

Australian Capital Territory

Children and Young People Official Visitor Appointment 2005 (No 2)

Notifiable Instrument NI2005– 247

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.

On 16 July 2005 a retrospective Disallowable Instrument (DI2005-89) confirmed the appointments of Ms Hyndman and Mr Abbott under the Act for the period, 4 February 2003 until 1 July 2005.

This instrument seeks to appoint Ms Hyndman and Mr Abbott as the acting Official Visitor for a further period of three months from 2 July 2005 to 2 October 2005.

Under subsection 209 (1)(a) of the *Legislation Act 2001* the power to appoint a person to act in a position is “during any vacancy, or all vacancies in the position, whether or not an appointment has previously been made to the position”.

Division 19.3.3 of the *Legislation Act 2001* requires the appointment of the Official Visitor to be subject to Assembly consultation. However, under subsection 227(2)(b) of the same Act an appointment can be excluded from the requirement to consult with the Assembly if the position is for a person to act “for not longer than 6 months”.

The appointment must be made by an instrument of appointment under section 216 of the *Legislation Act 2001*.

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*.