

**1994**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**COMMUNITY ADVOCATE (AMENDMENT) BILL 1994**

**Explanatory Memorandum**

**Circulated by the authority of the Attorney-General**

**Terry Connolly MLA**

## **COMMUNITY ADVOCATE (AMENDMENT) BILL 1994**

### **Explanatory Memorandum**

#### **Outline**

The Community Advocate (Amendment) Bill 1994 ("the Bill") amends the *Community Advocate Act 1991* ("the Act") to include provisions stating the role and responsibility of the Community Advocate to -

- . monitor the provision of services for the protection of children;
- . be an advocate for the rights of children;
- . investigate complaints and allegations concerning the provision of services for the protection of children; and
- . provide details of certain notifications relating to children to the Director of Family Services.

#### ***Community Advocate Act 1991***

The Act establishes the office of the Community Advocate and sets out various functions and powers of the Community Advocate.

#### **Community Advocate (Amendment) Bill 1994**

The Bill amends the Act to include new functions for the Community Advocate relating to the monitoring of services for the protection of children and advocacy for the rights of children.

In addition the amendments empower the Community Advocate to investigate complaints and allegations concerning the provision of services for the protection of children and require the Community Advocate to provide details of certain notifications concerning children to the Director of Family Services ("the Director"), established pursuant to section 7 of the *Children's Services Act 1986* ("the *Children's Services Act*").

The latter amendment supports those effected to the *Children's Services Act* by the proposed Children's Services (Amendment) Bill 1994, whereby it is the Director, rather than the Community Advocate, who is required to be notified concerning child abuse and other circumstances which may make it appropriate for action to be taken under the *Children's Services Act*.

The amendments to the provisions dealing with the functions and powers of the Community Advocate reflect the continuing role of the Community Advocate in monitoring services for the protection of children.

**Revenue implications**

There are no revenue implications in the Bill.

**Details of the Bill are included in the Attachment.**

## FORMAL PROVISIONS

### Short title and commencement

*Clause 1 and 2* are formal provisions relating to the short title and commencement of the Bill, respectively. *Clause 2* provides that the substantive provisions of the Bill commence on the same day as the substantive provisions of the *Children's Services (Amendment) Act 1994* commence.

### Interpretation

*Clause 3* is an interpretation provision establishing what is meant by references in the Bill to "the Principal Act".

## AMENDMENTS

### Functions

*Clause 4* amends section 13 of the Act, setting out the Community Advocate's functions, to include two new functions -

- monitoring the provision of services for the protection of children;
- and
- acting as an advocate for the rights of children.

### Investigations

*Clause 5* amends section 14 of the Act, which authorises the Community Advocate to investigate complaints and allegations concerning particular matters, to include complaints and allegations about the provision of services for the protection of children as matters which may be investigated under the section.

**Notification of Director of Family Services of cases of child abuse**

**Clause 6** inserts new section 16A in the Act, requiring that where the Community Advocate has been notified of a case of suspected or actual abuse of a child, or of circumstances which the Community Advocate believes may make action pursuant to the *Children's Services Act* appropriate, the Community Advocate must notify the Director of the details of the notification.

The requirement for the provision of such information by the Community Advocate, to the Director, complements the amendments to the *Children's Services Act* effected by the proposed Children's Services (Amendment) Bill 1994.

**Further amendments**

**Clause 7** effects the amendments set out in the Schedule. These are technical amendments, reflecting current drafting practice.