

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

CHILDREN'S SERVICES (AMENDMENT) BILL (NO 2) 1999

EXPLANATORY MEMORANDUM

Circulated by authority of
Dave Rugendyke MLA
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Explanatory Memorandum

OUTLINE

The Children's Services (Amendment) Bill (No 2) 1999 intends to enhance flexibility for the Chief Magistrate in the administration of the Children's Court Magistrate.

The key changes would enable the Chief Magistrate to assign another Magistrate in the event that the designated Children's Magistrate was unavailable or for other good reasons. It would also reduce the term of the designated Children's Magistrate from three years to two years.

FINANCIAL IMPACT

There are no associated costs arising from this Bill.

NOTES ON CLAUSES

Clauses 1, 2 and 3 are formal clauses setting out the short title of the Act providing for the commencement of its provisions and providing that the Act being amended is the *Children's Services Act 1986*.

INTERPRETATION

Clause 4 repeals Sections 20 and 20AA and substitutes three new sections:

Section 20 stipulates the process for the appointment, length of term and the resignation of the Children's Court Magistrate. It also allows the Chief Magistrate to appoint him or herself as Children's Court Magistrate.

Section 20AA stipulates the circumstances when the Chief Magistrate may assign a magistrate to act as a Children's Court Magistrate. It clarifies that the Children's Magistrate is appointed to hear relevant cases but day-to-day matters can be broadly administered.

Section 20AB recognises that the Chief Magistrate has the authority to run the court in a flexible manner without compromising the need for or the role of a Children's Court Magistrate.

JURISDICTION

Clause 5 ensures that matters such as the granting of bail and issue of warrants are not exclusively limited to the Children's Court Magistrate and can be delegated to other magistrates.

AMENDMENT OF MAGISTRATES COURT ACT

Clause 6 repeals the existing subsection of the *Magistrates Court Act 1930* regarding the appointment and administration of the Children's Court Magistrate.