

EXPLANATORY STATEMENT

Subject: Immigration (Guardianship of Children)
Act 1946

Immigration (Guardianship of Children)
Regulations (Amendment)
1988 No.94

Section 12 of the Immigration (Guardianship of Children) Act 1946 (the Act) provides that the Governor-General may make regulations not inconsistent with the Act prescribing matters required or permitted by the Act.

Section 4A of the Act allows a "prescribed officer" to certify that a child is, or was, a non-citizen child and that the certificate is evidence of the fact so certified. A prescribed officer in regulation 3A of the Immigration (Guardianship of Children) Regulations is defined by reference to nominated positions in each of the States and internal Territories. This definition required amendment each time a State or Territory reviews its administrative arrangements.

As with the definition in regulation 3A, Regulation 3 of the Immigration (Guardianship of Children) Regulations defined "authority" for purposes of the Regulations by reference to nominated positions in each of the States and internal Territories. An amendment was likewise necessary when the administrative arrangements of the States or Territories were reviewed.

The regulations amended the Immigration (Guardianship of Children) Regulations to prescribe a generic definition for both "authority" in regulation 3 and "prescribed officer" in regulation 3A. This avoids the necessity of amending the regulations every time the State and/or Territories review their administrative arrangements.

The regulations commenced on the date of Gazettal.

Details of the regulations are as follows:

- . Regulation 1 omitted the current definition of "authority" and substituted a new definition which provides that an authority is a person who performs the functions in relation to welfare of children in a State or Territory and who occupies the position approved by the Minister.
- . Regulation 2 repealed regulation 3A and substituted a new definition to provide that a prescribed officer is an officer of the Commonwealth, State or Territory who performs functions in relation to the welfare of children and holding a delegation under sub-section 5(1) of the Act.

Authority: Section 12 of
the Immigration
(Guardianship of
Children) Act 1946