



Queensland

# Adoption Regulation 2020

## Subordinate Legislation 2020 No. 122

made under the

*Adoption Act 2009*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Adoption Regulation 2020*.

## **Part 2 Requirements about consent to adoption**

### **2 Requirement for sighting documents relating to proof of parent's identity—Act, s 18**

For section 18(2)(c) of the Act, the documents prescribed are the relevant identity documents under section 9 for the parent.

## **Part 3 Making expressions of interest**

### **3 Other requirements for expressing an interest—Act, s 71**

For section 71(1) of the Act, this part states the requirements with which a person must comply when expressing an interest under part 4, division 2 of the Act.

### **4 Requirement to demonstrate ability to provide personal care**

- (1) The person must demonstrate the person is aware it is ordinarily in a child's best interests to receive full-time care—
  - (a) provided personally by—
    - (i) the person with whom the child is placed; or
    - (ii) if the child is placed with a person and the person's spouse—the person or spouse; and
  - (b) for at least 1 year after the child is placed in the care of a person mentioned in paragraph (a).

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- (2) The person must give the chief executive details of the person's proposed, or expected, arrangements for the care of a child for at least the first year of the child's placement with the person.

## **5 Requirement to demonstrate financial capacity for intercountry adoption process**

- (1) This section applies if the person expresses an interest relating to an intercountry adoption.
- (2) The person must demonstrate the person has the financial capacity to meet the full cost of completing the adoption process within 3 years after the day the expression of interest is made.
- (3) For subsection (2), the full cost of completing the adoption process may include the following—
  - (a) fees as prescribed in schedule 2;
  - (b) fees payable in another country to an entity associated with the adoption;
  - (c) fees payable in relation to a child's migration to Australia;
  - (d) costs related to the translation of documents;
  - (e) costs of having documents notarised and couriered between countries;
  - (f) costs of travel to, and accommodation in, another country to take custody of a child.
- (4) If the person makes the expression of interest jointly with the person's spouse, the person and the spouse may demonstrate joint financial capacity for subsection (2).

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## Part 4 **Assessment of prospective adoptive parents**

### 6 **Other matters for deciding suitability of step-parent—Act, s 133**

- (1) This section applies in relation to an assessment, under part 6 of the Act, of a person (a *step-parent*) who applies to arrange an adoption of a child of the person's spouse after a parent of the child dies.
- (2) For section 133 of the Act, the other matters prescribed are—
  - (a) if the family of the deceased parent can be located at the time of the proposed adoption—the family's views about the adoption; and
  - (b) the step-parent's attitudes to, and understanding of, the significance to the child of—
    - (i) the deceased parent; and
    - (ii) the deceased parent's family; and
    - (iii) maintaining a relationship with the deceased parent's family.

## Part 5 **Access to adoption information**

### 7 **Documents to be produced for making request for information—Act, s 254**

For section 254(1)(b) of the Act, the documents prescribed are the relevant identity documents under section 10 for the person.

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## **8 Documents to be produced for notice of intention to take part in mailbox service—Act, s 283**

For section 283(1)(b) of the Act, the documents prescribed are the relevant identity documents under section 10 for the person.

# **Part 6 Relevant identity documents**

## **9 What are *relevant identity documents* for parents**

- (1) The *relevant identity documents*, for the witnessing of a parent's consent under section 18 of the Act, are—
  - (a) 2 documents that are either—
    - (i) a document mentioned in schedule 1; or
    - (ii) another document the witness considers provides sufficient evidence of the parent's proof of identity; and
  - (b) if the parent's full name appearing on either of the 2 documents is different from the parent's current name— a document the witness considers provides sufficient evidence of the parent's change of name.

*Examples of a document for paragraph (b)—*

a marriage certificate, deed poll or change of name certificate

- (2) However, the documents are relevant identity documents only if they comply with the requirements under section 11.

## **10 What are *relevant identity documents* for particular persons**

- (1) The *relevant identity documents*, for a person making a request under section 254 of the Act or giving a notice under section 283 of the Act, are—
  - (a) 2 documents that are either—
    - (i) a document mentioned in schedule 1; or

- (ii) another document the chief executive considers provides sufficient evidence of the person's identity; and
  - (b) if the person's full name appearing on either of the 2 documents is different from the person's current name—a document the chief executive considers provides sufficient evidence of the person's change of name.  
*Examples of a document for paragraph (b)—*
    - a marriage certificate, deed poll or change of name certificate
- (2) However, the documents are relevant identity documents only if they comply with the requirements under section 11.

## 11 Requirements for relevant identity documents

- (1) For section 9(2) and 10(2), the requirements are as follows—
- (a) each document must be an original document or a certified copy of an original document;
  - (b) each document must be—
    - (i) written in English; or
    - (ii) accompanied by a certified translation of the original document;
  - (c) the documents must, between them, contain information sufficient to determine the person's current full name, date of birth and signature.
- (2) In this section—

*certified copy*, of an original document, means a copy of the document certified by a qualified witness as being a true copy of the original document.

*certified translation*, of a document written in a language other than English, means a translation of the document into English by a translator whose certification states—

- (a) that the translation is correct; and
- (b) the following details for the translator—

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- (i) the translator's full name and address;
- (ii) the translator's accreditation or qualifications for making the translation.

***qualified witness*** means any of the following persons—

- (a) an authorised person within the meaning of section 18 of the Act;
- (b) a commissioner for declarations;
- (c) a justice of the peace;
- (d) a lawyer or notary public;
- (e) a medical practitioner;
- (f) a police officer;
- (g) a public service employee employed in the department.

## **Part 7 Fees**

### **12 Fees**

The fees payable under the Act are stated in schedule 2.

### **13 Joint assessment of couples**

For the purpose of paying a fee prescribed in schedule 2, item 2, a couple is to be charged as a single person and not as 2 persons.

## **Part 8 Miscellaneous**

### **14 Entitlement to authorisation to obtain certificate, information or source document—Act, s 290**

- (1) For section 290(1)(c) of the Act, the following persons are prescribed—

- (a) if a guardian has been appointed for a relevant person—the guardian;
  - (b) if an administrator has been appointed under the *Guardianship and Administration Act 2000*, section 14 for a relevant person—the administrator;
  - (c) if a relevant person has died and a personal representative has been appointed for the relevant person's estate—the personal representative.
- (2) In this section—  
*relevant person* means a person mentioned in section 290(1)(a) or (b) of the Act.

**15 Other matter for evidentiary certificate—Act, s 312**

For section 312(3)(i), the matter prescribed is that the chief executive placed a stated child in the custody of stated prospective adoptive parents on a stated day.

## **Part 9 Repeal and transitional provision**

**16 Repeal**

The Adoption Regulation 2009, SL No. 303 is repealed.

**17 References to repealed regulation**

A reference in a document to the repealed *Adoption Regulation 2009* may, if the context permits, be taken to be a reference to this regulation.

## **Schedule 1      Relevant identity documents**

sections 9(1)(a)(i) and 10(1)(a)(i)

- 1 a birth certificate
- 2 a citizenship certificate
- 3 an Australian passport that is current or has been expired for less than 2 years
- 4 a current overseas passport
- 5 a current driver licence containing the person's photograph
- 6 a current photo identification card under the *Photo Identification Card Act 2008* (including a current adult proof of age card that continues in force under that Act as a photo identification card) or a corresponding card under the law of another jurisdiction
- 7 a current document evidencing the person's residency or visa status
- 8 a current Medicare card, pensioner concession card, health care card or another identification card issued by the Australian government as evidence of a person's entitlement to a benefit
- 9 a current positive notice blue card issued under the *Working with Children (Risk Management and Screening) Act 2000*
- 10 a current credit card, debit card or other account card from a financial institution that includes an embossed name and signature
- 11 a passbook or statement of account from a financial institution that is not more than 1 year old
- 12 a telephone, gas or electricity account that is not more than 1 year old
- 13 a rates notice from a local government that is not more than 1 year old

- 14 a current student identity card containing the person's photograph or signature issued by a school or another educational institution
- 15 a Queensland Government employee identity card containing the person's photograph
- 16 an Australian State police officer, Federal police officer or Australian Defence Force identity card containing the person's photograph
- 17 a current licence under the *Security Providers Act 1993* to carry out the functions of a crowd controller, private investigator or security officer
- 18 a current licence issued under the *Weapons Act 1990*

**Schedule 2      Fees**

section 12

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1    Fee for an application under section 92 of the Act (section 93(c) of the Act)	87.40
2    Fee for an assessment under part 6 of the Act, other than a reassessment under part 6, division 8 of the Act (section 112 of the Act)—	
(a) for an assessment requiring a decision under section 105 of the Act—	
(i) for a person selected under section 88 of the Act to be assessed for suitability to be an adoptive parent according to the likely need for local adoptions	709.95
(ii) for a person selected under section 88 of the Act to be assessed for suitability to be an adoptive parent according to the likely need for intercountry adoptions	5,099.35
(b) for an assessment requiring a decision under section 106 of the Act	nil
(c) for an assessment requiring a decision under section 107 of the Act	655.65
3    Fee for supervision of a child (section 198(3) or 298(3) of the Act)	2,185.50

ENDNOTES

- 1 Made by the Governor in Council on 1 July 2020.
- 2 Notified on the Queensland legislation website on 1 July 2020.
- 3 The administering agency is the Department of Child Safety, Youth and Women.

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