the business; or</li> </ul>

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				(c) providing finance for the business.
			270.7	<p><b>'Deceptive recruiting for sexual services'</b></p> <p>(1) A person who, with the intention of inducing another person to enter into an engagement to provide sexual services, deceives that other person about:</p> <p>(a) the fact that the engagement will involve the provision of sexual services; or</p> <p>(aa) the nature of sexual services to be provided; or</p> <p>(b) the extent to which the person will be free to leave the place or area where the person provides sexual services; or</p> <p>(c) the extent to which the person will be free to cease providing sexual services; or</p> <p>(d) the extent to which the person will be free to leave his or her place of residence; or</p> <p>(da) if there is or will be a debt owed or claimed to be owed by the person in connection with the engagement - the quantum, or the existence, of the debt owed or claimed to be owed; or</p> <p>(e) the fact that the engagement will involve exploitation, debt bondage or the confiscation of the person's travel or identity documents;</p>

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				<p>is guilty of an offence.</p>
			270.7(1A)	<p>In determining, for the purposes of any proceedings for an offence against subsection (1), whether a person has been deceived about any matter referred to in a paragraph of that subsection, a court, or if the trial is before a jury, the jury, may have regard to any of the following matters:</p> <p>(a) the economic relationship between the person and the alleged offender;</p> <p>(b) the terms of any written or oral contract or agreement between the person and the alleged offender;</p> <p>(c) the personal circumstances of the person, including but not limited to:</p> <p>(i) whether the person is entitled to be in Australia under the <i>Migration Act 1958</i>; and</p> <p>(ii) the person's ability to speak, write and understand English or the language in which the deception or inducement occurred; and</p> <p>(iii) the extent of the person's social and physical dependence on the alleged offender.</p> <p><b>'deceive'</b> has the same meaning as in Division 271.</p> <p><b>'sexual service'</b> means the commercial use or display of the body of the person providing the service for the sexual</p>

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				gratification of others.
			270.8	<p><b>'Aggravated offences'</b></p> <p>(1) For the purposes of this Division, an offence against section 270.6 or 270.7 is an <b>'aggravated offence'</b> if the offence was committed against a person who is under 18.</p> <p>(2) If the prosecution intends to prove an aggravated offence, the charge must allege that the offence was committed against a person under that age.</p> <p>(3) In order to prove an aggravated offence, the prosecution must prove that the defendant intended to commit, or was reckless as to committing, the offence against a person under that age.</p>
			270.9	If a jury is not satisfied that the defendant is guilty of an aggravated offence against 270.6 and 270.7, but is otherwise satisfied that he or she is guilty of an offence against that section, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.
			270.12	This Division is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.
			270.13	If a person has been convicted or acquitted in a country outside Australia of an offence against the law of that country in respect of any conduct, the person cannot be convicted of an offence against this Division in respect of that conduct.

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			271.1 (definitions)	<p><b>'Trafficking in persons and debt bondage'</b></p> <p><b>'confiscate'</b>, in relation to a person's travel or identity document, means to take possession of the document, whether permanently or otherwise, to the exclusion of the person, or to destroy the document.</p> <p><b>'constitutional corporation'</b> means a corporation to which paragraph 51(xx) of the Constitution applies.</p> <p><b>'deceive'</b> means mislead as to fact (including the intention of any person) or as to law, by words or other conduct.</p> <p><b>'threat'</b> means:</p> <ul style="list-style-type: none"> <li>(a) a threat of force; or</li> <li>(b) a threat to cause a person's removal from Australia; or</li> <li>(c) a threat of any other detrimental action;</li> </ul> <p>unless there are reasonable grounds for the threat of that action.</p>
			271.2(1)	<p>A person (the <b>'first person'</b>) commits an offence of trafficking in persons if:</p> <ul style="list-style-type: none"> <li>(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and</li> <li>(b) the first person uses force or threats; and</li> </ul>

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				<p>(c) that use of force or threats results in the first person obtaining the other person's compliance in respect of that entry or proposed entry or in respect of that receipt.</p> <p>Penalty: Imprisonment for 12 years.</p>
			271.2(1A)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and</p> <p>(b) the first person uses force or threats; and</p> <p>(c) that use of force or threats results in the first person obtaining the other person's compliance in respect of that exit or proposed exit.</p> <p>Penalty: Imprisonment for 12 years.</p>
			271.2(1B)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and</p> <p>(b) in organising or facilitating that entry or proposed entry, or that receipt, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that entry or receipt.</p>

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				Penalty: Imprisonment for 12 years.
			271.2(1C)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and</p> <p>(b) in organising or facilitating that exit or proposed exit, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that exit.</p> <p>Penalty: Imprisonment for 12 years.</p>
			271.2(2)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and</p> <p>(b) the first person deceives the other person about the fact that the other person's entry or proposed entry, the other person's receipt or any arrangements for the other person's stay in Australia, will involve the provision by the other person of sexual services or will involve the other person's exploitation or debt bondage or the confiscation of the other person's travel or identity documents.</p> <p>Penalty: Imprisonment for 12 years.</p>

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			271.2(2A)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and</p> <p>(b) the first person deceives the other person about the fact that the other person's exit or proposed exit is for purposes that involve the provision by the other person of sexual services outside Australia or will involve the other person's exploitation or debt bondage or the confiscation of the other person's travel or identity documents.</p> <p>Penalty: Imprisonment for 12 years.</p>
			271.2(2B)	<p>A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and</p> <p>(b) there is an arrangement for the other person to provide sexual services in Australia; and</p> <p>(c) the first person deceives the other person about any of the following:</p> <p>(i) the nature of the sexual services to be provided;</p> <p>(ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual</p>

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				<p>services;</p> <p>(iii) the extent to which the other person will be free to cease providing sexual services;</p> <p>(iv) the extent to which the other person will be free to leave his or her place of residence;</p> <p>(v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services - the quantum, or the existence, of the debt owed or claimed to be owed.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(2C) A person (the '<b>first person</b>') commits an offence of trafficking in persons if:</p> <p>(a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and</p> <p>(b) there is an arrangement for the other person to provide sexual services outside Australia; and</p> <p>(c) the first person deceives the other person about any of the following:</p> <p>(i) the nature of the sexual services to be provided;</p> <p>(ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual</p>

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				<p>services;</p> <p>(iii) the extent to which the other person will be free to cease providing sexual services;</p> <p>(iv) the extent to which the other person will be free to leave his or her place of residence;</p> <p>(v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services - the quantum, or the existence, of the debt owed or claimed to be owed.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(3) Absolute liability applies to paragraphs (1)(c) and (1A)(c).</p> <p>271.3 Aggravated offence of trafficking in persons</p> <p>(1) A person (the '<b>first person</b>') commits an aggravated offence of trafficking in persons if the first person commits the offence of trafficking in persons in relation to another person (the '<b>victim</b>') and any of the following applies:</p> <p>(a) the first person commits the offence intending that the victim will be exploited, either by the first person or another:</p> <p>(i) if the offence of trafficking in persons is an offence against subsection 271.2(1), (1B), (2) or (2B) - after entry into Australia; and</p>

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				<p>(ii) if the offence of trafficking in persons is an offence against subsection 271.2(1A), (1C), (2A) or (2C) - after exit from Australia;</p> <p>(b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;</p> <p>(c) the first person, in committing the offence:</p> <p>(i) engages in conduct that gives rise to a danger of death or serious harm to the victim; and</p> <p>(ii) is reckless as to that danger.</p> <p>Penalty: Imprisonment for 20 years.</p> <p>(2) If, on a trial for an offence against this section, the court, or if the trial is before a jury, the jury, is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 271.2, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.</p> <p>271.4 Offence of trafficking in children</p> <p>(1) A person (the '<b>first person</b>') commits an offence of trafficking in children if:</p> <p>(a) the first person organises or facilitates the entry or proposed entry into Australia, or the receipt in Australia, of another person; and</p>

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				<p>(b) the other person is under the age of 18; and</p> <p>(c) in organising or facilitating that entry or proposed entry, or that receipt, the first person:</p> <p>(i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt; or</p> <p>(ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt.</p> <p>Penalty: Imprisonment for 25 years.</p> <p>(2) A person (the '<b>first person</b>') commits an offence of trafficking in children if:</p> <p>(a) the first person organises or facilitates the exit or proposed exit from Australia of another person; and</p> <p>(b) the other person is under the age of 18; and</p> <p>(c) in organising or facilitating that exit or proposed exit, the first person:</p> <p>(i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit; or</p> <p>(ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either</p>

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				<p>by the first person or another, after that exit.</p> <p>Penalty: Imprisonment for 25 years.</p> <p>(3) In this section:</p> <p><b>'sexual service'</b> means the use or display of the body of the person providing the service for the sexual gratification of others.</p> <p>271.5 Offence of domestic trafficking in persons</p> <p>(1) A person (the <b>'first person'</b>) commits an offence of domestic trafficking in persons if:</p> <p>(a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Australia to another place in Australia; and</p> <p>(b) the first person uses force or threats; and</p> <p>(c) that use of force or threats results in the first person obtaining the other person's compliance in respect of that transportation or proposed transportation.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(2) A person (the <b>'first person'</b>) commits an offence of domestic trafficking in persons if:</p> <p>(a) the first person organises or facilitates the transportation or proposed transportation of another person from one place</p>

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				<p>in Australia to another place in Australia; and</p> <p>(b) in organising or facilitating that transportation or proposed transportation, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that transportation.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(2A) A person (the '<b>first person</b>') commits an offence of domestic trafficking in persons if:</p> <p>(a) the first person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and</p> <p>(b) the first person deceives the other person about the fact that the transportation, or any arrangements the first person has made for the other person following the transportation, will involve the provision by the other person of sexual services or will involve the other person's exploitation or debt bondage or the confiscation of the other person's travel or identity documents.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(2B) A person (the '<b>first person</b>') commits an offence of domestic trafficking in persons if:</p> <p>(a) the first person organises or facilitates the transportation of another person from one place in Australia to another</p>

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				<p>place in Australia; and</p> <p>(b) there is an arrangement for the other person to provide sexual services; and</p> <p>(c) the first person deceives the other person about any of the following:</p> <p>(i) the nature of the sexual services to be provided;</p> <p>(ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual services;</p> <p>(iii) the extent to which the other person will be free to cease providing sexual services;</p> <p>(iv) the extent to which the other person will be free to leave his or her place of residence;</p> <p>(v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services - the quantum, or the existence, of the debt owed or claimed to be owed.</p> <p>Penalty: Imprisonment for 12 years.</p> <p>(3) Absolute liability applies to paragraph (1)(c).</p> <p>271.6 Aggravated offence of domestic trafficking in persons</p> <p>(1) A person (the '<b>first person</b>') commits an aggravated</p>

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				<p>offence of domestic trafficking in persons if the first person commits the offence of domestic trafficking in persons in relation to another person (the '<b>victim</b>') and any of the following applies:</p> <p>(a) the first person commits the offence intending that the victim will be exploited, either by the first person or by another, after arrival at the place to which the person has been transported;</p> <p>(b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;</p> <p>(c) the first person, in committing the offence:</p> <p>(i) engages in conduct that gives rise to a danger of death or serious harm to the victim; and</p> <p>(ii) is reckless as to that danger.</p> <p>Penalty: Imprisonment for 20 years.</p> <p>(2) If, on a trial for an offence against this section, the court, or if the trial is before a jury, the jury, is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 271.5, it may find the defendant not guilty of the aggravated offence, but guilty of an offence against that section.</p> <p>271.7 Offence of domestic trafficking in children</p> <p>(1) A person commits an offence of domestic trafficking in</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>children if:</p> <p>(a) the first-mentioned person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and</p> <p>(b) the other person is under the age of 18; and</p> <p>(c) in organising or facilitating that transportation, the first-mentioned person:</p> <p>(i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place; or</p> <p>(ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place.</p> <p>Penalty: Imprisonment for 25 years.</p> <p>(2) In this section:</p> <p><b>'sexual service'</b> means the use or display of the body of the person providing the service for the sexual gratification of others.</p>
			271.10	Section 15.2 (extended geographical jurisdiction - category B) applies to an offence against section 271.2, 271.3, 271.4,

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				271.8 or 271.9.
			271.11	<p>A person commits an offence against section 271.5, 271.6 or 271.7 only if one or more of the following paragraphs applies:</p> <p>(a) the conduct constituting the offence occurs to any extent outside Australia;</p> <p>(b) the conduct constituting the offence involves transportation across State borders, either for reward or in connection with a commercial arrangement;</p> <p>(c) the conduct constituting the offence occurs within a Territory or involves transportation to or from a Territory;</p> <p>(d) the conduct constituting the offence is engaged in by, or on behalf of, a constitutional corporation, or in circumstances where the victims of the trafficking conduct were intended to be employed by a constitutional corporation;</p> <p>(e) some of the conduct constituting the offence is engaged in by communication using a postal, telegraphic or telephonic service within the meaning of paragraph 51(v) of the Constitution;</p> <p>(f) the victim of the conduct constituting the offence is an alien for the purposes of paragraph 51(xix) of the Constitution.</p>
			271.12	This Division is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				or Territory.
			271.13	If a person has been convicted or acquitted in a country outside Australia of an offence against the law of that country in respect of any conduct, the person cannot be convicted of an offence against this Division in respect of that conduct.
	Migration Act 1958	Cth	228A (geographical application)	<p><b>People smuggling and related offences</b></p> <p>This Subdivision applies in and outside Australia.</p>
			233A	<p>A person (the '<b>first person</b>') commits an offence if:</p> <p>a) the first person organises or facilitates the bringing or coming to Australia, or the entry or proposed entry into Australia, of another person (the '<b>second person</b>'); and</p> <p>(b) the second person is a non-citizen; and</p> <p>(c) the second person had, or has, no lawful right to come to Australia.</p>
			233B (Aggravated offence of people smuggling)	<p>A person (the '<b>first person</b>') commits an offence against this section if the first person commits the offence of people smuggling (the '<b>underlying offence</b>') in relation to another person (the '<b>victim</b>') and any of the following applies:</p> <p>(a) the first person commits the underlying offence intending that the victim will be exploited after entry into Australia (whether by the first person or another);</p> <p>(b) in committing the underlying offence, the first person</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>subjects the victim to cruel, inhuman or degrading treatment (within the ordinary meaning of that expression);</p> <p>(c) in committing the underlying offence:</p> <p>(i) the first person's conduct gives rise to a danger of death or serious harm to the victim; and</p> <p>(ii) the first person is reckless as to the danger of death or serious harm to the victim that arises from the conduct.</p> <p><b>'exploit'</b> has the same meaning as in the <i>Criminal Code</i>.</p> <p><b>'forced labour'</b> has the same meaning as in section 73.2 of the <i>Criminal Code</i>.</p> <p><b>'serious harm'</b> has the same meaning as in the <i>Criminal Code</i>.</p> <p><b>'sexual servitude'</b> has the meaning as in the <i>Criminal Code</i>.</p> <p><b>'slavery'</b> has the meaning as in the <i>Criminal Code</i>.</p>
			233C Aggravated offence of people smuggling (at least 5 people)	<p>(1) A person (the <b>'first person'</b>) commits an offence if:</p> <p>(a) the first person organises or facilitates the bringing or coming to Australia, or the entry or proposed entry into Australia, of a group of at least 5 persons (the <b>'other persons'</b>); and</p> <p>(b) at least 5 of the other persons are non-citizens; and</p> <p>(c) the persons referred to in paragraph (b) who are</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				non-citizens had, or have, no lawful right to come to Australia.
			233D Supporting the offence of people smuggling	<p>A person (the '<b>first person</b>') commits an offence if:</p> <p>(a) the first person provides material support or resources to another person or an organisation (the '<b>receiver</b>'); and</p> <p>(b) the support or resources aids the receiver, or a person or organisation other than the receiver, to engage in conduct constituting the offence of people smuggling.</p>

## 2. New South Wales

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Crimes Act 1900 No 40</b></p>	<p>NSW</p>	<p>66A(1) - 66D</p>	<p>These provisions make it an offence to engage in sexual intercourse with a child (under the age of 16).</p> <p>These section are peripherally associated with article 35.</p>
			<p>80B(1)</p>	<p><b>Meaning of Sexual Servitude</b></p> <p>Sexual servitude is the condition of a person who provides sexual services and because of the use of force or threats:</p> <p>(a) is not free to cease providing sexual services; or</p> <p>(b) is not free to leave the place or area where the person provides sexual services.</p>
			<p>80D(1)</p>	<p>A person who causes another person to enter into or remain in sexual servitude is guilty of an offence.</p> <p>Maximum penalty imprisonment for 15 years.</p>
			<p>80E(1)</p>	<p>A person who conducts any business that involves the sexual servitude of other persons is guilty of an offence.</p> <p>Maximum penalty imprisonment 15 years.</p>
			<p>86(1)</p>	<p>A person who takes or detains a person, without the person's consent:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				(a) with the intention of holding the person to ransom; or (b) with the intention of obtained any other advantage, is liable to imprisonment for 14 years.
			86(2)	A person is guilty of an offence if the person commits an offence under section 86(1) in the company of another person or persons, or at the time of the offence, or immediately before or after the person commits the offence actual bodily harm is occasioned to the alleged victim.  Maximum penalty imprisonment 20 years.
			86(3)	A person is guilty of an offence if the person commits an offence under section 86(1) in the company of another person or persons and at the time of the offence or, immediately before or after the person commits the offence actual bodily harm is occasioned to the alleged victim.  Maximum penalty imprisonment 25 years.
			87(1)	A person who takes or detains a child with the intention of removing the child from the lawful control of any person having parental responsibility for the child, without the consent of that person, is liable to imprisonment for 10 years.
			87(2)	A person who takes or details a child with the intention of stealing the child is liable to imprisonment for 10 years.
			91A	A person who procures, entices or leads away any person (not being a prostitute), whether with that person's consent or not

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				for purposes of prostitution, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to imprisonment for seven years.
			91B	A person who, by means of any fraud, violence, threat, or abuse of authority, or by the use of any drug or intoxicating liquor, procures, entices, or leads away any person for purposes of prostitution, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to imprisonment for ten years.
			91C	<p>An act of child prostitution means any sexual service, whether or not involving an indecent act:</p> <p>(i) that is provided by a child for the payment of money or the provision of any other material thing (whether or not it is in fact paid or provided to the child or to any other person), and</p> <p>(ii) that can reasonably be considered to be aimed at the sexual arousal or sexual gratification of a person or persons other than the child,</p> <p>and includes (but is not limited to) sexual activity between persons of different sexes or the same sex, comprising sexual intercourse (as defined in section 61H) for payment or masturbation committed by one person on another for payment, engaged in by a child.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			91D	<p>It is an offence to cause or induce a child to participate in an act of child prostitution or to participate as a client with a child in an act of child prostitution.</p> <p>Maximum penalty imprisonment for 10 years, or if the child is under the age of 14 years imprisonment for 14 years.</p>
			91E(1)	<p>A person who received money or any other material benefiting knowing that it is derived directly or indirectly from an act of child prostitution is liable to imprisonment for 10 years, or if the act of child prostitution involves a child under the age of 14 years to imprisonment for 14 years.</p>
			91E(2)	<p>A person is not guilty of an offence under s 91E(1) if the person satisfied the court that the money or other material benefit concerned:</p> <p>(i) was received by the person for the lawful provision of goods or services; or</p> <p>(ii) was paid or provided in accordance with a judgment or an order of a court or legislative requirement, whether or not under New South Wales Law.</p>
			91F(1)	<p>Any person who is capable of exercising lawful control over premises at which a child participates in an act of child prostitution is liable to imprisonment for 7 years.</p>
			91F(2)	<p>For the purposes of section 91F, each person:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) who is an owner, lessee, licensee or occupier of premises,</p> <p>(b) who is concerned in the management of premises or in controlling the entry of persons to, or their movement within, premises,</p> <p>is to be considered as capable of exercising lawful control over the premises, whether or not any other person is capable of exercising lawful control over the premises.</p>
			91F(3)	<p>A person is not guilty of an offence under section 91F relating to an act of child prostitution if the person satisfies the court:</p> <p>(a) that the person did not know about the act, or</p> <p>(b) that the person did not know that a child was participating in the act or, for any other reason, did not know that the act was an act of child prostitution, or</p> <p>(c) that the person used all due diligence to prevent the child from participating in the act.</p>

### 3. Victoria

#### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Charter of Human Rights and Responsibilities Act 2006</b></p>	Vic	3	Child means a person under the age of 18
			10	<p>(1) A person must not be held in slavery or servitude.</p> <p>(2) A person must not be made to perform forced or compulsory labour.</p> <p>(3) For the purposes of subsection (2) forced or compulsory labour does not include:</p> <p>(a) work or service normally required of a person who is under detention because of a lawful court order or who, under a lawful court order, has been conditionally released from detention or ordered to perform work in the community; or</p> <p>(b) work or service required because of an emergency threatening the Victorian community or a part of the Victorian community; or</p> <p>(c) work or service that forms part of normal civil obligations.</p> <p>(4) In this section court order includes an order made by a court of another jurisdiction.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	<b>Crimes Act 1958</b>	Vic	45 - 49A	These sections deal with sexual offences against children.  These section are peripherally associated with article 35.
			53	This section makes it an offence to administer a drug with the intent of intention of rendering that person incapable of resistance and thereby enabling himself or herself or another person to take part in an act of sexual penetration with that person.  This section is peripherally associated with article 35.
			55	A person must not take away a person by force or detain a person against his or her will:  (a) with the intention of getting married to, or taking part in an act of sexual penetration with, that person; or  (b) with the intention that that person should marry, or take part in an act of sexual penetration with, another person.  Maximum Penalty imprisonment for 10 years.
			56(1)	A person must not take away a child under the age of 16 against the will of a person who has lawful charge of the child with the intention that the child should take part in an act of sexual penetration outside marriage with him or her or any other person.  Maximum Penalty imprisonment for 5 years.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			56(2)	<p>A person must not cause a child under the age of 16 to be taken away against the will of a person who has lawful charge of the child with the intention that the child should take part in an act of sexual penetration outside marriage with him or her or any other person.</p> <p>Maximum Penalty imprisonment 5 years.</p>
			58	<p>It is an offence to procure the sexual penetration of a child under the age of 16.</p> <p>This section is peripherally associated with article 35.</p>
			60AB(1)	<p>In this section 60AB:</p> <p><b>'commercial sexual services'</b> means services for commercial benefit involving the use or display of the body of the person providing the services for the sexual arousal or sexual gratification of others.</p> <p><b>'threat'</b> means:</p> <ul style="list-style-type: none"> <li>(a) threat of force; or</li> <li>(b) threat to cause a person's deportation; or</li> <li>(c) threat of any other detrimental action</li> </ul> <p>unless there are reasonable grounds for the threat of that action in connection</p>
			60AB(2)	<p>A person who, by the use of:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) force; or</p> <p>(b) a threat; or</p> <p>(c) unlawful detention; or</p> <p>(d) fraud or misrepresentation, including by omission; or</p> <p>(e) a manifestly excessive debt</p> <p>causes another person to provide, or to continue providing, commercial sexual services is guilty of an offence and liable to level 4 imprisonment (15 years maximum).</p>
			60AB(3)	<p>A person who:</p> <p>(a) causes or induces another person to provide commercial sexual services; and</p> <p>(b) knows that, or is reckless as to whether, the other person providing those services will not be free to stop providing those services because of the use of:</p> <p>(i) force; or</p> <p>(ii) a threat; or</p> <p>(iii) unlawful detention; or</p> <p>(iv) fraud or misrepresentation, including by omission; or</p> <p>(v) a manifestly excessive debt</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				is guilty of an offence and liable to level 4 imprisonment (15 years maximum).
			60AB(4)	<p>A person who:</p> <p>(a) conducts a business that involves the provision of commercial sexual services; and</p> <p>(b) knows that, or is reckless as to whether, the persons providing those services are not free to stop providing those services because of the use of:</p> <p>(i) force; or</p> <p>(ii) a threat; or</p> <p>(iii) unlawful detention; or</p> <p>(iv) fraud or misrepresentation, including by omission; or</p> <p>(v) a manifestly excessive debt</p> <p>is guilty of an offence and liable to level 4 imprisonment (15 years maximum).</p>
			60AB(5)	<p>For the purposes of subsection 60AB(4), conducting a business includes:</p> <p>(a) taking any part in the management of the business; or</p> <p>(b) exercising control or direction over the business; or</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				(c) providing finance for the business.
			60AC	<p>(1) A person is guilty of aggravated sexual servitude if:</p> <p>(a) the person commits an offence against section 60AB(2), (3) or (4); and</p> <p>(b) the offence was committed against a person under the age of 18 years; and</p> <p>(c) the accused intended to commit, or was reckless as to committing, the offence against a person under the age of 18 years.</p> <p>(2) A person guilty of aggravated sexual servitude is guilty of an offence and liable to level 3 imprisonment (20 years maximum).</p>
			60AD(1)	(1) A person who, intending to induce another person to enter into an engagement to provide commercial sexual services, deceives that other person about the fact that the engagement will involve the provision of commercial sexual services is guilty of an offence and liable to level 6 imprisonment (5 years maximum).
			60AD(2)	(2) In subsection (1), commercial sexual services has the same meaning as in section 60AB.
			60AE(1)	(A person is guilty of aggravated deceptive recruiting for commercial sexual services if:

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) the person commits an offence against section 60AD; and</p> <p>(b) the offence was committed against a person under the age of 18 years; and</p> <p>(c) the accused intended to commit, or was reckless as to committing, the offence against a person under the age of 18 years.</p>
			60AE(2)	A person guilty of aggravated deceptive recruiting for sexual services is guilty of an offence and liable to level 5 imprisonment (10 years maximum).
			63(1)	<p>Whosoever unlawfully either by force or fraud leads or takes away or decoys or entices away or detains any child under the age of sixteen years, with intent to deprive any parent or guardian or any other person having the lawful care or charge of such child of the possession of such child or with intent to steal any article upon or about the person of such child; and whosoever with any such intent receives or harbors any such child knowing the same to have been by force or fraud led taken decoyed enticed away or detained, shall be guilty of an indictable offence, and shall be liable to level 6 imprisonment (5 years maximum).</p> <p>No person who has claimed any right to the possession of such child, or is the mother or has claimed to be the father of an illegitimate child, shall be liable to be prosecuted under this or the next succeeding subsection on account of the getting possession of such child or taking such child out of the possession of any person having the lawful care or charge</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				thereof.
			63(2)	Whosoever unlawfully takes decoys or entices away any child under the age of sixteen years out of the possession and against the will of the child's parent or guardian or of any other person having the lawful care or charge of the child shall be guilty of an indictable offence, and shall be liable to level 6 imprisonment (5 years maximum).
			63A	Whosoever leads takes or entices away or detains any person with intent to demand from that person or any other person any payment by way of ransom for the return or release of that person or with intent to gain for himself or any other person any advantage (however arising) from the detention of that person shall, whether or not any demand or threat is in fact made, be guilty of an indictable offence and liable to level 2 imprisonment (25 years maximum).

## 4. Queensland

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Criminal Code Act 1899</b></p>	<p>QLD</p>	<p>210</p>	<p>This provision deals with the indecent treatment of children under the age of 16.</p> <p>This section is peripherally associated with article 35.</p>
			<p>213</p>	<p>(1) Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control of any premises, induces or knowingly permits any child under the prescribed age to be in or upon the premises for the purpose of any person, whether a particular person or not, doing an act in relation to the child (a '<b>proscribed act</b>') defined to constitute an offence in section 208, 210 or 215 is guilty of an indictable offence.</p> <p>(2) If the child is of or above the age of 12 years, the offender is guilty of a crime, and is liable to imprisonment for 10 years.</p> <p>(3) If the child is under the age of 12 years, the offender is guilty of a crime, and is liable to imprisonment:</p> <p>(a) for life, where the proscribed act is one defined to constitute an offence in section 208 or 215; or</p> <p>(b) for 14 years in any other case.</p> <p>(4) If the proscribed act is one defined to constitute an offence in section 208 and the child is of or above 12 years, it</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>is a defence to prove that the accused person believed, on reasonable grounds, that the child was of or above 18 years.</p> <p>(5) If the proscribed act is one defined to constitute an offence in section 210 or 215 and the child is of or above 12 years, it is a defence to prove that the accused person believed, on reasonable grounds, that the child was of or above 16 years.</p> <p>(6) In this section '<b>prescribed age</b>' means</p> <p>(a) for an offence defined in section 208 - 18 years; or</p> <p>(b) for an offence defined in section 210 or 215 - 16 years.</p>
			215	<p>This section states is an offence to have carnal knowledge with or of a child under the age of 16.</p> <p>This section is peripherally associated with article 35.</p>
			217	<p>It is an offence to procure a person who is not an adult or a person with an impairment of the mind to engage in carnal knowledge.</p> <p>This section is peripherally associated with article 35.</p>
			219	<p>(1) Any person who takes or entices away, or detains a child who is under the prescribed age and is not the husband or wife of that person for the purpose of any person, whether a particular person or not, doing an act in relation to the child (a '<b>proscribed act</b>') defined to constitute an offence in</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>section 208, 210 or 215 is guilty of a crime.</p> <p>(2) If the child is of or above the age of 12 years, the offender is liable to imprisonment for 10 years.</p> <p>(3) If the child is under the age of 12 years, the offender is liable to imprisonment:</p> <p>(a) for life, where the proscribed act is one defined to constitute an offence in section 208 or 215; or</p> <p>(b) for 14 years in any other case.</p> <p>(4) If the proscribed act is one defined to constitute an offence defined in section 208 and the child is of or above 12 years, it is a defence to prove that the accused person believed, on reasonable grounds, the child was of or above 18 years.</p> <p>(5) If the proscribed act is one defined to constitute an offence defined in section 210 or 215 and the child is of or above 12 years, it is a defence to prove that the accused person believed, on reasonable grounds, the child was of or above 16 years.</p> <p>(6) In this section '<b>prescribed age</b>' means</p> <p>(a) for an offence defined in section 208 - 18 years; or</p> <p>(b) for an offence defined in section 210 or 215 - 16 years.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			Chapter 22A	This chapter includes provisions regarding unlawful prostitution. None of these provisions directly relate to children and are therefore only peripherally connected to Article 35 where a child is abducted / trafficked for use in unlawful prostitution.

## 5. South Australia

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Criminal Law Consolidation Act 1935</b></p>	<p>SA</p>	<p>38</p>	<p>In this Division</p> <p><b>'child'</b> means a person under the age of 18 years;</p> <p><b>'detain'</b> - detention is not limited to forcible restraint but extends to any means by which a person gets another to remain in a particular place or with a particular person or persons;</p> <p><b>'take'</b> - a person takes another if the person compels, entices or persuades the other to accompany him or her or a third person.</p>
			<p>39</p>	<p>(1) A person who takes or detains another person, without the other person's consent</p> <p>(a) with the intention of holding the other person to ransom or as a hostage; or</p> <p>(b) with the intention of committing an indictable offence against the other person or a third person, is guilty of an offence. Maximum penalty:</p> <p>(a) for a basic offence - imprisonment for 20 years;</p> <p>(b) for an aggravated offence - imprisonment for 25 years.</p> <p>(2) A consent to the taking or detention is to be ignored in the</p>

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				<p>following cases:</p> <p>(a) if the person apparently giving the consent is a child or mentally incapable of understanding the significance of the consent;</p> <p>(b) if the consent was obtained by duress or deception.</p>
			40(1)	<p>A person who wrongfully takes or sends a child out of the jurisdiction is guilty of an offence.</p> <p>Maximum penalty:</p> <p>(a) for a basic offence - imprisonment for 15 years;</p> <p>(b) for an aggravated offence - imprisonment for 19 years.</p>
			40(2)	<p>For the purposes of subsection (1), a person acts wrongfully if</p> <p>(a) the person acts in the knowledge that a person who has the lawful custody of the child (either alone or jointly with someone else) does not consent to the child being taken or sent out of the jurisdiction; and</p> <p>(b) there is no judicial or statutory authority for the person's act.</p>
			Division 11	<p>This division relates to rape and other sexual offences.</p> <p>This section is peripherally associated with article 35.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			59	<p>A person who takes away by force, or detains against his will, any other person</p> <p>(a) with intent to marry, or to have sexual intercourse with, that other person; or</p> <p>(b) with intent to cause that other person to be married to, or to have sexual intercourse with, a third person, is guilty of an offence.</p> <p>Maximum penalty:</p> <p>(a) for a basic offence - imprisonment for 14 years;</p> <p>(b) for an aggravated offence - imprisonment for 18 years.</p>
			60	<p>Any person who</p> <p>(a) by threats or intimidation, procures any person to have sexual intercourse;</p> <p>(b) by false pretences, false representations or other fraudulent means, procures any person to have sexual intercourse, is guilty of an offence.</p> <p>Maximum penalty:</p> <p>(a) for a basic offence - imprisonment for 7 years;</p> <p>(b) for an aggravated offence - imprisonment for 10 years.</p>
			61	<p>Any person who, being the owner or occupier of any premises or having, or acting or assisting in, the management</p>

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				or control thereof, induces or knowingly suffers any person under the age of seventeen years to resort to, or be in, those premises for the purpose of having sexual intercourse shall be guilty of an offence and liable to be imprisoned for a term not exceeding seven years.
			65A	<p>(1) For the purposes of this Division</p> <p><b>'ask'</b> connotes a request made with serious intent (as distinct from one made without an actual intention of obtaining the ostensible object of the request);</p> <p><b>'child'</b> means a person under the age of 18 years;</p> <p><b>'commercial sexual services'</b> means services provided for payment involving the use or display of the body of the person who provides the services for the sexual gratification of another or others;</p> <p><b>'compulsion'</b> - a person compels another (the <b>'victim'</b>) if the person controls or influences the victim's conduct by means that effectively prevent the victim from exercising freedom of choice;</p> <p><b>'payment'</b> includes any form of commercial consideration;</p> <p><b>'sexual servitude'</b> means the condition of a person who provides commercial sexual services under compulsion;</p> <p><b>'undue influence'</b> - a person exerts undue influence on another (the <b>'victim'</b>) if the person uses unfair or improper</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>means to influence the victim's conduct.</p> <p>(2) For the purposes of this Division, a person whose conduct causes a particular result is taken to have intended that result if the person is reckless about whether that result ensues.</p>
			66(1)	<p>A person who compels another to provide or to continue to provide commercial sexual services is guilty of the offence of inflicting sexual servitude.</p> <p>Maximum penalty:</p> <p>(a) if the victim is a child under the age of 14 years - imprisonment for life;</p> <p>(b) if the victim is a child under the age of 18 years - imprisonment for 19 years;</p> <p>(c) in any other case - imprisonment for 15 years.</p>
			66(2)	<p>A person who, by undue influence, gets another to provide, or to continue to provide, commercial sexual services is guilty of an offence.</p> <p>Maximum penalty:</p> <p>(a) if the victim is a child under the age of 14 years - imprisonment for life;</p> <p>(b) if the victim is a child under the age of 18 years - imprisonment for 12 years;</p>

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				(c) in any other case - imprisonment for 7 years.
			66(3)	A person charged with an offence against subsection (1) (the ' <b>aggravated offence</b> ') may be convicted, on that charge, of an offence against subsection (2) (the ' <b>lesser offence</b> ') if the court is not satisfied that the aggravated offence has been established beyond reasonable doubt but is satisfied that the lesser offence has been so established.
			66(4)	The question whether, in a particular case, a defendant's conduct amounts to compulsion or undue influence (or neither) is one of fact to be determined according to the circumstances of the particular case.
			66(5)	Evidence of the following or any combination of the following may be relevant to that question:  (a) fraud, misrepresentation or suppression of information;  (b) force or a threat of force;  (c) any other threat (including a threat to take action that may result in the victim's deportation or a threat to take other lawful action);  (d) restrictions on freedom of movement;  (e) supply, or withdrawal of supply, of an illicit drug;  (f) abuse of a position of guardianship or trust;

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				(g) any other form of unreasonable or unfair pressure.
			67	<p>A person who</p> <p>(a) offers another (the '<b>victim</b>') employment or some other form of engagement to provide personal services; and</p> <p>(b) knows at the time of making the offer:</p> <p>(i) that the victim will, in the course of or in connection with the employment or engagement, be asked or expected to provide commercial sexual services; and</p> <p>(ii) that the continuation of the employment or engagement, or the victim's advancement in the employment or engagement, will be dependent on the victim's preparedness to provide commercial sexual services; and</p> <p>(c) fails to disclose that information to the victim at the time of offering the employment or engagement,</p> <p>is guilty of an offence.</p> <p>Maximum penalty:</p> <p>(a) if the victim is a child - imprisonment for 12 years;</p> <p>(b) in any other case - imprisonment for 7 years.</p>
			68(1)	A person must not employ, engage, cause or permit a child to provide, or to continue to provide, commercial sexual services.

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				<p>Maximum penalty:</p> <p>(a) if the child is under the age of 14 years - imprisonment for life;</p> <p>(b) in any other case - imprisonment for 9 years.</p>
			68(2)	<p>A person must not ask a child to provide commercial sexual services.</p> <p>Maximum penalty:</p> <p>(a) if the child is under the age of 14 years -imprisonment for 9 years;</p> <p>(b) in any other case - imprisonment for 3 years.</p>
			68(3)	<p>A person must not:</p> <p>(a) have an arrangement with a child who provides commercial sexual services under which the person receives, on a regular or systematic basis, the proceeds, or a share in the proceeds, of commercial sexual services provided by the child; or</p> <p>(b) exploit a child by obtaining money knowing it to be the proceeds of commercial sexual services provided by the child.</p> <p>Maximum penalty:</p> <p>(a) if the child is under the age of 14 years - imprisonment</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				for 5 years;  (b) in any other case - imprisonment for 2 years.
			68(4)	In proceedings for an offence against this section, it is not necessary for the prosecution to establish that the defendant knew the victim of the alleged offence to be a child.
			68(5)	However, it is a defence to a charge of an offence against this section if it is proved that the defendant believed on reasonable grounds that the victim had attained 18 years of age.
			80(1)	Any person who  (a) unlawfully, either by force or fraud, leads, takes, decoys or entices away, or detains, any child under the age of sixteen years;  (b) harbours or receives any such child, knowing him or her to have been, by force or fraud, led, taken, decoyed or enticed away, or detained, with intent:  (c) to deprive any parent, guardian or other person, having the lawful care of the child, of the possession of the child; or  (d) to steal any article on or about the person of the child,  shall be guilty of an offence and liable to be imprisoned for a term not exceeding seven years.

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			80(1a)	(1a) Any person who unlawfully takes, or causes to be taken, a child under the age of sixteen years out of the possession and against the will of the parent, guardian or other person having the lawful care of the child shall be guilty of an offence and liable to imprisonment for a term not exceeding two years.
			80(2)	This section does not render liable to prosecution any person who, in the exercise of any <i>bona fide</i> claim to the right to possession of a child, whether as the mother or father of the child or otherwise, obtains possession of the child or takes the child out of the possession of any person having the lawful charge of the child.

## 6. Western Australia

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Criminal Code Compilation Act 1913</b></p>	<p>WA</p>	<p>186</p>	<p><b>Occupier or owner allowing young persons to be on premises for unlawful carnal knowledge</b></p> <p>(1) Any person who, being the owner or occupier of any premises, or having or acting or assisting in the management or control of any premises, induces or knowingly permits any child of such age as in this section is mentioned to resort to or be in or upon such premises for the purpose of being unlawfully carnally known by any person, whether a particular person or not is guilty of a crime, and;</p> <p>(a) if the child is under the age of 16 years, is liable to imprisonment for 2 years; and</p> <p>(b) if the child is under the age of 13 years, is liable to imprisonment for 20 years.</p> <p>(2) It is a defence to a charge under subsection (1) to prove the accused person believed on reasonable grounds that the child was of or above the age of 16 years.</p> <p>(3) It is no defence to a charge of an offence against this section that the act of the accused person by which the offence was committed was done with the consent of the person with respect to whom the act was done.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			187	<p><b>Facilitating sexual offences against children outside Western Australia</b></p> <p>(1) In this section '<b>prohibited conduct</b>' means</p> <p>(a) the doing of an act in a place outside Western Australia in respect of a child under the age of 16 years which if done in Western Australia would constitute an offence under Chapter XXXI; or</p> <p>(b) the commission of an offence under Part IIIA Division 2 of the <i>Crimes Act 1914</i> of the Commonwealth.</p> <p>(2) A person</p> <p>(a) who does any act for the purpose of enabling or aiding another person; or</p> <p>(b) who aids another person; or</p> <p>(c) who counsels or procures another person,</p> <p>to engage in prohibited conduct is guilty of a crime and is liable to imprisonment for 20 years.</p>
			190	<p><b>Being involved with prostitution</b></p> <p>(1) Any person who:</p> <p>(a) keeps or manages, or acts, or assists in the management</p>

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				<p>of any premises for purposes of prostitution; or</p> <p>(b) being the tenant, lessee, or occupier of any premises, permits such premises, or any part thereof, to be used for purposes of prostitution; or</p> <p>(c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, or collects the rent with the knowledge that such premises, or some part thereof, are or is to be used for purposes of prostitution, or is a party to the continued use of such premises, or any part thereof, for purposes of prostitution, is guilty of a crime and is liable to imprisonment for 3 years.</p> <p>Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000.</p> <p>(2) For the purposes of subsection (1)(a), a person who appears, acts, or behaves as the person having control of, or the care or management of, any premises is to be taken to be keeping the premises, whether the person is or is not the real keeper.</p> <p>(3) Any person who lives wholly or partly on earnings that the person knows are the earnings of prostitution is guilty of a crime and is liable to imprisonment for 3 years.</p> <p>Summary conviction penalty: imprisonment for 12 months and a fine of \$12 000.</p> <p>(4) For the purposes of subsection (3), if a person lives with, or is habitually in the company of a prostitute, and has no</p>

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				visible means of subsistence, the person shall, unless he or she can satisfy the court to the contrary, be taken to be living on earnings that the person knows are the earnings of prostitution.
			192	<p><b>Procuring person to be prostitute etc.</b></p> <p>(1) Any person who:</p> <p>(a) Procures a girl or woman who is under the age of 21 years, and is not a common prostitute or of known immoral character to have unlawful carnal connection with a man, either in Western Australia or elsewhere; or</p> <p>(b) Procures a woman or girl to become a common prostitute either in Western Australia or elsewhere; or</p> <p>(c) Procures a woman or girl to leave Western Australia, with intent that she may become an inmate of a brothel, elsewhere; or</p> <p>(d) Procures a woman or girl to leave her usual place of abode in Western Australia, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Western Australia or elsewhere; or</p> <p>(e) Procures a man or boy for any of the above purposes;</p> <p>is guilty of a crime, and is liable to imprisonment for 2 years.</p> <p>Alternative offence for a charge of an offence under</p>

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				<p>subsection (1)(a): s. 186(1).</p> <p>(2) It is no defence to a charge of an offence against this section that the act of the accused person by which the offence was committed was done with the consent of the person with respect to whom the act was done.</p>
			192	<p><b>Procuring person to have unlawful carnal knowledge by threats, fraud or administering drugs</b></p> <p>(1) Any person who:</p> <p>(a) By threats or intimidation of any kind procures a woman or girl to have unlawful carnal connection with a man, either in Western Australia or elsewhere; or</p> <p>(b) By any false pretence procures a woman or girl, who is not a common prostitute or of known immoral character, to have unlawful carnal connection with a man, either in Western Australia or elsewhere; or</p> <p>(c) Administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her; or</p> <p>(d) Does any of the foregoing acts with respect to a man or boy;</p> <p>is guilty of a crime, and is liable to imprisonment for 2 years.</p>

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				(2) It is no defence to a charge of an offence against this section that the act of the accused person by which the offence was committed was done with the consent of the person with respect to whom the act was done.
			205	<p><b>Ignorance of age no defence</b></p> <p>Except as otherwise expressly stated, it is immaterial, in the case of any of the offences defined in this Chapter committed with respect to a person or child under the specified age, that the accused person did not know that the person or child was under that age, or believed that he or she was not under that age.</p>
			Chapter XXXI	This chapter deals with sexual offences generally. This chapter is peripherally connected to Article 35. See specifically section 319 - 322 regarding sexual offences with children
			331B	<p><b>Sexual servitude</b></p> <p>A person who compels another person to provide or to continue to provide a sexual service is guilty of a crime and is liable:</p> <p>(a) if the other person is a child or an incapable person, to imprisonment for 20 years; or</p> <p>(b) otherwise, to imprisonment for 14 years.</p>
			331C	<b>Conducting business involving sexual servitude</b>

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				<p>(1) In this section:</p> <p><b>'conducting a business'</b> included:</p> <p>(a) taking part in the management of the business; and</p> <p>(b) exercising control or direction over the business; and</p> <p>(c) providing finance for the business.</p> <p>(2) A person who conducts a business that involves any other person being compelled to provide or to continue to provide a sexual service is guilty of a crime and is liable:</p> <p>(a) if the other person is a child or an incapable person, to imprisonment for 20 years; or</p> <p>(b) otherwise, to imprisonment for 14 years.</p>
			331D	<p><b>Deceptive recruiting for commercial sexual services</b></p> <p>(1) A person who:</p> <p>(a) offers a person who is neither a child nor an incapable person (the '<b>victim</b>') employment or some other form of engagement to provide personal services; and</p> <p>(b) at the time of making the offer knows:</p> <p>(i) that the victim will in the course of or in connection with the employment or engagement be asked or expected to provide a commercial sexual service; and</p>

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				<p>(ii) that the continuation of the employment or engagement, or the victim's advancement in the employment or engagement, will be dependent on the victim's preparedness to provide a commercial sexual service; and</p> <p>(c) does not disclose that knowledge to the victim at the time of making the offer,</p> <p>is guilty of a crime and is liable to imprisonment for 7 years.</p> <p>(2) A person who:</p> <p>(a) offers a child or an incapable person (the '<b>victim</b>') employment or some other form of engagement to provide personal services; and</p> <p>(b) at the time of making the offer knows:</p> <p>(i) that the victim will in the course of or in connection with the employment or engagement be asked or expected to provide a sexual service; and</p> <p>(ii) that the continuation of the employment or engagement, or the victim's advancement in the employment or engagement, will be dependent on the victim's preparedness to provide a sexual service,</p> <p>is guilty of a crime and is liable to imprisonment for 20 years.</p>
			332	<p><b>Kidnapping</b></p> <p>(1) For the purposes of this section and section 333, a person</p>

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				<p>who deprives another person of personal liberty:</p> <p>(a) by taking the other person away or enticing the other person away; or</p> <p>(b) by confining or detaining the other person in any place; or</p> <p>(c) in any other manner,</p> <p>is said to detain that other person.</p> <p>(2) Any person who detains another person with intent to:</p> <p>(a) gain a benefit, pecuniary or otherwise, for any person; or</p> <p>(b) cause a detriment, pecuniary or otherwise, to any person; or</p> <p>(c) prevent or hinder the doing of an act by a person who is lawfully entitled to do that act; or</p> <p>(d) compel the doing of an act by a person who is lawfully entitled to abstain from doing that act,</p> <p>by a threat, or by a demand, or by a threat and a demand, is guilty of a crime and is liable to imprisonment for 20 years.</p> <p>Alternative offence: s. 333.</p> <p>(3) In proceedings for an offence against this section it is not necessary to allege or prove that a threat or demand was</p>

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				<p>actually made.</p> <p>(4) In this section '<b>threat</b>' means a threat to kill, injure, endanger or cause harm or detriment to any person.</p>
			333	<p><b>Deprivation of liberty</b></p> <p>Any person who unlawfully detains another person is guilty of a crime and is liable to imprisonment for 10 years.</p>
			343	<p><b>Child Stealing</b></p> <p>Any person who, with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a child under the age of 16 years, of the possession of such child, or with intent to steal any article upon or about the person of any such child:</p> <p>(1) Forcibly or fraudulently takes or entices away, or detains the child; or</p> <p>(2) Receives or harbours the child, knowing it to have been so taken or enticed away or detained;</p> <p>is guilty of a crime, and is liable to imprisonment for 20 years.</p> <p>Alternative offence for a charge of an offence under paragraph (1): an offence under paragraph (2).</p> <p>It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed a right</p>

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				to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father or parent under section 6A of the <i>Artificial Conception Act 1985</i> .
			343A	<p><b>Publication of report of child-stealing unlawful unless approved</b></p> <p>(1) Any person who:</p> <p>(a) prints or publishes any report of an offence committed or alleged to have been committed under section 343 of this Code in any newspaper or other periodical, radio broadcast or telecast; or</p> <p>(b) so prints or so publishes any matter that has reference to the commission of the offence or the allegation that the offence has been committed; or</p> <p>(c) transmits any such report or matter to any person for the purpose of it being so printed or so published,</p> <p>before the expiration of 7 days from the date on which the offence was committed or alleged to have been committed or before the child in respect of whom the offence was committed or alleged to have been committed, is returned to the parent, guardian, or other person who has the lawful care or charge of the child, whichever event first happens, without the report or matter being first approved by the Commissioner of Police of the State is guilty of an offence and is liable to imprisonment for 12 months and a fine of \$12 000.</p>

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				<p>(2) In this section the term '<b>periodical</b>' includes any review, magazine, or other writing or print published periodically.</p> <p>(3) A prosecution for any of the offences defined in this section shall not be commenced unless authorised by the Attorney General in writing.</p>

## 7. Northern Territory

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Criminal Code Act 1983</b></p>	<p>NT</p>	<p>Subdivision 2</p>	<p>This section deals with offences against morality which included engaged in sexual conduct or gross indecency with a child under the age of 16.</p> <p>This division is peripherally associated with article 35.</p>
			<p>131A</p>	<p><b>Sexual relationship with child</b></p> <p>(1) For the purposes of this section, '<b>offence of a sexual nature</b>' means an offence defined by section 127, 128, 130, 132, 134, 188(1) and (2)(k), 192 or 192B.</p> <p>(2) Any adult who maintains a relationship of a sexual nature with a child under the age of 16 years is guilty of a crime and is liable to imprisonment for 7 years.</p> <p>(3) A person shall not be convicted of the crime defined by this section unless it is shown that the offender, as an adult, has, during the period in which it is alleged that he maintained the relationship in issue with the child, done an act defined to constitute an offence of a sexual nature in relation to the child on 3 or more occasions, and evidence of the doing of any such act shall be admissible and probative of the maintenance of the relationship notwithstanding that the evidence does not disclose the dates or the exact circumstances of those occasions.</p> <p>(4) If in the course of the relationship of a sexual nature the</p>

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				<p>offender committed an offence of a sexual nature for which the offender is liable to imprisonment for at least 7 years but not more than 20 years, other than an offence against section 192(8) or 192B, the offender is liable in respect of maintaining the relationship to imprisonment for 20 years.</p> <p>(5) If in the course of the relationship of a sexual nature the offender committed:</p> <p>(a) an offence against section 192(8) or 192B; or</p> <p>(b) an offence of a sexual nature for which the offender is liable to imprisonment for more than 20 years,</p> <p>the offender is liable in respect of maintaining the relationship to imprisonment for life.</p> <p>(6) It is a defence to a charge of a crime defined by this section to prove:</p> <p>(a) the child was of or above the age of 14 years; and</p> <p>(b) the accused person believed on reasonable grounds that the child was of or above the age of 16 years.</p> <p>(7) A person may be charged in one indictment with an offence defined by this section and with any other offence of a sexual nature alleged to have been committed by him in the course of the relationship in issue in the first-mentioned offence and he may be convicted of and punished for any or all of the offences so charged.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(8) Where the offender is sentenced to a term of imprisonment for the offence defined by this section and a term of imprisonment for an offence of a sexual nature, an order shall not be made directing that one of those sentences take effect from the expiration of deprivation of liberty for the other offence.</p> <p>(9) An indictment for an offence against this section shall be signed by the Director of Public Prosecutions.</p> <p>(10) Section 12 does not apply to the child with respect to whom an offence against this section is committed.</p>
			194	<p><b>Kidnapping for ransom</b></p> <p>(1) Any person who:</p> <p>(a) with intent to extort or gain anything from or procure anything to be done or omitted to be done by a person by a demand containing threats of injury or detriment to be caused to a person, either by the offender or another person, if the demand is not complied with, takes or entices away or detains the person in respect of whom the threats are made; or</p> <p>(b) receives, confines or detains the person in respect of whom the threats are made, knowing the person to have been so taken or enticed away or detained,</p> <p>is guilty of a crime that is called kidnapping for ransom.</p> <p>(2) Any person who commits the crime of kidnapping for</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				ransom is liable to imprisonment for 20 years.  (3) If the person kidnapped has been set at liberty without having suffered serious harm, the offender is liable to imprisonment for 10 years.
			195	<b>Kidnapping</b>  Any person who takes or entices away or detains another with intent to compel that other person to work for him against his will is guilty of a crime and is liable to imprisonment for 7 years.
			196	<b>Deprivation of liberty</b>  (1) Any person who confines or detains another in any place against his will, or otherwise deprives another of his personal liberty, is guilty of a crime and is liable to imprisonment for 7 years.  (2) It is lawful for a parent or guardian, or a person in the place of a parent or guardian, or for a school teacher, by way of correction, to impose such confinement or detention, or to cause such deprivation of personal liberty of a child, as is reasonable under the circumstances.  (3) A person is excused from criminal responsibility for an offence defined by this section if he believes, on reasonable grounds, that the person confined, detained or deprived of his personal liberty needs to be confined, detained or deprived of his personal liberty for his own protection or benefit.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			201	<p><b>Abduction, enticement or detention of child under 16 years for immoral purpose</b></p> <p>Any person who takes or entices away or detains a child who is under the age of 16 years with the intention that he or another shall have sexual intercourse with the child or that the child shall be indecently dealt with or exposed to indecent behaviour, is guilty of a crime and is liable to imprisonment for 7 years.</p>
			202	<p><b>Abduction of child under 16 years</b></p> <p>(1) Any person who takes a child who is under the age of 16 years out of the custody or protection of that child's mother or father or other person having the lawful care or charge of the child and against the will of such father or mother or other person is guilty of a crime and is liable to imprisonment for 3 years.</p> <p>(2) If the offender is an adult or if the child is under the age of 14 years, he is liable to imprisonment for 7 years.</p> <p>(3) It is immaterial that the offender believes the child to be of or above the age of 16 years or 14 years.</p> <p>(4) It is immaterial that the child was taken with the child's consent or at the child's suggestion.</p>
			202A	<p><b>Interpretation</b></p> <p>(1) In this Division:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p><b>'sexual services'</b> means the commercial use or display of the body of the person providing the services for the sexual gratification of others.</p> <p><b>'sexual servitude'</b> means the condition of a person who provides sexual services and who, because of the use of force or threat, is not free:</p> <p>(a) to stop providing sexual services; or</p> <p>(b) to leave the place or area where the person provides sexual services.</p> <p><b>'threat'</b> means:</p> <p>(a) a threat of force;</p> <p>(b) a threat to cause a person's deportation; or</p> <p>(c) a threat of other detrimental action.</p> <p>(2) For the purposes of this Division, the question whether, because of the use of force or a threat, a person is not free:</p> <p>(a) to stop providing sexual services; or</p> <p>(b) to leave the place or area where the person provides sexual services,</p> <p>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</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				area.
			202B	<p><b>Sexual servitude</b></p> <p>(1) A person who causes an adult to enter into or continue in sexual servitude is guilty of a crime and is liable to imprisonment for 15 years.</p> <p>(2) A person who 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.</p> <p>(3) A person who 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.</p>
			202C	<p><b>Conducting business involving sexual servitude</b></p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(4) In this section, a reference to a person who conducts a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>business includes a reference to:</p> <p>(a) a person who takes part in the management of the business;</p> <p>(b) a person who exercises control or direction over the business; and</p> <p>(c) a person who provides finance for the business.</p>
			202D	<p><b>Deceptive recruiting for sexual services</b></p> <p>(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.</p> <p>(2) If the person deceived by the offender is a child, the offender is liable to imprisonment for 15 years.</p>
			202E	<p><b>Knowledge of age immaterial</b></p> <p>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:</p> <p>(a) did not know that the person was a child or a child of a specified age; or</p> <p>(b) believed that the person was an adult or a child of a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				different age.

## 8. Tasmania

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Criminal Code Act 1924</b></p>	<p>Tas</p>	<p>124 - 125C</p>	<p>These sections deal with sexual offences involving children.</p> <p>These section are peripherally associated with article 35.</p>
			<p>186</p>	<p><b>Abduction</b></p> <p>(1) Any person who, by force, takes away or detains another person against that person's will with intent that the other person be married to, or have sexual intercourse with, any person, is guilty of a crime.</p> <p>(2) Any person who takes away or detains another person against that other person's will with intent that the other person be married to, or have sexual intercourse with, any person, is guilty of a crime.</p>
			<p>189</p>	<p><b>Abduction of young persons</b></p> <p>Any person who unlawfully takes away, or causes to be taken away, an unmarried person under the age of 17 years out of the possession and against the will of a parent of that person or a person having the lawful charge or care of that person, is guilty of a crime.</p>
			<p>190</p>	<p><b>Defences in abduction of young persons</b></p> <p>(1) In any proceedings under section 189, it is a defence to prove that the accused person did not know, or did not have</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>reasonable grounds for believing, that the young person was in the lawful charge of the person out of whose possession the young person was taken.</p> <p>(2) It is not a defence in any proceedings under section 189:</p> <p>(a) to prove that the young person suggested or consented to being taken away; or</p> <p>(b) to prove that the accused person believed on reasonable grounds that the young person was of or above the age of 17 years.</p>
			191	<p><b>Abduction of children: Harboursing an abducted child</b></p> <p>(1) Any person who unlawfully, by force or fraud takes away, or decoys or entices away, or detains, any child under the age of 14 years, with intent to deprive any parent, guardian, or other person having the lawful charge or care of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, is guilty of a crime.</p> <p>(2) Any person who, with any such intent as aforesaid, receives or harbours any such child, knowing it to have been so taken, decoyed, or enticed away, or detained, is guilty of a crime.</p> <p>(3) In any proceedings under subsection (1), it shall be a defence to prove that the accused:</p> <p>(a) acted upon a claim of right to the possession of such</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>child;</p> <p>(b) is the mother of such child, if the child is illegitimate; or</p> <p>(c) acted in good faith upon a claim that he is the father of such child, if the child is illegitimate.</p>
			191A	<p><b>Kidnapping</b></p> <p>Any person who:</p> <p>(a) with intent to extort or gain anything from, or procure anything to be done or omitted to be done, by any person, by a demand containing threats of injury or detriment of any kind to be caused to any person (whether by the offender or any other person) if the demand is not complied with, takes or entices away, or detains, the person in respect of whom those threats are made; or</p> <p>(b) receives or harbours the person in respect of whom the threats referred to in paragraph (a) are made knowing that person to have been taken or enticed away or detained as mentioned therein -</p> <p>is guilty of a crime.</p>
			192A	<p>Extra-territorial operation of offence</p> <p>(1) If:</p> <p>(a) a person takes an action referred to in section 192(1)(f),</p>

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				<p>(g), (h), (i) or (j) outside, or partly outside, Tasmania; and</p> <p>(b) there is a real and substantial link between the action taken and Tasmania:</p> <p>those provisions apply in relation to the action taken as if it had been taken wholly within Tasmania.</p> <p>(2) For the purposes of subsection (1), there is a real and substantial link between the action taken and Tasmania if:</p> <p>(a) a significant part of the conduct relating to, or constituting, the action occurred in Tasmania; or</p> <p>(b) where the action was taken wholly or partly outside Tasmania, substantial harmful effects arose in Tasmania.</p>

## 9. Australian Capital Territory

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 35:</b> State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>	<p><b>Crimes Act 1900</b></p>	<p>ACT</p>	<p>37</p>	<p>A person who unlawfully takes, or causes to be taken, an unmarried person under the age of 16 years out of the lawful control and against the will of a person having lawful control of the unmarried person is guilty of an offence punishable, on conviction, by imprisonment for 5 years.</p>
			<p>38</p>	<p>A person who leads, takes or entices away or detains a person with intent to hold that person for ransom or for any other advantage to any person is guilty of an offence punishable, on conviction, by:</p> <p>(a) if that other person suffers any grievous bodily harm while being so led, taken or enticed away, or detained - imprisonment for 20 years; or</p> <p>(b) in any other case - imprisonment for 15 years.</p>
			<p>40</p>	<p>A person who, by force or deception, leads, takes or entices away or detains a child under the age of 12 years:</p> <p>(a) intending unlawfully to deprive another person of the lawful control of the child; or</p> <p>(b) intending to steal any article on or about the person of the child;</p> <p>is guilty of an offence punishable, on conviction, by</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				imprisonment for 10 years.
			Part 3	Part 3 deals with sexual offences and is only relevant to Article 35 when in conjunction with the abduction, trafficking or sale of a child. Consequently, Part 3 is only peripherally connected to Article 35.
			63	A person who abducts another person by force or by any other means or who unlawfully detains another person with the intent that the other person should engage in sexual intercourse with the first mentioned person or with a third person (whether within the ACT or otherwise) is guilty of an offence punishable, on conviction, by imprisonment for 10 years.
			78	<p>(1) In this part:</p> <p><b>'sexual services'</b> means the commercial use or display of the body of the person providing the service for the sexual gratification of others.</p> <p><b>'sexual servitude'</b> is the condition of a person who provides sexual services and who, because of the use of force or a threat, is not free:</p> <p>(a) to stop providing sexual services; or</p> <p>(b) to leave the place or area where the person provides sexual services.</p> <p>(2) For subsection (1), definition of <b>'sexual servitude'</b>, the question whether, because of the use of force or a threat, a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>person is not free to stop providing sexual services, or 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 or leave.</p> <p>(3) In this section:</p> <p><b>'threat'</b> means:</p> <p>(a) a threat of force; or</p> <p>(b) a threat to cause a person's deportation; or</p> <p>(c) a threat of other detrimental action unless there are reasonable grounds for the threat.</p>
			79(1)	<p>A person commits an offence if:</p> <p>(a) the person's conduct causes someone else to enter into or remain in sexual servitude; and</p> <p>(b) the person intends to cause, or is reckless about causing, someone else to enter into or remain in sexual servitude.</p> <p>Maximum penalty:</p> <p>(a) for an aggravated offence - imprisonment for 19 years; or</p> <p>(b) in any other case - imprisonment for 15 years.</p> <p><b>Note</b> Aggravated offence is defined in s 81.</p>

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			79(2)	<p>A person commits an offence if the person:</p> <ul style="list-style-type: none"> <li>(a) conducts a business that involves the sexual servitude of others; and</li> <li>(b) knows that, or is reckless about whether, the business involves the sexual servitude of others.</li> </ul> <p>Maximum penalty:</p> <ul style="list-style-type: none"> <li>(a) for an aggravated offence - imprisonment for 19 years; or</li> <li>(b) in any other case - imprisonment for 15 years.</li> </ul> <p><b>Note</b> Aggravated offence is defined in s 81.</p>
			79(3)	<p>In this section: '<b>conducts a business</b>' includes:</p> <ul style="list-style-type: none"> <li>(a) taking part in the management of the business; or</li> <li>(b) exercising control or direction over the business; or</li> <li>(c) providing finance for the business.</li> </ul>
			80	<p>A person commits an offence if the person, with the intention of inducing someone else to enter into an engagement to provide sexual services, deceives the other person about the fact that the engagement will involve the provision of sexual services.</p> <p>Maximum penalty:</p>

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				<p>(a) for an aggravated offence - imprisonment for 9 years; or</p> <p>(b) in any other case - imprisonment for 7 years.</p> <p><b>Note</b> Aggravated offence is defined in s 81.</p>
			81	<p>(1) An offence against section 79 or 80 is an '<b>aggravated offence</b>' if the offence was committed against a person younger than 18 years old.</p> <p>(2) If the prosecution intends to prove an aggravated offence, the charge must allege that the offence was committed against a person younger than 18 years old.</p> <p>(3) To prove an aggravated offence, the prosecution must prove that the defendant intended to commit, or was reckless about committing, the offence against a person younger than 18 years old.</p>