

Australian Capital Territory

Adoption Review Committee Appointment 2008 (No 1)

Disallowable Instrument DI2008–199

made under the

Adoption Act 1993, Part 3 Section 17 - Review of Chief Executive's Decision

EXPLANATORY STATEMENT

The Chief Executive, Department of Disability, Housing and Community Services, maintains a register of names of applicants seeking the placement of a child for the purpose of adoption. The Chief Executive may if she considers applicants are suitable persons, place the names of applicants on this register under the *Adoption Act 1993* (paragraph 16(1) (a)). If the Chief Executive considers that the applicants are not suitable persons she shall not place their names on the register (paragraph 16(2) (a)).

Section 17 of the *Adoption Act 1993* allows the Minister to appoint and convene a committee consisting of not more than three persons to review a decision of the Chief Executive where the Chief Executive has not placed the names of applicants on the register (paragraph 17(1) (a)) and the applicants have, in writing, requested that the decision be reconsidered. (paragraph 17(1) (b)).

On Division 19.3.3 of the *Legislation Act 2001* (the Act) requires appointments to be subject to Assembly consultation (section 228) and to be made by Disallowable Instrument (section 229). the 17 June 2008 a letter was received from Mary Porter AM MLA, in her capacity as Chair of the Standing Committee on Education, Training and Young People advising that that the Committee had considered the re-appointments and had no objection.

The appointees are not Public Servants 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.

This Disallowable Instrument seeks to appoint, Ms Linda Webb, and Mr Thomas Sutton as members of a review committee under subsection 17(1) of the *Adoption Act 1993* for a period of nine months from the date of notification. The Instrument is necessary to provide the appointees with statutory authority to perform the review of the Chief Executive's decision.

Subsection 17(2) of the *Adoption Act 1993* specifies that a person is not eligible to be appointed as a member of a review committee unless the Minister is satisfied that the person is 'not an officer of the administrative unit responsible for providing services

for children and young people under the *Children and Young People Act 1999* (paragraph 17(2)(a)) and ‘the person has appropriate qualifications or experience’ (paragraph 17(2)(b)). In this case, the Minister is satisfied that the appointees meet the conditions under subsection 17(2).