

## EXPLANATORY STATEMENT

Subordinate Law 2000 No. 23

Issued by the Authority of the Judges of the  
Supreme Court of the Australian Capital Territory

### Supreme Court Rules Amendment

The resident Judges of the Court (of whom there are four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court for regulating the practice and procedure of the Court pursuant to section 36 of the *Supreme Court Act 1933*.

These amendments to the Supreme Court Rules are consequential upon the repeal of the *Children's Services Act 1986* (the CSA) and the commencement of the *Children and Young People Act 1999* (the C&YP Act).

The C&YP Act was passed by the Legislative Assembly last year and is due to commence on 10 May 2000. When it commences, it will replace the CSA.

The C&YP Act revises the way services relating to children and young people are provided and the orders that may be made in relation to them. The "chief executive" exercises many of the functions and powers under the C&YP ACT rather than the Director of Family Services who exercised powers and functions under the CSA. Because of the definition of "chief executive" in the *Interpretation Act 1967*, and the fact that the C&YP act will be administered in part by the Department of Education and Community Services and in part by the Department of Justice and Community Safety, the term "chief executive" is defined in terms of a particular part of the C&YP Act.

These amendments amend the Supreme Court Rules dealing with adoption (Order 76) by replacing references to "the Director" with references to "the chief executive". The opportunity has also been taken to update language in the rules amended in accordance with drafting practice.