

**2017**

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

**GOVERNMENT AMENDMENT**

**STATUTE LAW AMENDMENT BILL 2016**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Gordon Ramsay MLA  
Attorney General**



## **Introduction**

This explanatory statement relates to a further amendment to the Statute Law Amendment Bill 2016 (the Bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

## **Purpose of the Bill**

The purpose of this Bill is to continue to enhance the ACT's statute book to ensure that it is of the highest standard. The Bill does this by amending Acts and regulations for statute law revision purposes only.

## **Purpose of the amendment**

An unintended consequence of the 2008 amendment was that references to 'adoption order' in then section 26 (the equivalent provision to current section 39L) no longer included references to adoption orders made under repealed laws. Section 39L gives the court power to make an order discharging an adoption order in certain circumstances. Because of the 2008 amendment, the court no longer has power to discharge an adoption order made under a repealed law. It is clear from the explanatory notes for the 2008 amendment that it was intended to be only technical in nature and not to change the substantive effect of the law.

The Bill revises section 39L to provide that a reference to 'adoption order' in that section includes a reference to an adoption order under a repealed law.

## **Human Rights considerations**

The amendment does not engage the *Human Rights Act 2004*.

## **Clause notes**

### **Amendment 1**

This amendment inserts new part 3.2A into the Bill, consisting of new clause 3.3A.

#### **Clause 3.3A - Section 39L (10), new definitions of *adoption order* and *repealed law***

The clause inserts new part 3.2A in schedule 3.

New part 3.2A amends the *Adoption Act 1993*, section 39L (10) to include new definitions of *adoption order* and *repealed law*.

The clause revises section 39L to provide that a reference to ‘adoption order’ in that section includes a reference to an adoption order under a repealed law.