



AUSTRALIAN CAPITAL TERRITORY

# Children's Services (Amendment) Act 1998

No. 27 of 1998

---

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

[Notified in ACT Gazette S190: 10 July 1998]

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

**1. Short title**

This Act may be cited as the *Children's Services (Amendment) Act 1998*.

**2. Commencement**

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

(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*.<sup>1</sup>

**4. Fines and like orders**

Section 52 of the Principal Act is amended—

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

"(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

(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:

“Where—

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

“(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

- (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—

- (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—

- (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**

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.

*[Presentation speech made in Assembly on 30 April 1998]*

© Australian Capital Territory 1998