



AUSTRALIAN CAPITAL TERRITORY

## Children's Services (Amendment) Act 1999

No. 12 of 1999

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### An Act to amend the *Children's Services Act 1986* and for a related purpose

[Notified in ACT Gazette S14: 23 March 1999]

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 1999*.

**2. Commencement**

This Act commences on 1 May 1999.

**3. Principal Act**

In this Act, "Principal Act" means the *Children's Services Act 1986*.<sup>1</sup>

**4. Interpretation**

Section 4 of the Principal Act is amended by omitting from subsection (1) the definition of "the Court" and substituting the following definition:

“ ‘Court’ means the Magistrates Court when known by virtue of section 20A as the Childrens Court;”.

**5. Substitution**

Section 20 of the Principal Act is repealed and the following sections substituted:

**“20. Childrens Court Magistrate**

“(1) The Chief Magistrate shall, by instrument, designate a magistrate to be the Childrens Court Magistrate.

“(2) An instrument under subsection (1) may designate the Chief Magistrate to be the Childrens Court Magistrate.

“(3) A magistrate shall be designated to be the Childrens Court Magistrate for a period of not less than 3 years.

**“20AA. Deputy Childrens Court Magistrate**

“(1) The Chief Magistrate shall, by instrument, designate a magistrate (other than the Childrens Court Magistrate) to be the Deputy Childrens Court Magistrate.

“(2) An instrument under subsection (1) may designate the Chief Magistrate to be the Deputy Childrens Court Magistrate.

“(3) A magistrate shall not be designated to be the Deputy Childrens Court Magistrate for a period of less than 1 year.

“(4) Where a person is designated under subsection (1)—

- (a) a reference in a law of the Territory (including this Act) to the Childrens Court Magistrate includes a reference to that person; and
- (b) that person has all the powers, functions and duties conferred or imposed upon the Childrens Court Magistrate by this Act or by any other law of the Territory.

**“20A. Childrens Court**

Where the Magistrates Court is constituted by the Childrens Court Magistrate exercising the jurisdiction conferred by section 20B, the court shall be known as the Childrens Court.

**“20B. Jurisdiction**

“(1) The Court has jurisdiction—

- (a) to hear and determine informations against children; and
- (b) to hear and determine applications and other proceedings under this Act with respect to children.

“(2) Subsection (1) does not by implication preclude a magistrate (being a magistrate other than the Childrens Court Magistrate) from exercising a

power or performing a function conferred on a magistrate under a provision of this Act.”.

**6. Further amendments**

The Principal Act is further amended as set out in the Schedule.

**7. Consequential amendment of Magistrates Court Act**

Section 10G of the *Magistrates Court Act 1930* is repealed and the following section substituted:

**“10G. Arrangement of business of Courts**

“(1) The Chief Magistrate is responsible for ensuring the orderly and prompt discharge of the business of the Magistrates Court and accordingly may, subject to such consultation with the Magistrates and special magistrates as is appropriate and practicable, make arrangements as to the Magistrate or special magistrate who is to constitute that Court in particular matters or classes of matters.

“(2) The Chief Magistrate is also responsible for ensuring the orderly and prompt discharge of the business of the Childrens Court.”.

**8. Saving**

Any proceedings referred to in section 20 of the Principal Act which had been instituted before the commencement of this Act and not completed before that commencement may be disposed of as if this Act had not been passed.

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**SCHEDULE**

Section 6

**FURTHER AMENDMENTS**

**Section 21—**

Omit “section 20”, substitute “this Part”.

**Paragraphs 22 (1) (a) and (b) and (2) (a)—**

Omit “20”, substitute “20B”.

**Subsection 25 (1)—**

Omit “section 20”, substitute “Part III”.

**Subsection 25 (2)—**

Omit “Section 20”, substitute “Part III”.

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**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 29 April 1998]*