Sydney Taxi Driver Charged with Indecent Assault

A 45-year old taxi driver has been charged with indecently assaulting a 25-year old woman during a trip between the Sydney CBD and Leichhardt.

The driver picked up the woman from outside a licensed venue in George Street, Sydney and drove her to Norton Street in Leichhardt.

Police allege the driver "indecently assaulted the woman a number of times" en route, then "attempted to stop the woman" after she got out of the cab.

The complainant reported the matter to Leichhardt Local Area Command who commenced an investigation, resulting in the man attending Glebe Police Station at 2pm yesterday.

The driver was charged with indecent assault and common assault, and bailed to appear in Downing Centre Local Court on 13 January 2017.

Indecent Assault in NSW

Section 61L of the Crimes Act 1900 contains the offence of 'indecent assault', which carries a maximum penalty of five years' imprisonment in the District Court, or two years if the case remains in the Local Court.

A person is guilty if the prosecution is able to prove beyond reasonable doubt that they 'assault[ed] another, and at the time of the assault or immediately before or after it… also commit[ed] an act of indecency'.

An act of indecency must have some sexual connotation, and there must be an intention to obtain sexual gratification. As the NSW Judicial Commission explains:

“For an assault to be “indecent” it must have a sexual connotation. It will have that connotation where the touching or threat is of a portion of the complainant’s body, or by use of part of the assailant’s body, which gives rise to that connotation: *R v Harkin* (1989) 38 A Crim R 296 at 301. However, if the assault does not unequivocally offer a sexual connotation, the Crown must show that the accused’s conduct was accompanied by an intention to obtain sexual gratification”

For those who plead guilty or are found guilty of indecent assault, the court can impose any one of the following penalties:

- A ‘section 10 dismissal or conditional release order’, which means guilty but no criminal record. This may be accompanied by a good behaviour bond.
- A fine.
- A ‘section 9’ good behaviour bond, which comes with a criminal record.
- A community service order.
- An intensive correction order.
- A suspended sentence; or
- Prison.

The applicable penalty will depend on a range of factors, including the seriousness of the conduct, whether a plea of guilty was entered, the defendant’s age, any mental condition/s suffered, demonstrated remorse, the likelihood of committing further offences etc.

Woman who are using taxis alone are advised to sit in the back seat, and to immediately report any untoward advances to the relevant taxi company and authorities after recording the driver’s details.