

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

NEW SOUTH WALES



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

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**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 November 1988]

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*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

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.

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

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