

Australian Capital Territory

Children and Young People Official Visitor Appointment 2005 (No 3)

Disallowable Instrument DI2005-219

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 subsection 41(2) of the *Children and Young People Act 1999* (the Act) allows the Minister to appoint the Official Visitor.

On 2 July 2005 Notifiable Instrument (NI2005–247) appointed Ms Mary Hyndman and Mr Simon Abbott as the acting Official Visitor for a period of three months from 2 July 2005 to 2 October 2005.

This Disallowable Instrument appoints Ms Mary Joseph Hyndman and Ms Julie Rosamonde Kelley to the Office of the Official Visitor for a three-year term beginning 2 October 2005. This three-year term is consistent with sub-section 42(3) of the Act stating that a person may be appointed as Official Visitor for a term of not longer than three years.

Ms Hyndman has held the position of Official Visitor previously and most recently in an acting capacity. Her appointment is a new appointment under section 207 of the *Legislation Act 2001* and has been subject to the same terms and conditions as the appointment of Ms Kelley.

Division 19.3.3 section 228 of the *Legislation Act 2001* requires that appointments to statutory positions made by the Minister may only be made after consultation with a Standing Committee of the Legislative Assembly. The Standing Committee on Education, Youth and Training considered the appointments and on 30 August 2005 made no recommendation about the appointments.

The appointment must be made by an instrument of appointment under section 206 of the *Legislation Act 2001*. Section 229 of the same Act specifies that instrument making the appointment if subject to Division 19.3.3 (consultation by a Standing Committee of the Legislative Assembly) is a Disallowable Instrument.

This Disallowable 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*.