

Act No. 116

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—

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- 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.
