

Adoption Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 76

made under the

Adoption Act 2009

General Outline

Short title

Adoption Amendment Regulation (No. 1) 2016

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 (DCCSDS) solely administers the *Adoption Act 2009* to arrange for the adoption of children in Queensland, including the adoption of children from overseas by Queensland adults. To deliver high quality adoption services attracts significant costs.

Sections 93(c), 112(1), 198(3) and 298(3) of the *Adoption Act 2009* provide for the payment of fees at various stages of the adoption process, including application, assessment and supervision. Adoption fees are prescribed in Schedule 2 of the *Adoption Regulation 2009*.

The *Queensland Government Principles for Fees and Charges* requires agencies to have processes in place to ensure that fees maintain their value over time. Where regular comprehensive review is not cost effective or no specific indexation method was approved by Cabinet Budget Review Committee, then agencies should apply the Government indexation rate for fees. The government indexation rate published in the *Financial Circular 2015-16* by Queensland Treasury for increases in fees from 1 July 2016 to 30 June 2017 is 3.5 per cent.

This amendment regulation increases fees by applying the government indexation policy in the *Queensland Government Principles for Fees and Charges* to adoption fees. Adoption fees have increased annually since 2009. The new adoption fees will commence on 1 July 2016.

Achievement of policy objectives

The amendment regulation maintains the value of prescribed fees in the Adoption Regulation 2009 through an increase to the 2015-16 adoption fees by 3.5 per cent. The adoption fees achieve the policy objectives, to maintain their value over time, by applying the Government index rate in compliance with the *Queensland Government Principles for Fees and Charges*.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Adoption Act 2009* to provide for the adoption of children by supporting efficient and accountable practices in the delivery of adoption services in Queensland.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The increase to adoption fees assists DCCSDS to continue to meet the costs to provide adoption services, while maintaining a proportionate and sustainable fee structure. The Queensland Government continues to meet the majority of costs to deliver adoption services.

There are no additional implementation costs to government in adjusting the adoption fees.

DCCSDS implements the adoption fees for intercountry adoptions in two instalments so as to stagger the payment of fees and to align the timing of fees with the events linked to costs incurred. There are no fees for parties that make an expression of interest, to participate in a reassessment (if one is required), or for 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 Productivity Commission, was consulted regarding the proposed adoption fee increases.

Advice about adoption fees (including advice that the fees are subject to change) is communicated by DCCSDS to parties interested in adoption. Advice is available online and is also provided through information sessions conducted by DCCSDS for people who are interested in expressing an interest in the Queensland local and/or intercountry adoption programs. DCCSDS provides information sessions on a regular basis for any people that want further information about the adoption of children in Queensland.