

Australian Capital Territory

Children and Young People Official Visitor Appointment 2008 (No 1)

Disallowable Instrument DI2008-206

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. The Minister has undertaken all relevant steps to comply with the Act.

On 28 September 2005 Disallowable Instrument (DI2005–219) appointed Ms Mary Hyndman (now known as Mary Risk) as the Official Visitor. On 19 October 2007 Disallowable Instrument (DI2007-244) appointed Ms Narelle Hargreaves as the Official Visitors. Both Official Visitors were appointed to 2 October 2008.

This Disallowable Instrument re-appoints Ms Narelle Hargreaves and Ms Mary Risk Official Visitors from 2 October 2008 to 27 October 2008. This term is consistent with sub-section 41(3) of the Act stating that a person may be appointed as Official Visitor for a term not longer than three years. This short term period is required as on 27 October 2008, appointments will be made pursuant to the enacted *Children and Young People Act 2008*.

The appointees are not Public Servants and this Instrument makes an appointment to which the *Legislation Act 2001*, Division 19.3.3 applies. Accordingly, under the *Legislation Act 2001*, s229 the instrument is a Disallowable Instrument.

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, Training and Young People considered the appointments and on 16 June 2008 supported the appointment.

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*.