

# Law in the Australian Capital Territory

## Details

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Law in the Australian Capital Territory (ACT) needs to be understood in light of the history of the territory's governance. The ACT became a self-governing territory in 1989. Before 1989, laws in the ACT were made by federal (Commonwealth) Acts, or by Ordinances made by the Governor-General. From 1989, the ACT Legislative Assembly has been able to pass its own laws.

The Legislative Assembly of the ACT was formed in 1974, although self-government did not come until 1989, with the passage of the Australian Capital Territory (Self Government) Act 1988. The Legislative Assembly has most of the powers and responsibilities of an Australian state, although its law are subject to a federal right of veto (similar to the arrangement with the government in the Northern Territory).

From 1915 the ACT also had jurisdiction over the Jervis Bay Territory, including the Wreck Bay Aboriginal Community, and legal decisions regarding children and families in this area were made under ACT laws.

New South Wales (NSW) legislation is also relevant to the history of child welfare in the ACT. Under the Child Welfare Agreement Ordinance 1941 (made by the Commonwealth Government), when an ACT court committed a child to a state institution, the child could be transferred to NSW to a shelter in Sydney. Once the child was handed over, they became the responsibility of the state of New South Wales, and were dealt with under the NSW Child Welfare Act 1939. This meant the child could be placed in any NSW institution, or adopted, boarded out or apprenticed.

When the ACT became self-governing in 1989, any Ordinances that were made by the Commonwealth government before 1989 became known as Acts. For example, the Commonwealth passed the Adoption of Children Ordinance 1965. From 1989, this law became known as the Adoption of Children Act 1965.

## More info

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### Related Entries

#### Related Events

- [Transfer of children from Australian Capital Territory \(ACT\) and Norfolk Island to New South Wales \(NSW\) \(1941 - 1986\)](#)

#### Related Legislation

- [Adoption of Children Ordinance 1938, Commonwealth of Australia \(1938 - 1966\)](#)
- [Child Welfare Agreement Ordinance 1941, Commonwealth of Australia \(1941 - 1987\)](#)
- [Adoption of Children Ordinance 1940, Australian Capital Territory \(1940 - 1966\)](#)
- [Adoption of Children \(Amendment\) Ordinance 1983, Australian Capital Territory \(1983 - 1993\)](#)
- [Children and Young People Act 1999, Australian Capital Territory \(1999 - 2009\)](#)
- [Adoption of Children Ordinance 1949, Australian Capital Territory \(1949 - 1966\)](#)
- [Adoption of Children Act 1974, Australian Capital Territory \(1974 - 1993\)](#)
- [Neglected Children and Juvenile Offenders Ordinance 1949, Commonwealth of Australia \(1949 - 1958\)](#)

- [Child Welfare \(Amendment\) Act 1985, Australian Capital Territory \(1985 - 2000\)](#)
- [Child Welfare \(Amendment\) Ordinance \(No. 2\) 1979, Australian Capital Territory \(1979 - 1988\)](#)
- [Child Welfare \(Amendment\) Ordinance 1979, Australian Capital Territory \(1979 - 1988\)](#)
- [Child Welfare \(Amendment\) Ordinance 1982, Australian Capital Territory \(1983 - 1988\)](#)
- [Aborigines Welfare Repeal Ordinance 1965, Australian Capital Territory \(1965 - 1977\)](#)
- [Child Welfare \(Amendment\) Ordinance 1987, Australian Capital Territory \(1987 - 1988\)](#)
- [Child Welfare \(Saving and Validation\) Act 1987, Australian Capital Territory \(1987 - 1992\)](#)
- [Child Welfare Agreement Ordinance 1962, Australian Capital Territory \(1963 - 1987\)](#)
- [Australian Capital Territory \(Self-Government\) Act 1988, Australian Capital Territory \(1988 - current\)](#)
- [Child Welfare Ordinance 1962, Australian Capital Territory \(1962 - 1988\)](#)
- [Child Welfare Ordinance 1968, Australian Capital Territory \(1969 - 1988\)](#)
- [Child Welfare Ordinance 1969, Australian Capital Territory \(1969 - 1988\)](#)
- [Aborigines Welfare Ordinance 1954, Commonwealth of Australia \(1954 - 1965\)](#)
- [Child Welfare Ordinance 1971, Australian Capital Territory \(1971 - 1988\)](#)
- [Child Welfare Ordinance 1973, Australian Capital Territory \(1973 - 1988\)](#)
- [Juvenile Offenders Ordinance 1941, Commonwealth of Australia \(1941 - 1958\)](#)
- [Children and Young People \(Consequential Amendments\) Act 1999, Australian Capital Territory \(2000 - 2001\)](#)
- [Children and Young People \(Consequential Amendments\) Act 2008, Australian Capital Territory \(2008\)](#)
- [Children and Young People \(Death Review\) Amendment Act 2011, Australian Capital Territory \(2011\)](#)
- [Children and Young People \(Education and Care Services National Law\) Consequential Amendment Act 2011, Australian Capital Territory \(2011 - 2012\)](#)
- [Children and Young People Act 2008, Australian Capital Territory \(2008 - current\)](#)
- [Children and Young People \(Transition from Out-of-Home Care\) Amendment Act 2012, Australian Capital Territory \(2012\)](#)
- [Children's Services \(Amendment\) Act \(No.2\) 1991, Australian Capital Territory \(1991 - 2000\)](#)
- [Children's Services \(Amendment\) Act \(No.2\) 1999, Australian Capital Territory \(1999 - 2002\)](#)
- [Children and Young People Amendment Act \(No.2\) 2001, Australian Capital Territory \(2001\)](#)
- [Child Welfare Ordinance 1957, Australian Capital Territory \(1958 - 1988\)](#)
- [Adoption \(Consequential Amendments\) Act 1993, Australian Capital Territory \(1993 - 2000\)](#)
- [Children and Young People Amendment Act 2000, Australian Capital Territory \(2000\)](#)
- [Children and Young People Amendment Act 2001, Australian Capital Territory \(2001\)](#)
- [Children and Young People Amendment Act 2005, Australian Capital Territory \(2005\)](#)
- [Children and Young People Amendment Act 2006, Australian Capital Territory \(2006\)](#)
- [Children and Young People Amendment Act 2006 \(No. 2\), Australian Capital Territory \(2006\)](#)
- [Children and Young People Amendment Act 2007, Australian Capital Territory \(2007\)](#)
- [Children and Young People Amendment Act 2009, Australian Capital Territory \(2009\)](#)
- [Children and Young People Amendment Act 2010, Australian Capital Territory \(2010\)](#)
- [Children's Services \(Amendment\) Act 1991, Australian Capital Territory \(1991 - 2000\)](#)
- [Adoption Amendment Act 2009, Australian Capital Territory \(2009\)](#)
- [Children's Services \(Amendment\) Act 1994, Australian Capital Territory \(1994 - 2000\)](#)
- [Infants' Custody and Settlement Ordinance 1956, Australian Capital Territory \(1956 - 1995\)](#)
- [Children's Services \(Amendment\) Act 1996, Australian Capital Territory \(1996 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1997, Australian Capital Territory \(1997 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1998, Australian Capital Territory \(1998 - 2000\)](#)
- [Children's Services \(Amendment\) Act 1999, Australian Capital Territory \(1999 - 2000\)](#)
- [Deserted Wives and Children Ordinance 1932, Australian Capital Territory \(1932 - 1969\)](#)
- [Children's Services \(Amendment\) Ordinance \(No.2\) 1987, Australian Capital Territory \(1987 - 2000\)](#)
- [Children's Services \(Amendment\) Ordinance 1987, Australian Capital Territory \(1987 - 2000\)](#)
- [Children's Services \(Miscellaneous Amendments\) Act 1986, Australian Capital Territory \(1988 - 2001\)](#)
- [Adoption Amendment Act 2009 \(No. 2\), Australian Capital Territory \(2009 - 2010\)](#)
- [Children's Services \(Miscellaneous Amendments\) Amendment Act 1987, Australian Capital Territory \(1987 - 2001\)](#)
- [Children's Services Amendment Act 2000, Australian Capital Territory \(2000\)](#)
- [Infants' Custody and Settlements \(Repeal\) Act 1995, Australian Capital Territory \(1995 - 2000\)](#)
- [Adoption of Children Act 1965, Australian Capital Territory \(1966 - 1993\)](#)
- [Juvenile Offenders \(Detention\) Agreement Ordinance 1936, Australian Capital Territory \(1936 - 1938\)](#)
- [Juvenile Offenders \(Detention\) Ordinance 1936, Australian Capital Territory \(1936 - 1941\)](#)
- [Juvenile Offenders \(Probation\) Ordinance 1940, Australian Capital Territory \(1940 - 1958\)](#)

- [Juvenile Offenders \(Detention\) Ordinance 1935, Australian Capital Territory \(1935 - 1941\)](#)
- [Parentage Act 2004, Australian Capital Territory \(2004 - current\)](#)
- [Children and Young People Amendment Act 2010 \(No.2\), Australian Capital Territory \(2010\)](#)
- [Adoption of Children \(Amendment\) Act 1988, Australian Capital Territory \(1988 - 1993\)](#)
- [Children's Services \(Amendment\) Act 1988, Australian Capital Territory \(1988 - 2000\)](#)
- [Human Rights Act 2004, Australian Capital Territory \(2004 - current\)](#)
- [Information Privacy Act 2014, Australian Capital Territory \(2014 - current\)](#)
- [Children's Services Act 1986, Australian Capital Territory \(1987 - 2000\)](#)
- [Adoption Act 1993, Australian Capital Territory \(1993 - current\)](#)
- [Deserted Wives and Children Ordinance 1941, Australian Capital Territory \(1941 - 1969\)](#)
- [Maintenance Act 1968, Australian Capital Territory \(1969 - 1999\)](#)
- [Adoption of Children \(Amendment\) Act 1991, Australian Capital Territory \(1991 - 1993\)](#)
- [Adoption of Children \(Amendment\) Act 1979, Australian Capital Territory \(1979 - 1993\)](#)

## Resources

- ACT Government, Department of Regional Australia, Local Government, Arts and Sport, [Jervis Bay Territory Governance and Administration](#), No date

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