

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

INFANTS' CUSTODY AND SETTLEMENTS (REPEAL) BILL 1995

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Attorney-General**

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Explanatory Memorandum

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OUTLINE

This Bill repeals the *Infants' Custody and Settlements Act 1956* by implementing a recommendation arising out of the Law Review Program conducted by the Attorney Generals Department. One purpose of this Review is to eliminate redundant and irrelevant laws. As a result of the *Family Law Amendment Act 1987*, which came into force on 1 April 1988, the Family Court of Australia was empowered to make orders about guardianship, custody and access with respect to all children, where previously the Court was restricted to making orders covering only children of a marriage. Since the expansion of the application of the Family Law Act to cover all children, the *Infants' Custody and Settlements Act 1956* has ceased to be used by practitioners.

**Short title and
Commencement**

Clauses 1 and 2

Clauses 1 and 2 are formal requirements. They refer to the short title of the Bill, and commencement of the Bill, which is to be on the day on which it is notified in the Gazette.

Repeal

Clause 3

This clause repeals the *Infants' Custody and Settlements Act 1956*. Any orders made under this Act remain effectual notwithstanding the repeal of the Act and can be given status under the *Family Law Act 1975*.