

AUSTRALIAN CAPITAL TERRITORY

INFANTS' CUSTODY AND SETTLEMENTS ORDINANCE 1956.

EXPLANATORY MEMORANDUM

No. 2 of 1956

At common law, the father had the sole right to the custody and control of his children. The Infants' Custody and Settlement Act, 1899 of New South Wales (which, in its application to the Territory, is repealed by this Ordinance), in effect, gave the mother equal rights in the case of infants under the age of sixteen years. The New South Wales Act was amended in 1934 to provide, in effect, that the father and mother shall have equal rights as regards custody of and access to any infant (that is, under the age of twenty-one years). An important provision was also added to the effect that, in regard to proceedings relating to the custody or upbringing of an infant, the administration of his property or the application of the income thereof, the court shall regard the welfare of the infant as the first and paramount consideration.

The Infants' Custody and Settlements Ordinance repeats the substance of the New South Wales law as it now stands.