

**CHILDREN (CARE AND PROTECTION) (PROSTITUTION)
AMENDMENT ACT 1988 No. 116**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Children (Care and Protection) Act 1987 No. 54

SCHEDULE 1—AMENDMENTS

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**CHILDREN (CARE AND PROTECTION) (PROSTITUTION)
AMENDMENT ACT 1988 No. 116**

NEW SOUTH WALES



Act No. 116, 1988

An Act to amend the Children (Care and Protection) Act 1987 with respect to the protection of children. [Assented to 21 December 1988]

Children (Care and Protection) (Prostitution) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Children (Care and Protection) (Prostitution) Amendment Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Children (Care and Protection) Act 1987 No. 54

3. The Children (Care and Protection) Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 51 (**Children not to be employed for pornographic purposes**)—

Omit the section.

(2) Section 60—

Omit the section, insert instead:

Removal of children without warrant

60. (1) An authorised officer, or a member of the Police Force, may (without any authority other than that conferred by this subsection)—

- (a) enter any premises in which the officer or member suspects that there is a person who is a child, if the officer or member suspects on reasonable grounds that the person is in need of care by virtue of the person's being in immediate danger of abuse; and
- (b) search the premises for the presence of any such person; and
- (c) remove any such person from the premises.

(2) An authorised officer, or a member of the Police Force, may (without any authority other than that conferred by this subsection) remove from any public place any person the officer or member suspects is a child under the age of 16 years, if the officer or member suspects on reasonable grounds—

- (a) that the person is in need of care; and
- (b) that the person is not subject to the supervision or control of a responsible adult; and

Children (Care and Protection) (Prostitution) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(c) that the person is living in or habitually frequenting a public place.

(3) An authorised officer, or a member of the Police Force, may (without any authority other than that conferred by this subsection) remove from any premises or public place any person the officer or member suspects is a child, if the officer or member suspects on reasonable grounds—

(a) that the person is in need of care; and

(b) that the person is on premises—

(i) where prostitution takes place or where acts of child prostitution (as defined in section 91C of the Crimes Act 1900) take place; or

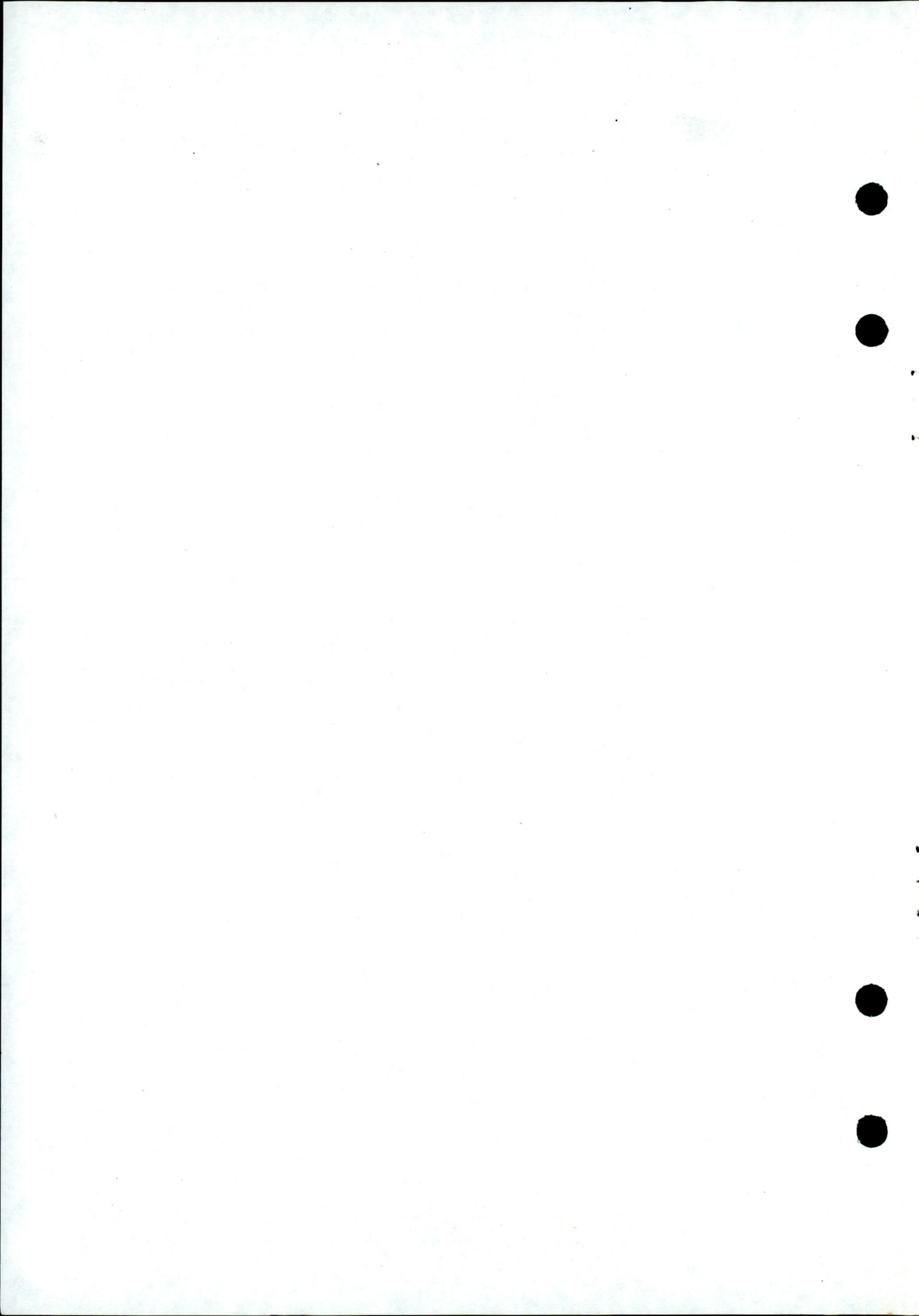
(ii) where persons are employed for pornographic purposes (within the meaning of section 91G of the Crimes Act 1900).

(4) An authorised officer, or a member of the Police Force, may use all reasonable force for the purposes of entering and searching premises and for the purpose of removing a person pursuant to this section.

(5) Until a person removed under this section is placed in the care of the Director-General, the person must be kept separately from any persons who are detained for committing offences or are on remand.

(6) In exercising the powers conferred by this section, an authorised officer or a member of the Police Force may observe and converse with any person present in the premises concerned.

[*Minister's second reading speech made in—
Legislative Assembly on 10 November 1988
Legislative Council on 7 December 1988*]

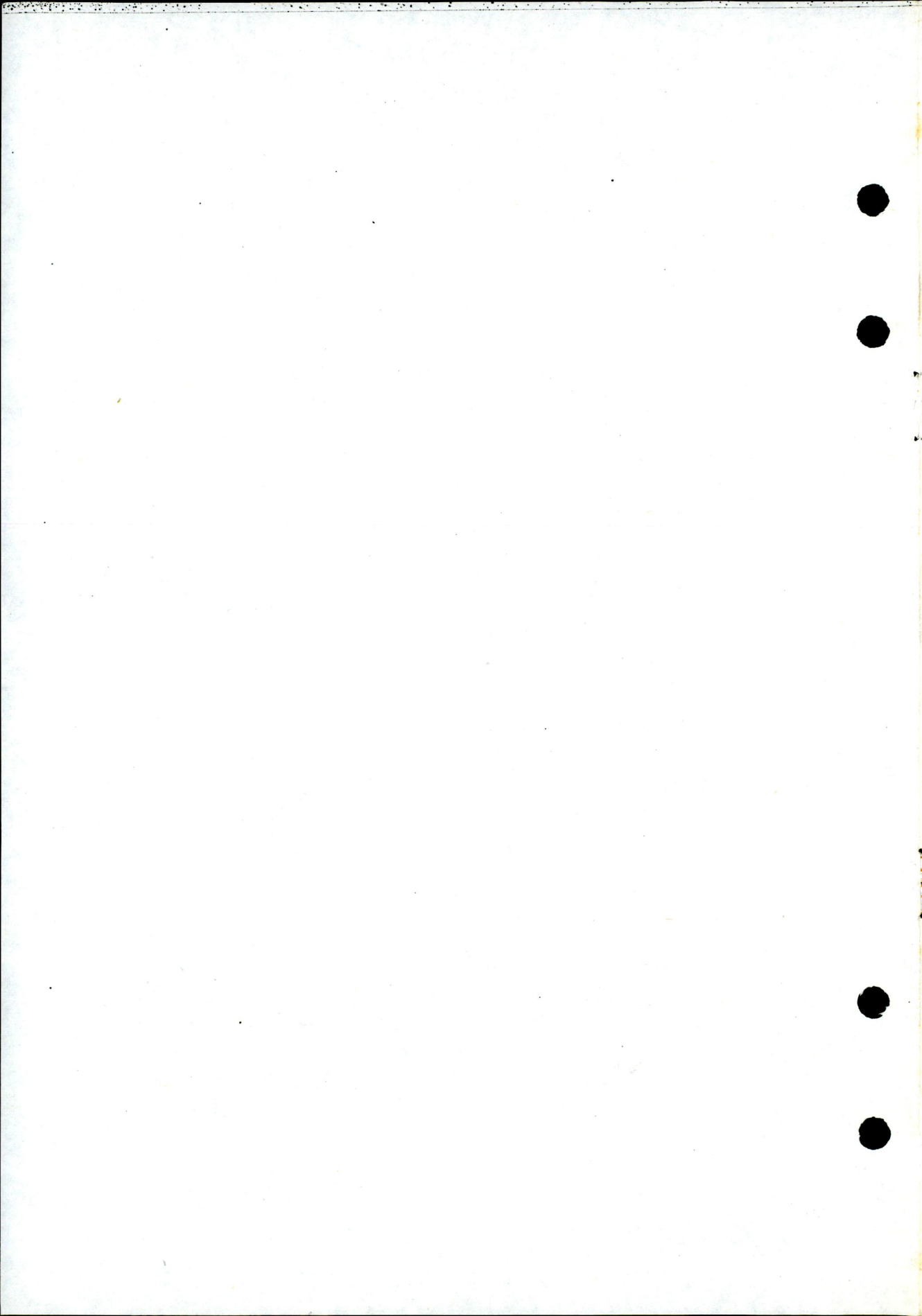




THE UNIVERSITY OF CHICAGO
 DIVISION OF THE PHYSICAL SCIENCES
 DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

REPORT NO. 1000
 DEPARTMENT OF CHEMISTRY



**CHILDREN (CARE AND PROTECTION) (PROSTITUTION)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Crimes (Child Prostitution) Amendment Bill 1988.

The object of this Bill is to amend the Children (Care and Protection) Act 1987 so as—

- (a) to provide for the removal (without warrant) of a child from any premises or public place where an offence involving child prostitution or pornography takes place if the child is in need of care; and
- (b) to vary the conditions subject to which a person may presently be removed under section 60 of that Act from premises or a public place without a warrant; and
- (c) to omit a provision of that Act intended to be re-enacted with modifications in the Crimes Act 1900.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Power to remove children concerned in prostitution or pornography

Schedule 1 (2) repeals and replaces section 60 (Removal of children without warrant) of the Principal Act.

Under proposed section 60 (3) an authorised officer of the Department of Family and Community Services or a member of the Police Force will be able to remove (without warrant) a person suspected by the officer or member to be a child from any premises or public place if the officer or member suspects on reasonable grounds that the person—

Children (Care and Protection) (Prostitution) Amendment 1988

- is in need of care; and
- is either on premises where prostitution takes place or that are the subject of an offence (involving child prostitution or child pornography) under proposed section 91D, 91E, 91F or 91G of the Crimes Act 1900.

(Those sections are intended to be inserted in that Act by the proposed Crimes (Child Prostitution) Amendment Act 1988.)

Variation of present conditions under which children in need of care may be removed from premises or public places

Proposed section 60 (1) and (2) vary the conditions under which children may presently be removed from premises or public places under section 60 (1) and (1A) without a warrant. Under the new provisions it will be sufficient for an officer of the Department or a member of the Police Force exercising the power of removal to suspect that a person is a child (or, if appropriate, a child under 16) instead of being required to have reasonable grounds to suspect that fact or to relate that belief to apparent age.

Other conditions restricting the removal of children under the present provisions are retained.

Repeal of section 51 (relating to employment of children for pornographic purposes)

Schedule 1 (1) repeals section 51 of the Principal Act which is intended to be re-enacted with some modifications by the proposed Crimes (Child Prostitution) Amendment Act 1988.

CHILDREN (CARE AND PROTECTION) (PROSTITUTION) AMENDMENT BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Children (Care and Protection) Act 1987 No. 54

SCHEDULE 1—AMENDMENTS

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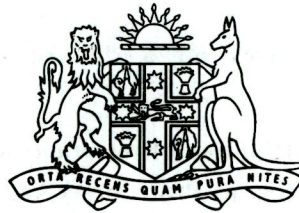
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**CHILDREN (CARE AND PROTECTION) (PROSTITUTION)
AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Children (Care and Protection) Act 1987 with respect to the protection of children.

Children (Care and Protection) (Prostitution) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Children (Care and Protection) (Prostitution) Amendment Act 1988.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Children (Care and Protection) Act 1987 No. 54

3. The Children (Care and Protection) Act 1987 is amended as set out
10 in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 51 (**Children not to be employed for pornographic purposes**)—
Omit the section.

15 (2) Section 60—

Omit the section, insert instead:

Removal of children without warrant

60. (1) An authorised officer, or a member of the Police
20 Force, may (without any authority other than that conferred by
this subsection)—

- 25 (a) enter any premises in which the officer or member suspects
that there is a person who is a child, if the officer or
member suspects on reasonable grounds that the person is
in need of care by virtue of the person's being in
immediate danger of abuse; and
- (b) search the premises for the presence of any such person;
and
- (c) remove any such person from the premises.

30 (2) An authorised officer, or a member of the Police Force, may
(without any authority other than that conferred by this
subsection) remove from any public place any person the officer
or member suspects is a child under the age of 16 years, if the
officer or member suspects on reasonable grounds—

- 35 (a) that the person is in need of care; and
- (b) that the person is not subject to the supervision or control
of a responsible adult; and

SCHEDULE 1—AMENDMENTS—*continued*

(c) that the person is living in or habitually frequenting a public place.

5 (3) An authorised officer, or a member of the Police Force, may (without any authority other than that conferred by this subsection) remove from any premises or public place any person the officer or member suspects is a child, if the officer or member suspects on reasonable grounds—

(a) that the person is in need of care; and

(b) that the person is on premises—

10 (i) where prostitution takes place or where acts of child prostitution (as defined in section 91C of the Crimes Act 1900) take place; or

15 (ii) where persons are employed for pornographic purposes (within the meaning of section 91G of the Crimes Act 1900).

(4) An authorised officer, or a member of the Police Force, may use all reasonable force for the purposes of entering and searching premises and for the purpose of removing a person pursuant to this section.

20 (5) Until a person removed under this section is placed in the care of the Director-General, the person must be kept separately from any persons who are detained for committing offences or are on remand.

25 (6) In exercising the powers conferred by this section, an authorised officer or a member of the Police Force may observe and converse with any person present in the premises concerned.

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