

1996

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CHILDREN'S SERVICES (AMENDMENT) BILL 1996

EXPLANATORY MEMORANDUM

Circulated by authority of
Mr Bill Stefaniak MLA
Minister for Housing and Family Services

Explanatory Memorandum

CHILDREN'S SERVICES (AMENDMENT) ACT 1996

Outline

The object of this Bill is to enhance the protection of children by clarifying the application of the *Children's Services Act 1986*. The Bill responds to concerns that sufficient weight is not being given to the best interests of the child by decision makers in the application of the Act. The Bill seeks to require in clear terms that the best interests of a child shall be the paramount consideration in the exercise of any jurisdiction or power affecting or concerning children

Details of the Bill

Short title and commencement

Clauses 1 and 2 These clauses are formal requirements. They refer to the short title of the Bill and to commencement of the Bill

Principle Act

Clause 3 This clause refers to the *Children's Services Act 1986* which will be amended by this Bill

Matters to be considered concerning children

Clause 4 The intention of this clause is to ensure that in weighing up the matters to be considered concerning a child a decision maker is required to have regard to the best interests of the child as the overriding consideration. In this regard sub section 5(4) inserted by this clause is expressed in similar terms to sub section 67ZC(2) of the Family Law Act 1975 (Commonwealth)

 The 'interests' of a child are defined to include matters related to the care, welfare or development of the child adopting the definition of 'interests' at section 60D of the Family Law Act 1975 (Commonwealth)

Care orders

Clause 5 The intention of this clause is to require a court when weighing up the options under sub section 83 (1) that it consider

- firstly, the appropriateness of alternative child care orders before making a wardship order or an order requiring a child to submit to the jurisdiction of the Mental Health Tribunal, and
- secondly, the best interests of the child as required by sub sections 5(4) and 5(5) inserted by clause 4 of this Bill