

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

CHILD WELFARE (AMENDMENT) ORDINANCE 1987

CHILDREN'S SERVICES (AMENDMENT) ORDINANCE 1987 /

CHILDREN'S SERVICES (MISCELLANEOUS AMENDMENTS) (AMENDMENT)
ORDINANCE 1987

No. 28 1987

ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Children's Services Ordinance 1986 was notified in the Gazette on 4 June 1986. Consequential amendments were made to the Child Welfare Ordinance 1957. The Children's Services (Miscellaneous Amendments) Ordinance 1986 also effected certain consequential changes to various ACT laws. These were also notified in the Gazette on 4 June 1986.

Section 2 of the Children's Services Ordinance 1986 permits the provisions of the Ordinance to come into operation on such dates as are fixed by the Minister in the Gazette.

It is intended that the Children's Services Ordinance 1986 shall come into operation in stages. In the first stage, relevant machinery provisions as well as Part VII which deals with children's day care services, are to be commenced simultaneously with the repeal of equivalent provisions in the Child Welfare Ordinance 1957. In the second stage Parts III, IV, V, VI, VIII and IX of the Children's Services Ordinance 1986 which deal among other things with the Children's Court, child offenders and child care proceedings are to be brought into effect at the same time as equivalent provisions of the Child Welfare Ordinance 1957 are repealed.

The Children's Services (Amendment) Ordinance 1987 will facilitate this by permitting transitional provisions to come into effect when the appropriate provisions of the Children's Services Ordinance 1986 are introduced.

With the staged commencement of the Children's Services Ordinance 1986 it will be necessary to repeal those provisions in the Child Welfare Ordinance 1957 which will no longer be necessary in view of the simultaneous commencement of equivalent provisions of the Children's Services Ordinance 1986 by virtue of the making of the Children's Services (Amendment) Ordinance 1987. The Child Welfare (Amendment) Ordinance 1987 provides for this.

The Children's Services (Miscellaneous Amendments) (Amendment) Ordinance 1987 amends the Children's Services (Miscellaneous Amendments) Ordinance 1986 to allow for the provisions of that Ordinance to come into operation at the same times as the related commencement of the provisions of the Children's Services Ordinance 1986 and the repeal of the provisions of the Child Welfare Ordinance 1957.

Details of the amending Ordinances are set out in Attachments A, B and C.

CHILDREN'S SERVICES (AMENDMENT) ORDINANCE 1987

Section 1 cites the amending Ordinance as the Children's Services (Amendment) Ordinance 1987.

Section 2 amends section 3 of the Children's Services Ordinance 1986 (the Principal Ordinance) by:

- (a) omitting subsections (1), (2) and (3);
- (b) introducing a new subsection (1) which provides for the repeal of those Ordinances specified in Part I of the Schedule;
- (c) introducing a new subsection (1A) which provides for the repeal of those Ordinances specified in Part II of the Schedule;
- (d) introducing a new subsection (2) which enables a Court after the date of commencement of Part IV to make such orders in relation to a child convicted of an offence in proceedings instituted before that date as the Court could have made if the proceedings had been instituted after that date;
- (e) introducing a new subsection (3) which deems an order under section 80 to have been made making a child a ward of the Director where the child was a ward within the meaning of the Child Welfare Ordinance 1957 prior to the date of commencement of Part VI of the Principal Ordinance;
- (f) omitting from subsection (4) the words 'commencement date' and substituting the words 'date of commencement of Part VII' and
- (g) omitting subsection (b)

Section 3 amends the Schedule to the Principal Ordinance by adding at the end of Part 1 the following Ordinances:

- (a) Child Welfare (Amendment) Ordinance 1985;
- (b) Child Welfare (Amendment) Ordinance 1987.