

Adoption Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 65

made under the

Adoption Act 2009

General Outline

Short title

Adoption Amendment Regulation (No. 1) 2015

Authorising law

Section 328 of the *Adoption Act 2009*

Policy objectives and the reasons for them

Adoption is a legal process that establishes a permanent parent-child relationship between a child and his or her adoptive parents. The Department of Communities, Child Safety and Disability Services (the Department) is the only agency authorised under the *Adoption Act 2009* to arrange for the adoption of children in Queensland, including the adoption of children from overseas by Queensland adults. Delivering these adoption services attracts considerable costs.

The fees for adoption services are set out in the *Adoption Regulation 2009*. This amendment regulation amends the fees in line with the *Queensland Government Principles for Fees and Charges* and will commence on 1 July 2015.

Even with the projected revenue from the increases in adoption fees, the Queensland Government will continue to meet the majority of the costs for the delivery of adoption services.

The indexation rate advised by Queensland Treasury for increases in government fees and charges from 1 July 2015 is 3.5 per cent.

Achievement of policy objectives

The *Adoption Amendment Regulation (No. 1) 2015* (Amendment Regulation) achieves its policy objectives by increasing prescribed fees under the *Adoption Regulation 2009* by 3.5 per cent from 1 July 2015.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with section 328 of the *Adoption Act 2009* which states that a regulation may be made by the Governor in Council under this Act and that such regulations may be made about fees for this Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The *Queensland Government Principles for Fees and Charges* requires agencies to have processes in place to ensure that their fees and charges maintain their value over time. Where regular comprehensive review is not cost effective or no specific indexation method was approved by the Cabinet Budget Review Committee, then agencies should apply the current Government indexation policy as advised by Queensland Treasury. This has been determined to be the most effective approach to achieve the policy objectives.

The rate of indexation applied in the Amendment Regulation aligns with the *Queensland Government Principles for Fees and Charges*.

Benefits and costs of implementation

The annual adjustment in adoption fees assists the Department to continue to meet the costs of providing quality adoption services, while maintaining an appropriate and sustainable fee structure. Under this fee structure, the Queensland Government continues to meet the majority of costs of delivering adoption services.

There will be no additional implementation costs to government in adjusting the adoption fee schedule.

To assist Queensland couples, the Department will continue to implement the adoption fees schedule for intercountry adoptions in two instalments, so as to stagger the payment of fees and to align the timing of such fees with actual events associated with the costs being incurred. In addition, there are no fees associated with making an expression of interest, participating in a reassessment (if required), or attending information or education sessions.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation, Queensland Competition Authority was consulted regarding the proposed fee increases.

Advice about adoption fees (including advice that the fees are subject to change) is communicated through the operations of the Department to parties interested in expressing interest to adopt. This advice includes information that is posted online. Advice is also provided through information sessions conducted by the Department for parties interested in expressing interest in the Queensland and/or Intercountry Children's Adoption Programs. Information sessions are provided on a regular basis for people wanting more information about adoption in Queensland.

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