

# Adoption (Fee Unit Conversion) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 62

made under the

*Adoption Act 2009*

## General Outline

### Short title

*Adoption (Fee Unit Conversion) Amendment Regulation 2022*

### 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 their adoptive parent/s. The Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) administers the *Adoption Act 2009* (the Act) to enable the adoption of children in Queensland, including the adoption of children from overseas by Queensland adults. Part 14A of the Act is administered by the Department of Justice and Attorney-General.

The delivery of high-quality adoption services attracts significant costs. Sections 71(3), 93(c), 112(1), 198(3) and 298(3) of the Act provide for the payment of fees at various stages of the adoption process, including application, assessment and supervision and for the fees to be prescribed under a regulation. Adoption fees are prescribed in Schedule 2 of the *Adoption Regulation 2020* (the Regulation). The *Queensland Treasury Principles for Fees and Charges* requires agencies to have processes in place to ensure fees maintain their value over time. Fee increases by the Government Indexation Rate (GIR), occur annually, are routine and are not arbitrarily applied. These increases in fees are intended to maintain the value of the fees over time relative to the anticipated increase in associated costs.

From 1 July 2022, all fees captured by the Queensland Government's indexation policy (Principles for fees and charges Section 4.2) - i.e. those that are required to apply the GIR to index their fees - must be displayed as a number of fee units, not a dollar amount, in agencies' respective regulations, unless an exemption has been provided. The Fee Unit Model streamlines the annual process of indexing regulatory fees. It

provides for indexation of the fee unit rather than the amendment of the regulation each year. Sections 48B and 48C of the *Acts Interpretation Act 1954* (AIA) and its subordinate legislation provide for the fee unit model. Section 48C(1) of the AIA provides that an act may express a fee or other matter as a number (whether whole or fractional) of fee units. Section 48B of the AIA provides that the value (dollar amount) of the fee unit is prescribed by regulation and is subject to annual indexation. The current fee value is one dollar (\$1). The value of the fee unit will be updated by Treasury annually in line with the GIR.

The *Adoption (Fee Unit Conversion) Amendment Regulation 2022* (the Amendment Regulation) ensures that conversion of the fees and charges prescribed in the Regulation from dollar amounts to fee units commences as required by the *Queensland Treasury Principles for Fees and Charges* in Schedule 2 of the Regulation.

## **Achievement of policy objectives**

The Amendment Regulation maintains the value of prescribed fees in the Regulation by replacing the current dollar value with the equivalent fee unit. This achieves the policy objective to implement the fee unit model provided for in the AIA. Although there will be no change in the fees from the amendment at this time, the intent of the change is to enable the relevant fees to increase by the approved GIR in the future. Although there will be no change in the fees from the amendment at this time, the intent of the change is to enable the relevant fees to increase by the approved Government Indexation Rate in the future.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main objects of the Act, that is to provide for the adoption of children in a way that supports efficient and accountable practice in the delivery of adoption services in Queensland.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is consistent with the objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives of implementing the fee unit model in the Regulation other than by an amendment to Schedule 2.

## **Benefits and costs of implementation**

The Amendment Regulation will ensure that the fees and charges prescribed in the Regulation will be displayed as fee units as required by the *Queensland Treasury Principles for Fees and Charges*.

Adoption fees are discretionary expenses and are not part of the cost of living for the majority of Queensland residents. The Queensland Government subsidises the costs of

the suitable adoptive parent assessment process. Despite the small number of children requiring an adoptive placement, there is a high demand for assessments.

Any GIR increase to adoption fees assists DCYJMA to continue to meet the costs of providing adoption services, while maintaining a proportionate and sustainable fee structure. The Queensland Government continues to meet the majority of the costs of delivering adoption services.

There are no additional implementation costs to government of converting fees from dollar values to fee units.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with the fundamental legislative principles.

## **Consultation**

Consultation has not occurred with non-government stakeholders about this Amendment Regulation because the fees have not changed. Adoption stakeholders, comprising the Local Adoption Support Group and the International Adoptive Families of Queensland, will be informed of changes to the fees as part of ongoing stakeholder engagement. Adoption fees are published on the Queensland Government's website.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the Amendment Regulation.

DCYJMA applied self-assessed exclusion category (a) - exclusion from regulatory impact analysis on the basis that the Amendment Regulation makes consequential amendments.