

**CHILDREN (COMMUNITY SERVICE ORDERS)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Children (Community Service Orders) Act 1987—

- (a) to provide for existing child fine defaulters to apply for community service work to satisfy the unpaid fines;
- (b) to make it clear that the court can make a community service order in respect of a child under 14 years of age;
- (c) to remove the requirement for consent to be obtained to the making of a community service order in respect of a child;
- (d) to enable a warrant to be issued committing a child fine defaulter to a detention centre if the child breaches a community service order;
- (e) to create an offence of disclosing information obtained in the administration of the Principal Act; and
- (f) to make other minor amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedules of amendments.

Clause 4 revives warrants issued before 18 January 1988 in respect of child fine defaulters. However, before executing such a warrant a police officer must give the fine defaulter 7 days to apply for a community service order.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 5A of the Principal Act to enable a warrant to be issued, rather than a children's community service order, in respect of a child who has defaulted in paying a fine if the child is already under detention.

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Schedule 1 (2) omits section 7 of the Principal Act to remove the requirement that a child's consent must be obtained to the making of a children's community service order.

Schedule 1 (3) omits section 8 of the Principal Act to make it clear that a court can make a children's community service order in respect of a child under the age of 14 years.

Schedule 1 (4) amends section 9 of the Principal Act to require a court, when deciding whether to make a children's community service order, to take into account the maturity of the child.

Schedule 1 (5) amends section 13 of the Principal Act to make it clear that the combined number of hours of community service work that a child may be required to perform under children's community service orders (including orders for fine default) made in respect of the child is 100 hours.

Schedule 1 (6) amends section 18 of the Principal Act to allow community service work by children to be carried out on facilities of the Department of Family and Community Services and for other prescribed government departments and public or local authorities (whether or not it is work usually performed for fee or reward).

Schedule 1 (7), (8) and (9) amend sections 24, 25 and 26 of the Principal Act, respectively, as a consequence of the amendment made by Schedule 1(10).

Schedule 1 (10) inserts proposed section 26A into the Principal Act which provides an alternative procedure for action against a child who breaches a fine default children's community service order to that provided for breaches of other children's community service orders. An authorised justice, after hearing submissions from the prescribed officer and from the child, may issue a warrant committing the child to a detention centre for a time sufficient to satisfy the balance of the unpaid fine.

Schedule 1 (11) inserts proposed section 28A into the Principal Act to create the offence of disclosing information obtained in the administration of the Principal Act (Maximum penalty: \$1,000 or imprisonment for 12 months, or both).

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

Schedule 2 makes amendments by way of statute law revision to sections 12, 26 and 27 of the Principal Act as a consequence of the enactment of the Children's Court (Amendment) Act 1987 which provided for the appointment of Children's Magistrates rather than members of the Children's Court.
