

# Children's Services Act 1986, Australian Capital Territory

1987 – 2000

**Other Names:** • Children's Services Ordinance 1986

**URL:** <http://www.legislation.act.gov.au/a/1986-13/default.asp>

## Details

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The Children's Services Act 1986 (Act no. 13/1986) was Commonwealth legislation, which emphasised strengthening and preserving the relationship between the child and his or her family and the desirability of leaving a child in their home. It introduced the legal term 'child in need of care', and also took a significant step in separating 'children in need of care' from 'juvenile offenders.' The Children's Services Act 1986 became effective in June 1987. It was repealed by the Children and Young People Act 1999 on 10 May 2000. This ordinance became an ACT Act on 11 May 1989.

The Children's Services Ordinance 1986 replaced the Child Welfare Ordinance 1957.

In cases where a court found that a child was 'in need of care' it could make a supervision order; a residential order; commit the child to an institution; make the child a ward of the Director of Family Services; or refer the child to the Mental Health Tribunal for assessment.

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*Existing antiquated procedures which result in children in need of care being charged with a criminal offence are abolished. (Children's Services Ordinance 1986, Explanatory Statement )*

This change also meant that approaches and attitudes towards 'children in need of care' began to evolve separately to those applied to 'juvenile offenders' despite the fact that they were often the same children and young people passing between the two systems.

The 1986 Ordinance placed clear legislative guidelines on procedures relating to arrest, interviews, fingerprinting and photographs of children. It legislated for 'compulsory reporting' in regards to the abuse of children and created offences for abuses committed.

Emphasis was placed on the importance of addressing the individual child's understanding of the court system, and to the specific needs and concerns relevant to children.

According to Section 71, Part1 a child could be considered 'in need of care' if-

*(a) the child-*

- (i) has been physically injured (otherwise than by accident); or*
- (ii) has been sexually abused,*

*by one of the child's parents or by a member of the household in which the child lives or there is a likelihood that he or she will so suffer such physical injury or sexual abuse;*

*(b) the child-*

- (i) has been physically injured (otherwise than by accident); or*
- (ii) has been sexually abused,*

*by a person other than a person mentioned in paragraph (a), or there is a likelihood that the child will so suffer such physical injury or sexual abuse, and the child's parents are unable or unwilling to protect him or her from the injury or abuse;*

*(c) by reason of the circumstances in which the child is living or in which the child is found-*

*(i) the health of the child has been impaired or there is a likelihood that it will be impaired; or*

*(ii) the child has suffered, or is likely to suffer, psychological damage of such a kind that his or her emotional or intellectual development is or will be endangered;*

*(d) the child is engaging in behaviour that is, or is likely to be, harmful to him or her and his or her parents or guardian are unable or unwilling to prevent the child from engaging in that behaviour;*

*(e) there is no appropriate person to care for the child because*

- (i) the child has been abandoned by his or her parents or guardian;*
- (ii) the child's parents or guardian cannot, after reasonable enquiries have been made, be found; or*
- (ii) The child's parents are dead and he or she has no guardian;*

*(f) there is serious incompatibility between the child and one of his or her parents or between the child and his or her guardian; or*

*(g) the child is required by law to attend school and is persistently failing to do so and the failure is, or is likely to be, harmful to the child.*

*(2) In the application of this Part, an authorised person, the Youth Advocate or the Court shall have regard to the degree of injury, abuse, impairment, likelihood, incompatibility or failure and shall disregard any of those things that, in the circumstances, appears to be not sufficiently serious or substantial to justify action under this Part.*

## More info

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### Chronology

- Child Welfare Ordinance 1957, Australian Capital Territory (1958 - 1988)
- Child Welfare Agreement Ordinance 1941, Commonwealth of Australia (1941 - 1987)
  - **Children's Services Act 1986, Australian Capital Territory (1987 – 2000)**

- Children and Young People Act 1999, Australian Capital Territory (1999 - 2009)
  - Children and Young People Act 2008, Australian Capital Territory (2008 - current)

## Related Entries

### Is amended by

- [Children's Services \(Amendment\) Act 1994, Australian Capital Territory \(1994 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1996, Australian Capital Territory \(1996 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1997, Australian Capital Territory \(1997 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1998, Australian Capital Territory \(1998 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1999, Australian Capital Territory \(1999 - 2000\)](#)
- [Children's Services \(Amendment\) Ordinance \(No.2\) 1987, Australian Capital Territory \(1987 - 2000\)](#)
- [Children's Services \(Amendment\) Ordinance 1987, Australian Capital Territory \(1987 - 2000\)](#)
- [Children's Services Amendment Act 2000, Australian Capital Territory \(2000\)](#)
- [Children's Services \(Amendment\) Act 1988, Australian Capital Territory \(1988 - 2000\)](#)
- [Children's Services \(Amendment\) Act \(No.2\) 1991, Australian Capital Territory \(1991 - 2000\)](#)
- [Children's Services \(Amendment\) Act \(No.2\) 1999, Australian Capital Territory \(1999 - 2002\)](#)
- [Children's Services \(Amendment\) Act 1991, Australian Capital Territory \(1991 - 2000\)](#)

### Related Legislation

- [Children's Services \(Miscellaneous Amendments\) Act 1986, Australian Capital Territory \(1988 - 2001\)](#)
- [Australian Capital Territory \(Self-Government\) Act 1988, Australian Capital Territory \(1988 - current\)](#)

### Related Concepts

- [Law in the Australian Capital Territory](#)

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