

Australian Capital Territory

Children and Young People (Childrens Services Council) Appointment 2005 (No 1)

Disallowable Instrument DI2005–243

made under the

Children and Young People Act 1999, Section 36 (Members of the Council) and Section 37 (Chairperson)

EXPLANATORY STATEMENT

Part 36 of the *Children and Young People Act 1999* (the Act) allows the Minister to appoint the Children's Services Council. The council consists of not less than 3, nor more than 10, members appointed by the Minister from the community.

On 25 November 2003, Katy Gallagher MLA, Minister for Education, Youth and Family Services signed a Disallowable Instrument appointing Patricia Boling, Darlene Cox, Suzanne Cumbers, April Masters Smith, Susan Mickleburgh, Gordana Morphett and Beverly Orr, as members under section 36 of the Act and Peter Camilleri as the Chair under section 37 of the Act to the Children's Services Council from 1 December 2003 until 30 November 2006. The appointees are not public servants. Due to an administrative oversight, the notification of the Disallowable Instrument on the Legislation Register was inadvertently missed.

Paul Wyles and Patricia Keller are also appointed to the Children's Services Council from 1 December 2003 until 30 November 2006, are 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 13 November 2003, John Hargreaves MLA, in his capacity as Chair of the Standing Committee on Community Services and Social Equity, wrote to Katy Gallagher advising that the Committee had considered the appointments to the Children's Services Council in accordance with the *Legislation Act 2001* and had no objections to the appointments and therefore made no recommendations.

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is not presented to the Legislative Assembly within 6 sitting days after its notification day, it is taken to be repealed.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.

This Instrument is necessary to provide the appointees with statutory authority to perform the duties of the Children's Services Council under the *Children and Young People Act 1999*.

This instrument makes appointments under the *Legislation Act 2001*. Accordingly, the instrument is a disallowable instrument.

[ends]