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THE LEGISLATIVE ASSEMBLY OF  
THE AUSTRALIAN CAPITAL TERRITORY

CHILDREN'S SERVICES (AMENDMENT) BILL (NO.3) 1998  
EXPLANATORY MEMORANDUM

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## CHILDREN'S SERVICES (AMENDMENT) BILL (NO.3) 1998

### Explanatory Memorandum

#### OUTLINE

The Children's Services (Amendment) Bill (No.3) 1998 (the Bill) amends the Children's Services (Amendment) Act 1998 (the Act) so that children cannot be committed to an institution under the new fine recovery scheme established by the Magistrates Court (Amendment) Act 1998 until the Magistrate has considered a report by the Community Advocate about the circumstances of the child.

#### NOTES ON CLAUSES

##### Formal provisions

Clauses 1 and 2 are formal clauses setting out the short title of the Act and providing for the commencement of its provisions.

##### Commencement

Subclause 2 (2) provides that the substantive provisions of the Bill will commence on the day on which the provisions of the Children's Services (Amendment) Act (No.2) 1998, other than section 1, commence.

##### Enforcement and payment of fines

Clause 3 amends section 6 of the Children's Services (Amendment) Act 1998 which amended section 54 of the Children's Services Act 1986.

The proposals in the Bill amending subsection 54 (5) of the Children's Services Act 1986 and inserting subsection 54 (7) into the Act require the Children's Court to have regard to the Community Advocate's report about the circumstances of a juvenile fine defaulter on referral under section 154 CB of the Magistrates Court Act 1930 before making an order under subsection 54 (5) of the Children's Services Act 1986.

The Bill also obliges the Community Advocate to furnish the report to the Court on request under a new subsection 54 (8) of the Children's Services Act 1986.

Finally the Bill inserts a new subsection 54 (9) into the Children's Services Act 1986 preventing any other action against a juvenile fine defaulter in respect of the outstanding fine where the Court has made an order under subsection 54 (5) except in accordance with an order of the Court.