

AUSTRALIAN CAPITAL TERRITORY

Children's Services (Miscellaneous Amendments) Ordinance 1986

No. 14 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 29 May 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend certain Ordinances in consequence of the making of the *Children's Services Ordinance 1986*, and for other purposes

Short title

1. This Ordinance may be cited as the *Children's Services (Miscellaneous Amendments) Ordinance 1986*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories by notice in the *Gazette*.

Amendment of Crimes Act 1900

3. Section 429 of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory is repealed.

Amendment of *Evidence Ordinance 1971*

4. Section 66 of the *Evidence Ordinance 1971* is amended by omitting paragraph (3) (b) and substituting the following paragraph:

“(b) with an offence against section 133, 134, 135, 139 or 140 of the *Children's Services Ordinance 1986*.”.

Amendment of *Hawkers Ordinance 1936*

5. Section 5 of the *Hawkers Ordinance 1936* is amended by omitting from sub-section (2) “by boys in accordance with Part XIA of the *Child Welfare Ordinance 1957-1962*” and substituting “by a child in accordance with Part VIII of the *Children's Services Ordinance 1986*”.

Amendment of *Education Ordinance 1937*

6. (1) Section 5 of the *Education Ordinance 1937* is amended by omitting “*Child Welfare Ordinance 1957*” from the definition of “the Court” and substituting “*Children's Services Ordinance 1986*”.

(2) Section 18 of the *Education Ordinance 1937* is amended—

(a) by omitting sub-section (7) and substituting the following sub-section:

“(7) Where in pursuance of this section, the Court orders a child to be detained in an institution, the Court may commit the child to an institution or a State institution until the child reaches the school leaving age.”; and

(b) by omitting sub-section (10) and substituting the following sub-section:

“(10) In this section, ‘institution’ and ‘State institution’ each have the same respective meanings as in the *Children's Services Ordinance 1986*.”.

Amendment of *Magistrates Court (Civil Jurisdiction) Ordinance 1982*

7. Section 4 of the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* is amended by omitting paragraph (b).

Amendment of *Maintenance Ordinance 1968*

8. Section 23 of the *Maintenance Ordinance 1968* is amended by omitting paragraph (2) (b) and substituting the following paragraph:

“(b) if the child is a ward of the Director of Welfare under the *Children's Services Ordinance 1986*.”.

Amendments of *Remand Centres Ordinance 1976*

9. (1) Section 3 of the *Remand Centres Ordinance 1976* is amended—

- (a) by omitting the definition of “juvenile”; and
- (b) by omitting the definition of “shelter” and substituting the following definition:

“ ‘shelter’ has the same meaning as in the *Children's Services Ordinance 1986*;”.

(2) Section 15 of the *Remand Centres Ordinance 1976* is amended by omitting paragraph (1) (f) and substituting the following paragraph:

“(f) a person who is required under the *Children's Services Ordinance 1986* to be detained in a remand centre;”.

Amendment of *Seat of Government (Administration) Ordinance 1930*

10. Part I of the Second Schedule to the *Seat of Government (Administration) Ordinance 1930* is amended by omitting—

“*Child Welfare Ordinance 1957*, Part III”,

and substituting—

“*Children's Services Ordinance 1986*, Parts III and X”.

Amendment of *Testamentary Guardianship Ordinance 1984*

11. Section 2 of the *Testamentary Guardianship Ordinance 1984* is amended—

- (a) by inserting in sub-section (3) “the Director of Welfare or to” before “a Minister of State”; and
- (b) by adding at the end the following sub-section:

“(5) In this section, ‘Director of Welfare’ has the same meaning as in the *Children's Services Ordinance 1986*.”.

Amendment of *Remand Centres Regulations*

12. (1) Regulation 2 of the *Remand Centres Regulations* is amended by omitting the definition of “Director” and substituting the following definition:

“ ‘Director’ has the same meaning as in the *Children's Services Ordinance 1986*;”.

(2) Regulations 10 of the Remand Centres Regulations is amended by omitting from sub-regulation (6) “juvenile detainees” and substituting “detainees under the age of 18 years”.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 4 June 1986.