

**Parliamentary Joint Committee on the
Australian Crime Commission**

**Inquiry into trafficking in women for
sexual servitude**

Submission No:11

Received 15 September 2003

Mr Paul White

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COMMISSIONER'S OFFICE

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Ms M Weeks
Committee Secretary
Parliamentary Joint Committee
on the Australian Crime Commission
Parliament House
CANBERRA ACT 2600

Dear Ms Weeks

Re: PARLIAMENTARY JOINT COMMITTEE INQUIRY INTO TRAFFICKING IN
WOMEN FOR SEXUAL SERVITUDE

I refer to your letter of 1 August 2003 inviting submissions to the Parliamentary Joint Committee on the Australian Crime Commission inquiry into trafficking in women for sexual servitude.

The Northern Territory introduced legislation on 8 May 2002 creating specific offences of sexual servitude, conducting business involving sexual servitude and deceptive recruiting for sexual services. These offences are contained in the Northern Territory Criminal Code and a copy is attached for your information.

To date, no offences of this nature have been reported in the Northern Territory.

Yours sincerely

Paul White
Commissioner of Police

13 September 2003



Division 6A – Sexual servitude and deceptive recruiting for sexual services
202A. Interpretation

(1) In this Division –

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

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

(a) to stop providing sexual services; or

(b) to leave the place or area where the person provides sexual services;

"threat" means –

(a) a threat of force;

(b) a threat to cause a person's deportation; or

(c) a threat of other detrimental action.

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

(a) to stop providing sexual services; or

(b) to leave the place or area where the person provides sexual services,

is to be decided according to whether a reasonable adult would consider, in the circumstances, that the person is not free to stop providing the services or to leave the place or area.

202B. Sexual servitude

(1) A person 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.

(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.

(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.

202C. Conducting business involving sexual servitude

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

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

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

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

(a) a person who takes part in the management of the business;

(b) a person who exercises control or direction over the business;
and

(c) a person who provides finance for the business.

202D. Deceptive recruiting for sexual services

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

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

202E. Knowledge of age immaterial

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

(a) did not know that the person was a child or a child of a specified age; or

(b) believed that the person was an adult or a child of a different age.