

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. 26, 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are to be brought into effect at the same time as equivalent provisions of the Child Welfare Ordinance 1957 are repealed.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.

ATTACHMENT A

CHILD WELFARE (AMENDMENT) ORDINANCE 1987

Section 1 cites the amending Ordinance as the Child Welfare (Amendment) Ordinance 1987.

Section 2 provides for the commencement of the amending Ordinance by notice in the Gazette. Sections 1 and 2 come into operation on the day of notification in the Gazette of the amending Ordinance. The remaining sections will come into force on such dates as are fixed by the Minister by notice in the Gazette.

Section 3 defines the "Principal Ordinance" as the Child Welfare Ordinance 1957.

Sub-section 4(1) provides for the repeal of Part VII of the Principal Ordinance. This Part deals with the licensing of places for the reception of children and for day nurseries and kindergartens.

Sub-section 4(2) provides for the repeal of the following Parts and sections of the Principal Ordinance.

- Part III which deals with Court proceedings involving children and young persons.
- Part IV which deals with the establishment, control and inspection of depots, shelters, homes and hostels.
- Part V which deals with the guardianship, care, and control of children and young persons.
- Part VA which deals with payments to approved organisations.
- Part VI which deals with allowances in respect of destitute children.
- Part VIII which deals with lying-in homes.
- Part IX which deals with neglected and uncontrollable children and young persons and juvenile offenders.
- Sections 7, 8, 9 and 10 which deal with the appointment of a Director and the establishment of a Child Welfare Committee.
- Sections 108, 109, 110, 114, 115, 117, 118, 119, 120 and 122 which deal with a number of miscellaneous matters.

Section 5 provides that those remaining references to the Director or the Court in the Principal Ordinance, as amended by the amending Ordinance, shall be read as references to the Director or the Court, as the case requires, within the meaning of the Children's Services Ordinance 1986