



Australian Capital Territory

Court Procedures Amendment Rules 2022 (No 1)

Subordinate Law SL2022-2

We, the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 24 February 2022.

HELEN MURRELL

Chief Justice

MICHAEL ELKAIM

Judge

LISBETH CAMPBELL

Acting Chief Magistrate

GLENN THEAKSTON

Magistrate



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made under the

[Court Procedures Act 2004](#)

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J2021-988

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1 Name of rules

These rules are the *Court Procedures Amendment Rules 2022 (No 1)*.

2 Commencement

These rules commence on 1 March 2022.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 Rule 3005 (1), note 2, 1st dot point

omit

published in newspaper

substitute

published online

5 Rule 3006 heading

substitute

3006 Grant of representation—notice of intention to apply to be published online etc

6 Rule 3006 (1)

omit

in a daily newspaper circulating generally in the ACT

substitute

online on the ACT Supreme Court website

7 Rule 3010 (1) (l)

substitute

- (l) that notice of intention to make the application was published online on the ACT Supreme Court website, and the date the notice was published;

8 Rule 3010 (6) (d)

omit

published in newspaper

substitute

published online

9 Rule 3021 heading

substitute

3021 Reseal of foreign grant—notice of intention to apply to be published online etc

10 Rule 3021 (1)

omit

in a daily newspaper circulating generally in the ACT

substitute

online on the ACT Supreme Court website

11 Rule 3022 (1) (h)

substitute

- (h) that notice of intention to make the application was published online on the ACT Supreme Court website, and the date the notice was published;

12 Rule 3022 (1) (i)

omit

published in newspaper

substitute

published online

13 Rule 3156 (1) (b)

before

on behalf of

insert

if the order is for the adoption of a child or young person—

14 Rule 3156 (2)

omit everything before paragraph (a), substitute

- (2) The application for an order for the adoption of a child or young person must be—

15 New rule 3156 (3)

insert

- (3) The application for an order for the adoption of a person 18 years old or older must be supported by an affidavit in accordance with rule 3157A.

16 Rule 3157 heading

substitute

3157 Adoption order—supporting affidavit for application for adoption of child or young person

17 Rule 3157 (1)

omit everything before paragraph (a), substitute

- (1) An affidavit supporting an application for an adoption order for the adoption of a child or young person must be made by—

18 New rule 3157A

insert

3157A Adoption order—supporting affidavit for application for adoption of person 18 years old or older

- (1) An affidavit supporting an application for an adoption order for the adoption of a person 18 years old or older must be made by—
 - (a) the applicant; or
 - (b) for a joint application—each applicant jointly.
- (2) The affidavit must include a statement of the following:
 - (a) the age of the person to be adopted;
 - (b) whether consent in accordance with the requirements of the [Adoption Act](#) has been given;
 - (c) the nature of the relationship between the applicant and the person to be adopted;
 - (d) the nature of any physical, emotional, intellectual and educational care and support the person to be adopted has received from the applicant;
 - (e) the ordinary residence of the applicant and the person to be adopted;
 - (f) the applicant’s good reputation.
- (3) If the affidavit is made by 2 people jointly, a reference in subrule (2) to the applicant is a reference to each of them.

19 Rule 3158 (1)

after

for an adoption order

insert

for the adoption of a child or young person

20 Rule 3158 (1) (a), new note

insert

Note See the [Adoption Act](#), s 30 and the [Legislation Act](#), s 14 for requirements in relation to an instrument of consent to an adoption.

21 Rule 3159

substitute

3159 Adoption order—service of application on CYP director-general

- (1) This rule applies to an adoption order for the adoption of a child or young person.
- (2) If the applicant for the adoption order is not the CYP director-general or the principal officer of a private adoption agency, the applicant must serve a sealed copy of the application and stamped copies of the following documents on the CYP director-general not later than 28 days before the return date for the application:
 - (a) the affidavit under rule 3157 supporting the application;
 - (b) each document accompanying the application under rule 3158.

22 Rule 3160 (2)

after

adoption order

insert

for the adoption of a child or young person

23 Rule 3160 (3)

substitute

- (3) A person who files a notice of opposition to an application for an adoption order must serve a stamped copy of the notice on—
 - (a) the applicant or applicants for the adoption order; and
 - (b) if the application is for the adoption of a child or young person—the CYP director-general.
- (4) However, if the CYP director-general files the notice of opposition, the CYP director-general must serve a stamped copy of the notice on each person required to be served with the notice under the [Adoption Act](#), section 39B.

24 Rule 3201 (a)

substitute

- (a) if the application relates to an adopted child or young person—the CYP director-general; and

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 25 February 2022.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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