

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**CHILDREN'S SERVICES (AMENDMENT) BILL
~~(No. 2)~~ 1999**

EXPLANATORY MEMORANDUM

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Member for Ginninderra**

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Outline

This is a Bill to amend to the *Children's Services Act 1986*, referred to in the Bill as the Principal Act.

Among other things, the Principal Act establishes the minimum age at which a child will be held responsible for criminal actions and may be served with various notices notifying the child of action to be taken in respect of him or her.

Australia's First Report under Article 44(1)(a) of the United Nations Convention on the Rights of the Child in December 1995 stated that a Model Criminal Code would be developed for application in all jurisdictions. Under the Model Code, the age of criminal responsibility was to be standardised at 10 years or more.

The age of 10 years in relation to Federal offences came into effect on 16 September 1995. In NSW, Qld, Victoria, Western Australia, South Australia and the Northern Territory the age of criminal responsibility is set at 10 years.

The Bill will change the age of criminal responsibility in the Australian Capital Territory from 8 years to 10 years.

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement of the amendments and definition of the Principal Act. The Bill commences on the date it is notified in the *Gazette*.

Age of Criminal Responsibility

The purpose of Clause 4 is to amend subsections 27(1) and 27(2) of the Principal Act to establish the age of 10 years as the age of criminal responsibility.

Power to apprehend under age children

Clause 5 of the Bill amends subsection 28(1) to substitute the age of 10 years for 8 years as the age under which a police officer may arrest a child for the purpose of returning the child to a parent or other suitable person.

Application to be served on parents

Clause 6 of the Bill amends subsection 79(1)(b) to substitute the age of 10 years for 8 years for the service of an application to the Court under section 78.

Service of application for review

Clause 7 of the Bill amends paragraph 90(c) to substitute the age of 10 years for 8 years for the service of an application under sections 88 or 89 of the Principal Act.