

1998
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Children's Services (Amendment) Bill
(No. 2) 1998**

A BILL

FOR

An Act to amend the *Children's Services Act 1986*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1. Short title

5 This Act may be cited as the *Children's Services (Amendment) Act (No. 2) 1998*.

2. Commencement

(1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

10 (2) The remaining provisions commence on the day on which the *Magistrates Court (Amendment) Act 1998*, other than sections 1 and 2, commences.

3. Principal Act

In this Act, "Principal Act" means the *Children's Services Act 1986*.¹

4. Fines and like orders

Section 52 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

5 “(1) In this section—

‘fine’ has the same meaning as in Division 2 of Part IX of the *Magistrates Court Act 1930*.”;

- (b) by omitting from subsection (3) all the words from and including “by order—” and substituting “by order, allow time for the payment of the fine.”; and

- 10 (c) by omitting subsection (4).

5. Breach of certain orders for reparation or compensation

Section 53 of the Principal Act is amended by omitting from subsection (1) all the words before “the Court” (first occurring) and substituting:

15 “Where—

- (a) an order is made under paragraph 47 (1) (f) in favour of a person other than the Territory; and

- 20 (b) the child in respect of whom the order is made fails to obey the order;”.

6. Enforcement of payment of fines etc.

Section 54 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

25 “(1) In this section—

‘fine’ and ‘outstanding fine’ have the same respective meanings as in Division 2 of Part IX of the *Magistrates Court Act 1930*.”; and

- 30 (b) by omitting subsections (5) and (6) and substituting the following subsections:

“(5) The Registrar shall, by warrant, commit a child to an institution or State institution in a specified State or Territory if—

- 35 (a) the Registrar is satisfied that all reasonable action has been taken under Division 2 of Part IX of the *Magistrates Court Act 1930* to secure payment of an outstanding fine payable by a child and there is no reasonable likelihood of the fine being paid; and

(b) the outstanding fine has not been remitted under section 159 of the *Magistrates Court Act 1930*.

“(6) The period for which the child is to be committed to an institution or State institution shall be the lesser of—

5 (a) a period calculated at the rate of 1 day for each \$100, or part of \$100, of the outstanding fine; or

(b) 30 days.”.

7. Application

10 Section 54 of the Principal Act as amended by this Act applies only in relation to a fine imposed on or after the commencement of section 6.

NOTE

Principal Act

1. Reprinted as at 30 November 1996. See also Acts Nos. 41, 85, 96 and 113, 1997; No , 1998