

Australian Capital Territory

Children and Young People Official Visitor Appointment 2005 (No 1)

Disallowable Instrument DI2005–89

made under the

***Children and Young People Act 1999*, Part 4.3 – Other Officials, sub-section 41(2)
(Official Visitor Appointment)**

EXPLANATORY STATEMENT

Part 4.3 sub-section 41(2) of the *Children and Young People Act 1999* (the Act) allows the Minister to appoint the official visitor. An appointment may be made of one or more people.

On 6 February 2003, the appointment of Simon Abbott and Mary Rizik Hyndman as Official Visitor, under section 41 of the Act, was made by Notifiable Instrument NI2003-59, for the period until 1 July 2005. The appointees are not public servants.

Part 19.3 of the *Legislation Act 2001* provides that certain statutory positions require consultation with a Legislative Assembly committee and are disallowable. On 10 October 2002, the Standing Committee on Community Services and Social Equity considered the appointments and made no recommendations about the appointees. The appointments were notified rather than made by disallowable instrument.

Section 64 (Presentation of subordinate laws and disallowable instruments) of the *Legislation Act 2001* provides that if a subordinate law or disallowable instrument is not presented to the Legislative Assembly within 6 sitting days after its notification day, it is taken to be repealed.

Section 76 (Non-prejudicial provision may commence retrospectively) of the *Legislation Act 2001* provides for a statutory instrument to be made retrospective when it is not adversely affecting the person's rights or imposing liabilities on the person.

Under Part 4.3 sub-section 41(2) of the Act, Simon Abbott and Mary Rizik Hyndman are appointed as the Children and Young People Official Visitor, for the period 6 February 2003 until 1 July 2005.

This Instrument is necessary to provide the appointees with statutory authority to perform the duties of the Children and Young People Official Visitor under the *Children and Young People Act 1999*.