

**GOVERNMENT AMENDMENTS TO THE
CHILDREN AND YOUNG PEOPLE
(CONSEQUENTIAL AMENDMENTS) BILL 1999**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

This Supplementary Explanatory Memorandum addresses clauses affected by the proposed changes to the Bill where the effect of those changes cannot be accommodated within the wording of the original explanatory memorandum.

Amendment items 2, 3 and 4 are formal amendments in line with comparable adjustments to other Territory laws, in particular anticipated changes to the *Interpretation Act 1967*.

Items 1 and 5 relate to the way the Childrens Court may make domestic violence or restraining orders under the *Children and Young People Bill 1999* as follows:

Domestic Violence Act 1986

Section 5

Amendment to this section provides that, for this Act, a domestic violence order (or other order under this Part) can be made on application in care and protection proceedings under the *Children and Young People Bill 1999* as if the applicant (or cross-applicant) for the care and protection order had been an applicant under this Act and had validly applied under this Act.

Section 7

If the chief executive is not the applicant for the care and protection order referred to in section 5, but an application is made to vary or revoke the domestic violence or order that was made in care and protection proceedings, this amendment provides that the court must ensure the chief executive has been served with a copy of the variation or revocation application.

Having been served, the chief executive may apply to be joined as a party to the variation or revocation proceedings, and must then be joined.

Magistrates Court Act 1930

Section 198A

This new section provides that, for this Act, a restraining order (or other order under this Part) can be made on application in care and protection proceedings under the *Children and Young People Bill 1999* as if the applicant (or cross-applicant) for the care and protection order had been an applicant under this Act and had validly applied under this Act.

Section 206J

Amendment to this section requires that, where an application is made to vary or revoke a restraining or other order that was made under this Part in care and protection proceedings, the application is to be served on the chief executive for Chapter 7 of the *Children and Young People Bill 1999*. If the chief executive has been so served, he or she may apply to be joined as a party to the variation or revocation proceedings, and must then be joined.