

Promoting or Engaging in Acts of Child Prostitution

s.91D (NSW) *Crimes Act*

s. 91D(1) (a) by any means causes or induces a child to participate in act of child prostitution, or
 (b) participates as a client with child in act of child prostitution

Maximum sentence: 10 years
 14 years where child aged under 14y

Commenced: 12.2.1989

Note: [s.25AA \(NSW\) Crimes \(Sentencing Procedure\) Act](#) applies to sentences imposed on or after 31.8.2018:

(1) A court must sentence an offender for a child sexual offence in accordance with the sentencing patterns and practices at the time of sentencing, not at the time of the offence.

	Case (age if known)	Offence	Plea	Sentence	Appeal	Priors	Facts
1.	Peckover (32) (2002) 135 A Crim R 400 [2002] NSWCCA 468	Att s91D(1)(a) – child under 14y	PG (20%)	4y NPP 2y	AD		Met with female prostitute – indicated interest in meeting her 10y daughter (offender believed daughter 8y) and having sexual contact for payment of money – made arrangements but mother notified police – offender arrested upon attending for planned meeting with child
2.	A (19) [2003] NSWCCA 157 Co-offender: ROMANO	5 x s91D(1)(a) – child under 14y 5 x s91D(1)(a) Sched: 9 similar offences	VG	3y NPP 15m	AD Crown AD	Armed robbery, assault, dishonesty, driving – breached conditional liberty.	Assisted father by taking 13y and 15y complainants to various brothels and street locations and acting as “lookout” – complainants forced to work as prostitutes – complainants living away from home and had met offender through friends and offender’s father. Discount for assistance - dominating violent father – dysfunctional family life.

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	Case (age if known)	Offence	Plea	Sentence	Appeal	Priors	Facts
3.	Romano (35) [2004] NSWCCA 380 Co-offender: A	s.91D(1)(a) – child under 14y 3 x s.91D(1)(a) – child under 14y 3 x s91D(1)(a) s66C(3) 2 x solicit person to injure / kidnap 7 x receive money derived from child prostitution s91E Sched: 37 offences	PG (25%)	9y NPP 6y 3m FT 6y FT 6y FT 1y 6m FT 3y 6m FT 3y <u>Total:</u> 13y 9m NPP 11y	AA 9y NPP 5y 9m FT 6y FT 6y FT 1y 1m FT 2y 9m <u>Total</u> 11y 3m NPP 8y	nil	Met 13y complainant through son – told complainant she owed offender money and forced complainant to work in brothels to repay him – brothel manager paid offender money from earnings – met 15y complainant and told her she owed him money – forced complainant to work as prostitute on streets and in brothel – digital penetration of 15y complainant – engaged undercover operative to “get rid of” complainants - highly organised operation – manipulative and threatening toward complainants. Qualified accountant – investment property destroyed by fire – living in garage at time of offences. SJ erred in not taking into account effect of accumulation.
4.	Salvatore (23) [2009] NSWCCA 104	s91D(1)(a) s66C(3) Sched: 4 x sexual intercourse with complainant	PG	5y 7m NPP 3y 3y NPP 1y <u>Total:</u> 6y NPP 4y	AA 4y 4m NPP 2y 6m FT 10m <u>Total</u> 4y 10m NPP 3y	Dishonesty, B&E.	(2002) - 15y complainant left home after argument with mother – met with offender who she had known for a month – sexual relationship developed – persuaded complainant to work as prostitute on street to pay for food – complainant distressed and unwilling. After offences offender moved to WA and married – had committed no criminal offences since leaving NSW – had left NSW to get away from “bad elements”. Sentence manifestly excessive - SJ did not take into account significant delay in sentencing and remarkable rehabilitation.
5.	Glover (42-46 at offence - 57 at sentence) [2016] NSWCCA 316	7 x s.91D(1)(a) 2 x s.91F s.66C	VG	<u>Indicative</u> 4y 3y 3y 6m <u>Aggregate:</u> 10y NPP 6y	AD		(2000 – 2004) - managed prostitution of two girls aged 14y and 15y - invited clients to his house or hired motel room - organised complainants' payment and took 40% cut - did not cause complainants to commence such activity but took financial advantage – mid-range objective seriousness - gross exploitation of two very young, troubled, vulnerable females. On autistic spectrum

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	Case (age if known)	Offence	Plea	Sentence	Appeal	Priors	Facts
6.	Toma (53 at offence - 61 at sentence) [2018] NSWCCA 45	2 x s 91D(1)(b)	VG	<u>Aggregate:</u> 1y 8m ICO	Crown AD (residual discretion)	Nil	(2009) - Penile-vaginal intercourse with 14-15y female – meetings arranged by payment to a woman who had procured services of complainant - instructed to tell offender she was 17y. Good character. On appeal - extraordinary delay - onerous conditions of very lengthy period on bail – employed - disruption that custodial sentence would cause to rehabilitation.
7.	Darwich (57) [2018] NSWCCA 46	5 x s 91D(1)(b) (one offence child under 14y)	VG	<u>Aggregate:</u> 3y 6m NPP 1y 8m	Crown AA <u>Aggregate:</u> 5y NPP 3y	Nil	(2010-2011) – offender one of eight persons charged in relation to child prostitution syndicate operated by two women - offences involved three female children aged 12y, 15y and 15-16y – penile-vaginal penetration, cunnilingus, fellatio. Employed – family and community support

Last Updated: Feb 2019