

2010

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

HEALTH LEGISLATION AMENDMENT BILL 2009

GOVERNMENT AMENDMENT

SUPPLEMENTARY EXPLANATORY STATEMENT

Presented by
Katy Gallagher MLA
Minister for Health

This government amendment is minor and technical in nature (refer to Assembly Standing Order 182A)

OVERVIEW

The government amendment to the Health Legislation Amendment Bill 2009 is to provide for transitional provisions to ensure that existing treatment orders can continue to be enforced.

DETAIL

Proposed new clause 10A

Page 4, line 18

Inserts a new Part 20, which provides the necessary transitional provisions to ensure that a person to whom a treatment order has been made under the sections of the repealed Part 9 of the *Drugs of Dependence Act 1989* can continue to be enforced notwithstanding the repeal of that Part. Definitions for 'commencement time' and 'old provisions' are provided at section 300 which, are necessary for the interpretation of the transitional provision at section 301. In addition, a two-year expiry provision is provided at subsection 302(1), to make it clear that these transitional provisions only continue until the expiration of all current treatment orders. Subsection 123(3) of the *Drugs of Dependence Act 1989* provides that treatment orders can only be made for a maximum period of two years. For clarity, subsection 302(2) makes it clear that section 88 of the Legislation Act 2001 applies so that the transitional provisions will continue to apply notwithstanding the repeal.