

# Adoption (Fees) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 74

made under the

*Adoption Act 2009*

## General Outline

### Short title

*Adoption (Fees) Amendment Regulation 2021*

### 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.

The government indexation rate for fees and charges for 2021-22 is 1.7%, to be applied from 1 July 2021. The *Adoption (Fees) Amendment Regulation 2021* (the Amendment Regulation) increases fees in Schedule 2 of the Regulation by applying the government indexation policy in the *Queensland Treasury Principles for Fees and Charges* to adoption fees. Adoption fees have increased annually since 2009.

## **Achievement of policy objectives**

The Amendment Regulation maintains the value of prescribed fees in the Regulation by increasing the current fees by the Government Indexation Rate for 2021-22 of 1.7%. This achieves the policy objective to maintain their value over time, by applying the government indexation rate in compliance with the *Queensland Treasury Principles for Fees and Charges*.

## **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 increasing the fees in Schedule 2 of the Regulation other than by an amendment to the quantum of fees to reflect the government indexation rate.

## **Benefits and costs of implementation**

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 high demand for assessments.

The annual indexation increase to adoption fees assists the 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 adjusting the adoption fees. DCYJMA implements the adoption fees for intercountry adoptions in two instalments in order to stagger the payment of fees and align the timing of fees with the events linked to costs incurred. There are no fees for parties to 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 the fundamental legislative principles.

## Consultation

Consultation has not occurred with non-government stakeholders about this Amendment Regulation because the fee increase is a standard annual fee variation in accordance with the government indexation rate.

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 a self-assessed exclusion from regulatory impact analysis on the basis that the Amendment Regulation applies a standard annual fee variation in line with or below a government-endorsed indexation factor – category (h).