

Queensland



*Adoption of Children Act 1964*

# **ADOPTION OF CHILDREN REGULATION 1999**

**Reprinted as in force on 1 April 2003  
(includes commenced amendments up to 2003 SL No. 55)**

**Reprint No. 3A**

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# Queensland



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# **ADOPTION OF CHILDREN REGULATION 1999**

[as amended by all amendments that commenced on or before 1 April 2003]

## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Adoption of Children Regulation 1999*.

### **2 Dictionary**

The dictionary in schedule 2 defines particular words used in this regulation.

## **PART 2—ELIGIBILITY TO BE NAMED IN ADOPTION LIST, EXPRESSION OF INTEREST REGISTER OR ASSESSMENT REGISTER**

### *Division 1—Eligibility generally*

### **3 Application of div 1**

This division applies subject to division 2.

#### **4 Special Needs Children's Adoption List**

For section 13AA(4)(a)<sup>1</sup> of the Act, a person is ineligible to have the person's name entered in the Special Needs Children's Adoption List unless the person satisfies the following requirements—

- (a) the person must be resident or domiciled in Queensland;
- (b) the person must be an Australian citizen or married to an Australian citizen;
- (c) the person must not be suffering from a physical or mental condition, or have a physical or mental disability, to an extent that the person could not provide a high level of stable, long-term care for a child.

#### **6 Relative Children's Adoption List**

For section 13AA(4)(a) of the Act, a person is ineligible to have the person's name entered in the Relative Children's Adoption List unless the person satisfies the following requirements—

- (a) the person must be resident or domiciled in Queensland;
- (b) the person must be an Australian citizen or married to an Australian citizen;
- (c) the person must have been married for at least the past 2 years;
- (d) the person must have custody of the child in relation to whom the person has applied to become an adoptive parent.

#### **7 Expression of interest register and assessment register—non-resident children**

(1) Subsection (2) applies to a person whose name is entered in the expression of interest register and whose expression of interest relates to a non-resident child.

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<sup>1</sup> Section 13AA (Application for adoption of a special needs child or a child who is a relative) of the Act



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(2) For section 13AC(2)(a)<sup>2</sup> of the Act, the person is ineligible to have the person's name entered in the expression of interest register unless the person satisfies the following requirements—

- (a) the person must be resident or domiciled in Queensland;
- (b) the person must be an Australian citizen or married to an Australian citizen;
- (c) the person must not be suffering from a physical or mental condition, or have a physical or mental disability, to an extent that the person could not provide a high level of stable, long-term care for a child;
- (d) the person must have been married for at least the past 2 years;
- (e) there must not be more than 4 children in the custody of the person, the person's spouse<sup>3</sup> or both of them;
- (f) at the time the chief executive received the expression of interest—
  - (i) if neither the person nor the person's spouse is a previous adoptive parent—1 of them was less than 41 years and the other was less than 47 years;
  - (ii) if either the person or the person's spouse is a previous adoptive parent—1 of them was less than 43 years and the other was less than 47 years.

(3) Subsection (4) applies if—

- (a) a person has, in response to an invitation, expressed interest in being assessed as suitable to be a prospective adopter in relation to a non-resident child; and
- (b) the person's name is entered in the assessment register.

(4) For section 13E(2)(a)<sup>4</sup> of the Act, the person is ineligible to have the person's name remain in the assessment register unless the person satisfies the requirements mentioned in subsection (2).

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2 Section 13AC (Inclusion of person's name in expression of interest register) of the Act

3 The Act, section 6 (Definitions)

4 Section 13E (Ineligibility after person's name entered in assessment register) of the Act

**7A Expression of interest register and assessment register—certain other children**

(1) Subsection (2) applies to a person whose name is entered in the expression of interest register and whose expression of interest relates to a child, other than—

- (a) a child of whom the person is a relative; or
- (b) a non-resident child; or
- (c) a special needs child.

(2) For section 13AC(2)(a) of the Act, the person is ineligible to have the person's name entered in the expression of interest register unless the person satisfies the following requirements—

- (a) the person must be resident or domiciled in Queensland;
- (b) the person must be an Australian citizen or married to an Australian citizen;
- (c) the person must not be suffering from a physical or mental condition, or have a physical or mental disability, to an extent that the person could not provide a high level of stable, long-term care for a child;
- (d) the person or the person's spouse must be infertile;
- (e) the person must have been married for at least the past 2 years;
- (f) there must not be more than 1 child in the custody of the person, the person's spouse or both of them;
- (g) at the time the chief executive received the expression of interest—
  - (i) if the person or the person's spouse has custody of a child—the person was less than 40 years; or
  - (ii) otherwise—the person was less than 36 years.

(3) Subsection (4) applies if—

- (a) a person has, in response to an invitation, expressed interest in being assessed as suitable to be a prospective adopter in relation to a child, other than—
  - (i) a child of whom the person is a relative; or
  - (ii) a non-resident child; or

(iii) a special needs child; and

(b) the person's name is entered in the assessment register.

(4) For section 13E(2)(a) of the Act, the person is ineligible to have the person's name remain in the assessment register unless the person satisfies the requirements mentioned in subsection (2).

### *Division 2—Eligibility in special circumstances*

## **8 Eligibility of person habitually resident in a convention country**

To be eligible to have the person's name entered in an adoption list or the expression of interest register, or remain in the assessment register, a person who is habitually resident in a convention country is not required to be resident or domiciled in Queensland.

## **9 Eligibility of person seeking adoption order under s 12(3) of the Act**

(1) This section applies to a person seeking an adoption order mentioned in section 12(3)<sup>5</sup> of the Act.

(2) If the person's name is entered in the Relative Children's Adoption List, the requirement mentioned in section 6(c) does not apply to the person.

(3) Subsections (5) and (6) apply if the person's name is entered in the expression of interest register and the person's expression of interest relates to a non-resident child.

(4) Subsections (5) and (6) also apply if—

(a) the person has, in response to an invitation, expressed interest in being assessed as suitable to be a prospective adopter in relation to a non-resident child; and

(b) the person's name is entered in the assessment register.

(5) The requirements mentioned in section 7(2)(d) to (f) do not apply to the person.

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5 Section 12 (Persons in whose favour adoption orders may be made) of the Act

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**(6)** In addition to satisfying the requirements mentioned in section 7(2)(a) to (c), the person must satisfy each of the following requirements—

- (a) the person must not have more than 4 children in the person's custody;
- (b) if the person is not a previous adoptive parent—the person must have been less than 41 years at the time the chief executive received the person's expression of interest;
- (c) if the person is a previous adoptive parent—the person must have been less than 43 years at the time the chief executive received the person's expression of interest.

**(7)** Subsections (9) and (10) apply if the person's name is entered in the expression of interest register and the person's expression of interest relates to a child, other than—

- (a) a child of whom the person is a relative; or
- (b) a non-resident child; or
- (c) a special needs child.

**(8)** Subsections (9) and (10) also apply if—

- (a) the person has, in response to an invitation, expressed interest in being assessed as suitable to be a prospective adopter in relation to a child, other than—
  - (i) a child of whom the person is a relative; or
  - (ii) a non-resident child; or
  - (iii) a special needs child; and
- (b) the person's name is entered in the assessment register.

**(9)** The requirements mentioned in section 7A(2)(e) to (g) do not apply to the person.

**(10)** In addition to satisfying the other requirements mentioned in section 7A(2)(a) to (d), the person must satisfy each of the following requirements—

- (a) the person must not have more than 1 child in the person's custody;

- (b) if the person has custody of a child—the person must have been less than 40 years at the time the chief executive received the person’s expression of interest;
- (c) if the person does not have custody of a child—the person must have been less than 36 years at the time the chief executive received the person’s expression of interest.

### **PART 3—ASSESSMENT**

#### **10 Matters to have regard to for assessment—Act, s 13C(b)**

This part sets out the matters to which the chief executive must have regard when making an assessment, under section 13B<sup>6</sup> of the Act, about a person named in an adoption list or the expression of interest register.

#### **11 Persons named in an adoption list or the expression of interest register—general matters**

For a person named in an adoption list or the expression of interest register, the chief executive must have regard to the following matters—

- (a) if the person is married—the quality of the marriage, including its stability;
- (b) the person’s capacity to be an adoptive parent, including—
  - (i) the person’s emotional capacity and other personal qualities; and
  - (ii) the person’s financial stability and other financial capacity; and
  - (iii) the person’s capacity to ensure a child’s safety and wellbeing; and
  - (iv) any other matter relevant to the person’s capacity to provide for a child’s emotional, physical, educational, recreational and social needs;

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6 Section 13B (Chief executive’s assessments) of the Act

- (c) the person's attitudes to, and understanding of—
  - (i) children and their physical and emotional development; and
  - (ii) the responsibilities and duties of parenthood; and
  - (iii) the issues relevant to adoptive parenting, including issues about informing a child of his or her adoption; and
  - (iv) the significance of an adopted child's natural parents and their families;
- (d) if the person's application to become an adoptive parent, or expression of interest, relates to a child of a particular indigenous, ethnic or cultural background—the person's ability and willingness to understand the child's background and to develop or maintain the child's indigenous, ethnic or cultural identity;
- (e) the extent of the person's participation in educational programs relevant to adoption, including any programs conducted by the chief executive.

### **13 Persons named in the Relative Children's Adoption List**

For a person named in the Relative Children's Adoption List, the chief executive must have regard to the following matters relating to the child in relation to whom the person has applied to become an adoptive parent—

- (a) the nature of the person's relationship with the child;
- (b) the circumstances in which the person obtained custody of the child;
- (c) the likely effect on the child of separating the child from a parent, sibling or other person with whom the child is, or has been, living;
- (d) if there is a natural parent who does not have custody of the child—the parent's views on the making of an adoption order in favour of the person, so far as the chief executive is reasonably able to obtain those views.

### **14 Persons named in the expression of interest register**

(1) This section applies to a person named in the expression of interest register.

(2) If the person's expression of interest relates to a non-resident child residing in a particular country, the chief executive must have regard to the following matters—

- (a) the person's understanding of, and interest in, the country and its culture;
- (b) if an adoptive child from the country were placed with the person, the person's ability and willingness—
  - (i) to continue to learn about the country and its culture; and
  - (ii) to help the child learn about the country and its culture.

(3) If the person's expression of interest relates to a child, other than a child of whom the person is a relative, or a non-resident or special needs child, the chief executive must have regard to the person's adjustment to, and acceptance of, the infertility of the person or the person's spouse.

(4) In having regard to the matters mentioned in subsection (3), the chief executive must have regard to whether the infertile person is pursuing fertility treatment.

## **PART 4—PROCEDURAL MATTERS**

### *Division 1—Dealing with applications, expressions of interest and assessments*

#### **15 Application fee**

(1) An application by a person to become an adoptive parent and to have the person's name entered in an adoption list must be accompanied by the relevant fee specified in schedule 1.

(2) However, the fee is not payable if the application is made by a person whose name is or, within 1 month before the date of the application, was included in a similar list kept by a person approved for the purposes of the law of another State or a Territory of the Commonwealth.

**15A Fee for expression of interest**

(1) An expression of interest made by a person in response to an invitation must be accompanied by the expression of interest fee.

(2) However, the fee is not payable if the expression of interest is made by a person whose name is or, within 1 month before the date of the expression of interest, was included in a register, similar to the expression of interest register, kept by a person approved for the purposes of the law of another State or a Territory of the Commonwealth.

**16 Assessment fee**

(1) A person named in an adoption list or the expression of interest register must pay, within the reasonable time required by the chief executive, the relevant fee specified in schedule 1 for an assessment under section 13B of the Act.

(2) The chief executive must not carry out the assessment before receiving the fee.

**17 Provision of relevant documents or information**

(1) A person who has applied to become an adoptive parent must give the chief executive, on request, any document or information the chief executive reasonably requires to—

- (a) consider the person's eligibility to have the person's name entered in an adoption list; or
- (b) make an assessment, under section 13B<sup>7</sup> of the Act, about the person.

(2) A person who, in response to an invitation, has expressed interest in being assessed as suitable to be a prospective adopter must give the chief executive, on request, any document or information the chief executive reasonably requires to—

- (a) consider the person's eligibility to have the person's name entered in the expression of interest register; or
- (b) make an assessment, under section 13B of the Act, about the person; or

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<sup>7</sup> Section 13B (Chief executive's assessments) of the Act



- (c) consider the person's eligibility to have the person's name remain in the assessment register.

(3) The chief executive may, for example, ask the person for any of the following—

- (a) a copy of the person's birth certificate;
- (b) a deed poll or other evidence of a change of the person's name;
- (c) a copy of the person's marriage certificate;
- (d) a copy of a certificate evidencing the person's citizenship;
- (e) a document evidencing a decree of dissolution of a marriage of the person;
- (f) if the person has applied to become an adoptive parent in relation to a particular child—a document evidencing a parenting order under the *Family Law Act 1975* (Cwlth) or a similar order relating to the child;
- (g) a medical report addressing the person's infertility or another matter concerning the person's physical or mental health;
- (h) a reference from a stated person or member of a stated class of persons.

## **18 Notice of change in circumstances**

(1) This section applies if—

- (a) a person's name is entered in an adoption list; and
- (b) the person has given information to the chief executive about a matter; and
- (c) new information about the matter arises or there is a change in the information given; and
- (d) the new or changed information is relevant to—
  - (i) a decision about the person's eligibility to have the person's name entered in the relevant adoption list; or
  - (ii) an assessment, under section 13B of the Act, about the person.

(2) Also, this section applies if—

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- (a) a person's name is entered in the expression of interest register; and
- (b) the person has given information to the chief executive about a matter; and
- (c) new information about the matter arises or there is a change in the information given; and
- (d) the new or changed information is relevant to—
  - (i) a decision about the person's eligibility to have the person's name entered in the expression of interest register; or
  - (ii) an assessment, under section 13B of the Act, about the person.

**(3)** In addition, this section applies if—

- (a) a person's name is entered in the assessment register; and
- (b) the person has given information to the chief executive about a matter; and
- (c) new information about the matter arises or there is a change in the information given; and
- (d) the new or changed information is relevant to—
  - (i) a decision about the person's eligibility to have the person's name remain in the assessment register; or
  - (ii) an assessment, under section 14<sup>8</sup> of the Act, about the person.

**(4)** The person must immediately give the new or changed information to the chief executive.

### **19 Address for notice of revocation of consent—Act, s 22(2)**

The address prescribed for sending a notice to the chief executive under section 22(2) of the Act is GPO Box 806, Brisbane Q 4001.

***Division 2—Removal from adoption list, expression of interest register or assessment register*****20 Withdrawal of application**

(1) A person who has applied to become an adoptive parent may withdraw the application by written notice given to the chief executive.

(2) On receiving the notice, the chief executive must remove the person's name from the relevant adoption list.

**20A Withdrawal of expression of interest**

(1) A person named in the expression of interest register may withdraw the person's expression of interest by written notice given to the chief executive.

(2) On receiving the notice, the chief executive must remove the person's name from the expression of interest register.

**20B Notice asking for removal from assessment register**

(1) A person named in the assessment register may give the chief executive a written notice asking the chief executive to remove the person's name from the assessment register.

(2) On receiving the notice, the chief executive must remove the person's name from the assessment register.

**21 Removal from Special Needs Children's Adoption List—Act, s 13B(9)**

The time prescribed for section 13B(9) of the Act is 2 years from the time the person applied to the chief executive to become an adoptive parent.

**22 Removal if chief executive satisfied person no longer wishes to become an adoptive parent**

(1) The chief executive may remove a person's name from an adoption list, or the expression of interest register or assessment register, if the chief

executive is reasonably satisfied the person no longer wishes to become an adoptive parent.

(2) Without limiting subsection (1), the chief executive may be reasonably satisfied that a person no longer wishes to become an adoptive parent if the chief executive—

- (a) sends a letter to the person, at the last address for the person known to the chief executive, asking the person to give the chief executive a written notice confirming that the person still wishes to become an adoptive parent; and
- (b) does not receive a reply from the person within 30 days after sending the letter; and
- (c) makes reasonable enquiries about the person's current address; and
- (d) if, on making the enquiries, the chief executive learns of a different address for the person—
  - (i) sends the letter mentioned in paragraph (a) to the address; and
  - (ii) does not receive a reply from the person within 30 days after sending the letter; and
- (e) sends another letter (the “**final letter**”) to the person, at the last address for the person known to the chief executive, stating that, if the person does not give the chief executive a written notice confirming that the person still wishes to become an adoptive parent, by a stated day not less than 30 days after the date of the letter, the chief executive will remove the person's name from the relevant adoption list or the expression of interest register or assessment register; and
- (f) does not receive a reply from the person to the final letter by the stated day.

### **23 Notice of removal of person's name from adoption list, expression of interest register or assessment register**

(1) This section applies if the chief executive, under sections 20 to 20B or section 22, removes a person's name from an adoption list or the expression of interest register or assessment register.

(2) The chief executive must give the person a written notice of the removal.

(3) However, the chief executive is not required to give the person the notice if the chief executive can not find the person, after making reasonable inquiries.

### ***Division 3—Recording of adoption orders and related matters***

#### **24 Registration of orders—Act, ss 54 and 57**

(1) This section applies to the registrar general in complying with section 54(3)<sup>9</sup> of the Act—

- (a) on receiving from the chief executive, under section 54(1) of the Act, a memorandum of an adoption order; or
- (b) on receiving from the registrar of the Supreme Court, under section 54(2) of the Act, a copy of an order for the discharge of an adoption order.

(2) Also, this section applies to the registrar general in complying with section 57<sup>10</sup> of the Act on receiving—

- (a) a memorandum or copy of an adoption order; or
- (b) a memorandum or copy of an order discharging an adoption order; or
- (c) an original or copy of an order or record of adoption; or
- (d) an original or copy of a rescission of an adoption.

(3) The registrar general must make the entries in, alterations to, and notations on, the adopted children register and the register of births, and the indexes to those registers, that the registrar general considers appropriate to evidence the adoption, discharge or rescission.

(4) The registrar general must ensure the appropriate entries, alterations, and notations are also made for any relevant registers or indexes held by a district registrar.

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9 Section 54 (Registration of orders) of the Act

10 Section 57 (Particulars of orders received from other States and countries) of the Act

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(5) On receiving a document mentioned in subsection (2)(a) or (c), the registrar general must also prepare a schedule, in the approved form, from the information contained in the document.

(6) If an adoption order is made under the Act in relation to a person born in a jurisdiction outside Queensland, the registrar general must give a copy of the order to the appropriate officer responsible for recording births in the jurisdiction.

(7) On receiving a document relating to an order for the discharge of an adoption order, the registrar general must give a copy of the document—

- (a) if the adoption order was made under the Act—to the chief executive; and
- (b) if the order relates to a person whose birth is registered in a jurisdiction outside Queensland—to the appropriate officer responsible for recording births in the jurisdiction.

(8) The registrar general is not required to comply with subsection (6) or (7)(b) to the extent compliance would be impracticable in all the circumstances.

## **25 Corrections of entries**

(1) The registrar general or chief executive may make any necessary corrections to the recording of an adoption order, including by amending a document or making, amending or omitting an entry in an adoption register.

(2) If a correction is made under subsection (1), the registrar general must make any necessary correction to the register of births.

## **PART 5—APPLICATION FOR INFORMATION, CERTIFICATES ETC.**

### **26 Application for identifying information**

(1) An application for the disclosure of information under section 39B of the Act must be accompanied by the relevant fee specified in schedule 1.

(2) The chief executive must refund any fee paid by a person for the disclosure of information if the person is not entitled to have the chief executive disclose the information to the person under section 39B of the Act.

## **27 Searches and copies**

(1) A person may make any of the following applications to the registrar general—

- (a) in relation to an adoption order, or a memorandum or copy of an adoption order, entered in the adopted children register—
  - (i) if there is a schedule to the order, memorandum or copy—an application for a certificate, in the approved form, containing the particulars stated in the schedule; or
  - (ii) otherwise—an application for a certificate, in the approved form, containing the particulars stated in the order, memorandum or copy;
- (b) in relation to the register kept by the registrar general titled ‘Record of Children whose Births have been registered in the State of Queensland and who have been transferred under Deed of Adoption’—an application for a certificate, in the approved form, containing the information about an adoption recorded in the register;
- (c) an application for the registrar general to search the adoption registers for information that would be contained in a certificate mentioned in paragraph (a) or (b);
- (d) an application for an extract from an entry in an adoption register, containing the particulars that, under the Registration Act, the extract is required to contain.

(2) The application must be accompanied by the relevant fee prescribed under the Registration Act.

(3) Section 22<sup>11</sup> of the Registration Act applies to the application as if it were made under that Act.

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11 *Registration of Births, Deaths and Marriages Act 1962*, section 22 (Searches and copies)

(4) Subject to section 39C<sup>12</sup> of the Act, a person is not entitled to search, or to obtain a copy of, or extract from, an entry relating to an adopted person in the register of births, other than under an order of the Supreme Court.

(5) In this section—

“**Registration Act**” means the *Registration of Births, Deaths and Marriages Act 1962*.

### **27A Persons who may apply for certified copy—Act, s 55A**

(1) For section 55A(2)(d) of the Act,<sup>13</sup> the following persons are prescribed—

- (a) if a guardian has been appointed for the relevant person under a law of the State or Commonwealth—the guardian;
- (b) if an administrator has been appointed under the *Guardianship and Administration Act 2000*,<sup>14</sup> section 14, for the relevant person—the administrator;
- (c) if a personal representative has been appointed for the relevant person—the personal representative;
- (d) an officer of or person acting for a law enforcement body;
- (e) a person who produces an order of a court of the State or Commonwealth requiring the registrar general to accept an application under section 55A(2) of the Act.

(2) A person prescribed under subsection (1)(a) to (c) must, at the time the application is made—

- (a) produce the instrument of appointment to the registrar general; and
- (b) show that the certified copy is required to discharge a function under the appointment.

(3) A person prescribed under subsection (1)(d) must, at the time the application is made—

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12 Section 39C (Entitlement to certain records etc.) of the Act

13 Section 55A (Certified copy or extract) of the Act

14 *Guardianship and Administration Act 2000*, section 14 (Appointment of 1 or more eligible guardians and administrators)



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- (a) produce documentary proof of the person's identity to the registrar general; and
- (b) show that the certified copy is required to discharge—
  - (i) a function of the law enforcement body; or
  - (ii) the person's duty as an officer of the law enforcement body.

*Example of documentary proof of an officer's identity—*

An identity card issued by a law enforcement body, with a photo of the officer, that states the officer's name, rank and registered number.

(4) If a court order is produced under subsection (1)(e), the registrar general must accept the application.

(5) If a document under subsection (2)(a) is a photocopy, the document must be certified by a qualified witness as being a correct copy of the document.

(6) In this section—

**“law enforcement body”** means—

- (a) the Queensland Police Service or a police service of another State; or
- (b) the Australian Federal Police; or
- (c) the Crime and Misconduct Commission; or
- (d) the Australian Crime Commission.

**“qualified witness”** means—

- (a) a barrister, solicitor or notary public; or
- (b) a commissioner for declarations; or
- (c) a justice of the peace.

## **PART 6—MISCELLANEOUS**

### **28 Access to registers**

The registrar general must ensure a person does not have access to a register kept under the Act unless the person is a public service employee, or other person, performing functions under or in relation to the administration of the Act.

### **29 Waiver of fees**

(1) The chief executive may waive payment of a fee for a person if the chief executive is satisfied payment of the fee by the person would impose unjustifiable hardship on the person.

(2) Subsection (1) does not apply to a fee payable under section 27.

### **30 Chief executive may approve forms**

(1) The chief executive may approve forms for use under the Act.

(2) The prescribed form for a purpose under the Act is the form approved for the purpose by the chief executive.

## **PART 7—TRANSITIONAL PROVISIONS**

### *Division 1—Provision for expired regulation*

### **31 Transitional—forms**

A form approved by the chief executive for a purpose under section 6 of the expired regulation is taken to have been approved for the purpose under section 30.

***Division 2—Provisions relating to Adoption of Children Amendment Act 2002*****32 Definitions for div 2**

In this division—

**“commencement”** means commencement of this section.

**“Foreign Children’s Adoption List”** means the Foreign Children’s Adoption List as it existed immediately before the commencement.

**“General Children’s Adoption List”** means the General Children’s Adoption List as it existed immediately before the commencement.

**33 Eligibility for certain persons to be named in the expression of interest register**

(1) This section applies if—

- (a) a person, before the commencement, made an application to become an adoptive parent and to have the person’s name entered in the General Children’s Adoption List or Foreign Children’s Adoption List; and
- (b) the person’s name has not been entered in the appropriate list before the commencement; and
- (c) the application is to be dealt with under section 71(2)(b)<sup>15</sup> of the Act.

(2) Despite section 7(2)(f), 7A(2)(g) or 9(6)(b) or (c) or (10)(b) or (c),<sup>16</sup> the requirement mentioned in the provision must have been satisfied at the time the chief executive received the application.

**34 Eligibility and other requirements for certain persons transferred to the expression of interest register or assessment register**

(1) This section applies if—

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15 Section 71 (Transfer of names from the General Children’s Adoption List or Foreign Children’s Adoption List) of the Act

16 Section 7 (Expression of interest register and assessment register—non-resident children), 7A (Expression of interest register and assessment register—certain other children) or 9 (Eligibility of person seeking adoption order under s 12(3) of the Act)

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- (a) immediately before the commencement, a person is named in the General Children's Adoption List or Foreign Children's Adoption List; and
- (b) information about the person was transferred—
  - (i) under section 71(3) or (4) of the Act, to the expression of interest register; or
  - (ii) under section 71(5) of the Act, to the assessment register.

(2) The person is taken to have, in response to an invitation, expressed interest in being assessed as suitable to be a prospective adopter.

(3) Despite section 7(2)(f), 7A(2)(g) or 9(6)(b) or (c) or (10)(b) or (c), the requirement mentioned in the provision must have been satisfied at the time the chief executive received the application.

**SCHEDULE 1****FEES**

sections 15, 15A, 16 and 26

	\$
<b>1.</b> For an application by a person to become an adoptive parent and have the person's name entered in the Special Needs Children's Adoption List—	
(a) application fee . . . . .	nil
(b) assessment fee . . . . .	nil
<b>2.</b> For an application by a person to become an adoptive parent and have the person's name entered in the Relative Children's Adoption List—	
(a) application fee . . . . .	53.00
(b) assessment fee . . . . .	146.30
<b>3.</b> For an expression of interest by a person, in response to an invitation, in being assessed as suitable to be a prospective adopter—	
(a) for a non-resident child—	
(i) expression of interest fee . . . . .	53.00
(ii) assessment fee . . . . .	2 000.00
(b) for a child, other than a child of whom the person is a relative, or a non-resident or special needs child—	
(i) expression of interest fee . . . . .	53.00
(ii) assessment fee . . . . .	487.30
<b>4.</b> Application for identifying information—	
(a) for an applicant receiving a prescribed Commonwealth pension . . . . .	nil
(b) for any other person . . . . .	50.00

**SCHEDULE 2****DICTIONARY**

section 2

**“adoption registers”** means—

- (a) the adopted children register; and
- (b) the register kept by the registrar general titled ‘Record of Children whose Births have been registered in the State of Queensland and who have been transferred under Deed of Adoption’.

**“approved form”** means a form approved under section 30.

**“Australian citizen”** means an Australian citizen under the *Australian Citizenship Act 1948* (Cwth), part 3.

**“commencement”**, for part 7, division 2, see section 32.

**“expired regulation”** means the *Adoption of Children Regulation 1988*.

**“Foreign Children’s Adoption List”**, for part 7, division 2, see section 32.

**“General Children’s Adoption List”**, for part 7, division 2, see section 32.

**“infertile”** means—

- (a) for a woman—
  - (i) an inability, for a reason beyond her control, to conceive; or
  - (ii) having a genetically transmitted disorder giving rise to a significant risk that, if she had a child, the child would not survive or the child’s health would be seriously impaired; or
  - (iii) having a condition giving rise to a significant risk that, if she fell pregnant, the child would not be carried until the child could be delivered alive; or
  - (iv) having a condition giving rise to a significant risk that, if she fell pregnant, she would not survive or her health would be seriously impaired; or

## SCHEDULE 2 (continued)

- (b) for a man—
- (i) an inability, for a reason beyond his control, to cause a woman to conceive; or
  - (ii) having a genetically transmitted disorder giving rise to a significant risk that, if he fathered a child, the child would not survive or the child's health would be seriously impaired.

**“non-resident child”** means a child resident in a country outside the Commonwealth and the Territories of the Commonwealth.

**“prescribed Commonwealth pension”** means a pension payable under a Commonwealth Act on the grounds of a person's age, physical impairment, service in the defence force or status as a single parent, widow or widower.

**“previous adoptive parent”** means a person in whose favour an adoption order in relation to a non-resident child has been made.

**“reasonably satisfied”** means satisfied on reasonable grounds.

## ENDNOTES

### 1 Index to endnotes

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2	Date to which amendments incorporated . . . . .	30
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 April 2003. Future amendments of the Adoption of Children Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered



## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

### TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	2 July 1999	12 July 1999
1A	to 2000 SL No. 128	1 July 2000	14 July 2000
2	to 2000 SL No. 128	1 July 2000	30 November 2001 (Column discontinued) Notes
2A	to 2002 SL No. 166	1 July 2002	R2A withdrawn, see R3
3	to 2002 SL No. 166	1 July 2002	
3A	to 2003 SL No. 55	1 April 2003	

## 5 List of legislation

### **Adoption of Children Regulation 1999 SL No. 161**

made by the Governor in Council on 1 July 1999  
notfd gaz 2 July 1999 pp 1223–4  
commenced on date of notification  
exp 1 September 2009 (see SIA s 54)

amending legislation—

### **Adoption of Children Amendment Regulation (No. 1) 2000 SL No. 128**

notfd gaz 23 June 2000 pp 652–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

### **Adoption of Children Amendment Regulation (No. 1) 2002 SL No. 166**

notfd gaz 28 June 2002 pp 876–83  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2002 (see s 2)

### **Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54**

**ss 1–3 sch**  
notfd gaz 28 March 2003 pp 1125–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 April 2003 (see s 2)

### **Discrimination Law (Sex) Amendment Regulation (No. 1) 2003 SL No. 55 pts 1–2**

notfd gaz 28 March 2003 pp 1125–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 April 2003 (see s 2)

**6 List of annotations****PART 2—ELIGIBILITY TO BE NAMED IN ADOPTION LIST, EXPRESSION OF INTEREST REGISTER OR ASSESSMENT REGISTER****pt hdg** sub 2002 SL No. 166 s 4**Special Needs Children's Adoption List****prov hdg** sub 2002 SL No. 166 s 5(1)**s 4** amd 2002 SL No. 166 s 5(2)**Foreign children's adoption list****s 5** om 2002 SL No. 166 s 6**Relative Children's Adoption List****prov hdg** sub 2002 SL No. 166 s 7(1)**s 6** amd 2002 SL No. 166 s 7(2)–(3)**Expression of interest register and assessment register—non-resident children****s 7** sub 2002 SL No. 166 s 8

amd 2003 SL No. 54 s 3 sch

**Expression of interest register and assessment register—certain other children****s 7A** ins 2002 SL No. 166 s 8**Eligibility of person habitually resident in a convention country****s 8** amd 2002 SL No. 166 s 9**Eligibility of person seeking adoption order under s 12(3) of the Act****s 9** sub 2002 SL No. 166 s 10**PART 3—ASSESSMENT****pt hdg** amd 2002 SL No. 166 s 11**Matters to have regard to for assessment—Act, s 13C(b)****s 10** sub 2002 SL No. 166 s 12**Persons named in an adoption list or the expression of interest register—general matters****prov hdg** sub 2002 SL No. 166 s 13(1)**s 11** amd 2002 SL No. 166 s 13(2)–(5)**Foreign children's adoption list****s 12** om 2002 SL No. 166 s 14**Persons named in the Relative Children's Adoption List****prov hdg** sub 2002 SL No. 166 s 15(1)**s 13** amd 2002 SL No. 166 s 15(2)–(4)**Persons named in the expression of interest register****s 14** sub 2002 SL No. 166 s 16**PART 4—PROCEDURAL MATTERS****Division 1—Dealing with applications, expressions of interest and assessments****div hdg** amd 2002 SL No. 166 s 17

**Application fee**

s 15 amd 2002 SL No. 166 s 18

**Fee for expression of interest**

s 15A ins 2002 SL No. 166 s 19

**Assessment fee**

s 16 amd 2002 SL No. 166 s 20

**Provision of relevant documents or information**

prov hdg amd 2002 SL No. 166 s 21(1)

s 17 amd 2002 SL No. 166 s 21(2)–(6)

**Notice of change in circumstances**

s 18 sub 2002 SL No. 166 s 22

**Division 2—Removal from adoption list, expression of interest register or assessment register**

div hdg amd 2002 SL No. 166 s 23

**Withdrawal of application**

s 20 amd 2002 SL No. 166 s 24

**Withdrawal of expression of interest**

s 20A ins 2002 SL No. 166 s 25

**Notice asking for removal from assessment register**

s 20B ins 2002 SL No. 166 s 25

**Removal from Special Needs Children’s Adoption List—Act, s 13B(9)**

s 21 sub 2002 SL No. 166 s 26

**Removal if chief executive satisfied person no longer wishes to become an adoptive parent**

prov hdg amd 2002 SL No. 166 s 27(1)

s 22 amd 2002 SL No. 166 s 27(2)–(7)

**Notice of removal of person’s name from adoption list, expression of interest register or assessment register**

s 23 sub 2002 SL No. 166 s 28

**Persons who may apply for certified copy — Act, s 55A**

s 27A ins 2003 SL No. 55 s 4

**PART 7—TRANSITIONAL PROVISIONS**

pt hdg ins 2002 SL No. 166 s 29

**Division 1—Provision for expired regulation**

div hdg ins 2002 SL No. 166 s 29

**Division 2—Provisions relating to Adoption of Children Amendment Act 2002**

div hdg ins 2002 SL No. 166 s 30

**Definitions for div 2**

s 32 ins 2002 SL No. 166 s 30

**Eligibility for certain persons to be named in the expression of interest register**  
s 33 ins 2002 SL No. 166 s 30

**Eligibility and other requirements for certain persons transferred to  
the expression of interest register or assessment register**  
s 34 ins 2002 SL No. 166 s 30

**SCHEDULE 1—FEES**

amd 2000 SL No. 128 s 4  
sub 2002 SL No. 166 s 31

**SCHEDULE 2—DICTIONARY**

def “**applicant**” om 2002 SL No. 166 s 32(1)  
def “**Australian citizen**” ins 2002 SL No. 166 s 32(2)  
def “**commencement**” ins 2002 SL No. 166 s 32(2)  
def “**Foreign Children’s Adoption List**” ins 2002 SL No. 166 s 32(2)  
def “**General Children’s Adoption List**” ins 2002 SL No. 166 s 32(2)  
def “**non-resident child**” ins 2002 SL No. 166 s 32(2)  
def “**previous adoptive parent**” sub 2002 SL No. 166 s 32