

1993  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Greg Cornwell)

**Children's Services (Amendment) Bill  
1993**

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**A BILL**

**FOR**

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

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

**Short title**

- 5 1. This Act may be cited as the *Children's Services (Amendment) Act 1993*.

**Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

**Principal Act**

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

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Job No.: 1992/163

**Insertion**

4. After section 62 of the Principal Act the following section is inserted in Division 3 of Part IV:

**Reparation order against parent**

- 5 "62A. (1) Where—
- (a) a child is convicted of an offence;
  - (b) the nature of the offence is such that the Court may make an order under paragraph 47 (1) (f) or an order under any other law for the payment of reparation or compensation in respect of the offence;
  - 10 and
  - (c) the Court is satisfied that there is reason to believe that a parent of the child may have contributed to the commission of the offence by a wilful and habitual failure to exercise due care and control of the child;
- 15 the Court may, on the application of the informant—
- (d) if the parent is present and consents to proceedings on the application then being heard and determined—make a reparation order against the parent; or
  - (e) in any other case—adjourn the proceedings to a specified time and
  - 20 place.
- "(2) At the time to which proceedings have been adjourned under paragraph (1) (e) or at such later time as the Court thinks fit, the Court may make a reparation order against a parent of a child.
- "(3) In proceedings on an application under subsection (1), the parent
- 25 against whom the order is sought is entitled to be heard and may be represented by a barrister and solicitor.
- "(4) A reparation order against a parent of a child shall not be made unless the Court is satisfied that—
- (a) the parent has been given adequate notice of—
  - 30 (i) except where paragraph (1) (d) applies—the time and place fixed for hearing and determining the proceedings on the application for the order; and
  - (ii) the right of the parent to be heard and to be represented by a barrister and solicitor;
- 35 (b) the circumstances of the relationship between the parent and the child are such that the parent could reasonably have been expected to exercise due care and control of the child;

- (c) the parent has wilfully and habitually failed to exercise due care and control of the child;
- (d) the failure contributed to the commission of the offence by the child; and
- 5 (e) in the circumstances it is appropriate that such an order be made against the parent.

“(5) A reparation order against a parent of a child may be made instead of or in addition to any order referred to in paragraph (1) (b) made against the child.

10 “(6) In this section—

‘reparation order’, in relation to a parent of a child, means an order that the parent make reparation by way of the payment of money or pay compensation in respect of any loss suffered or expense incurred by reason of an offence of which the child has been convicted.”.

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**NOTE**

- 1. Reprinted as at 4 June 1992.