



AUSTRALIAN CAPITAL TERRITORY

## **Children's Services Amendment Act (No 2) 1999**

No. 61 of 1999

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

*[Notified in ACT Gazette No 45: 10 November 1999]*

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

**1 Name of Act**

This Act is the *Children's Services Amendment Act (No 2) 1999*.

**2 Commencement**

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

(2) The remaining provisions commence on 1 December 1999.

**3 Act amended**

This Act amends the *Children's Services Act 1986*.

#### **4 Substitution**

Sections 20 and 20AA are repealed and the following sections substituted:

##### **“20 Childrens Court Magistrates**

“(1) The Chief Magistrate must, in writing, declare 1 magistrate to be the Childrens Court Magistrate for a stated term of up to 2 years.

“(2) The Chief Magistrate must revoke the declaration on request in writing by the Childrens Court Magistrate.

“(3) The Chief Magistrate may declare himself or herself to be the Childrens Court Magistrate.

##### **“20AA Restriction on assignment to act as Childrens Court Magistrate**

“(1) The Chief Magistrate may assign a magistrate to act as Childrens Court Magistrate only if—

- (a) there is no Childrens Court Magistrate; or
- (b) the Childrens Court Magistrate—
  - (i) is absent from duty or from the Territory; or
  - (ii) for another reason, cannot carry out the duties of Childrens Court Magistrate.

“(2) A magistrate assigned to act as Childrens Court Magistrate is the Childrens Court Magistrate for this Act and any other Act.

##### **“20AB Arrangement of business of court**

The Chief Magistrate is responsible for ensuring the orderly and prompt discharge of the business of the Childrens Court and accordingly may, subject to appropriate and practicable consultation with the magistrates, make arrangements as to the magistrate who is to constitute the Childrens Court.”.

#### **5 Jurisdiction**

Section 20B is amended by omitting subsection (2) and substituting the following subsection:

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

- (a) exercising a power or performing a function conferred on a magistrate under a provision of this Act; or

- (b) exercising a power conferred on a magistrate under a law of the Territory to admit a child or young person to bail in accordance with the *Bail Act 1992* or to remand a child or young person in custody.”.

## **6 Amendment of Magistrates Court Act**

Section 10G of the *Magistrates Court Act 1930* is amended by omitting subsection (2).

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### **Endnote**

#### **Act amended**

- 1 Republished as in force on 31 May 1999. See also Act 1999 No 31.

*[Presentation speech made in Assembly on 1 September 1999]*