

# Children and Young People (Official Visitor) Appointment 2012 (No 1)

## Disallowable instrument DI2012 - 72

made under the

*Children and Young People Act 2008*, section 38, Official Visitors – appointment

## EXPLANATORY STATEMENT

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Part 2.3 subsection 38(1) of the *Children and Young People Act 2008* (the Act) allows the Minister to appoint the Official Visitor. The Minister has undertaken all relevant steps to comply with the Act.

This Disallowable Instrument appoints Ms Narelle Hargreaves OAM as the Official Visitor for a period of three years from 8 May 2012. This term is consistent with sub-section 38(1) of the Act stating that a person may be appointed as Official Visitor for a term not longer than three years.

The appointee is not a Public Servant 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 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 20 March 2012 noted the information provided about the re-appointment and offered no specific recommendation.

This Disallowable Instrument is necessary to provide the appointee with statutory authority to perform the duties of the Children and Young People Official Visitor under the *Children and Young People Act 2008*.

Section 76 of the *Legislation Act 2001* allows for non-prejudicial commencement of an instrument retrospectively. This instrument is taken to have commenced on 8 May 2012 to extend the Official Visitor's appointment for a period of 3 years.