

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
CHILD WELFARE (SAVING AND VALIDATION) ORDINANCE 1987

No. 46 of 1987

Issued by Authority of the Minister of State for the Arts, Sport, the Environment, Tourism and Territories.

The Child Welfare Ordinance 1957 (the Principal Ordinance) deals with child welfare in the ACT. The Child Welfare (Amendment) Ordinance 1987 was intended to provide for a staged repeal of the provisions of the Principal Ordinance corresponding to the staged introduction of the Children's Services Ordinance 1986.

A notice of commencement dated 24 June 1987 brought into operation sections 3 and 4 of the Child Welfare (Amendment) Ordinance 1987 rather than section 3 and subsection 4 (1). The unintended effect of the notice was to repeal from 30 June 1987 not only Part VII of the Principal Ordinance but also other parts of the Principal Ordinance dealing, among other things, with the Children's Court, guardianship of children and the Director of Child Welfare.

The Child Welfare (Saving and Validation) Ordinance 1987 (the Ordinance) deems the repealed provisions to have continued in effect from 30 June 1987 until the end of the day preceding the date of commencement of the proposed Ordinance and deems them to continue in effect until a date fixed by the Minister by notice in the Gazette. In addition it validates any act or thing done under the unintentionally repealed sections of the Principal Ordinance.

Details of the Ordinance are as follows:

Section 1 cites the Ordinance as the Child Welfare (Savings and Validation) Ordinance 1987.

Section 2 defines the "repealed provisions" as those provisions of the Principal Ordinance repealed by the commencement of subsection 4 (2) of the Child Welfare (Amendment) Ordinance 1987.

Section 3 is a saving and validation provision which has the following effect:

- Subsection 3 (1) deems the provisions of the Principal Ordinance unintentionally repealed by the commencement of subsection 4 (2) of the Child Welfare (Amendment) Ordinance 1987 on 30 June 1987 to have continued in effect from that date.
- Subsection 3 (2) saves any act or thing done under subsection 4 (2) of the Child Welfare (Amendment) Ordinance 1987 since 30 June 1987 and deems them to be saved until such time as they are subsequently repealed by notice in the Gazette.