

Australian Capital Territory

## Adoption (Fees) Determination 2018 (No 2)

Disallowable instrument DI2018-267

made under the

**Adoption Act 1993, section 118 (Determination of Fees)**

### EXPLANATORY STATEMENT

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The *Adoptions Act 1993* (the Act) commenced operation on 1 July 1993. The Act provides the legal framework for adoptions in the ACT.

Section 118 of the Act provides for fees to be determined in respect of these services. Fees are charged in respect of Intercountry Adoption as this program is not viewed as a service to children of the ACT community. Fees assist in part reimbursement of the infrastructure necessary to maintain an overseas adoption program.

*"Known" child adoptions* are of children born or permanently residing in Australia who have a pre-existing relationship with the adoptive parent(s), such as step-parents, other relatives and carers.

Fees are charged for Step parent adoption as these services are viewed as non-essential as a range of alternative options are available to these children through Family Law provisions.

Fees are not charged for known adoptions when the child or young person is in out of home care.

There are five different Adoption fees:

**Intercountry Adoption** – this type of adoption is for families residing in the ACT wishing to adopt a child or children born overseas. Intercountry adoption attracts four of the components at four different stages of the process:

- Two day education seminar
- Intercountry adoption application
- Intercountry adoption private assessor
- Intercountry adoption post placement reports

**Step Parent or known Adoption** – this type of adoption is for families residing in the ACT wishing to adopt a relative or known child. Step parent or known adoption attracts only one fee:

- Step-parent / known adoption application and assessment

Under Division 81 Determinations of the GST legislation, adoption fees do not attract GST.

In accordance with Part 6.3 Legislation Act 2001 (Making of certain statutory instruments about fees), all mandatory conditions have been met. Applicable mandatory conditions are:

56 (5) the determination

(a) must provide by whom the fee is payable; (intercountry and step parent adoption applicants) and

(b) must provide to whom the fee is paid (Child and Youth Protection Services, Community Services Directorate).

Child and Youth Protection Services increased these ongoing fees and charges for the 2018-2019 financial years by the Wage Price Index of 4% in June 2018 (DI-2018/182).

	<u>Old Rate (17/18)</u>	<u>New Rate (18/19)</u>
• Administrative Fee	\$ 1,658.84	\$ 1,725.20
• Home Study	\$ 2,813.75	\$ 2,926.30
• Post Placement Visits and Reports	\$ 1,141.65	\$ 1,187.30
• Step Parent Reports	\$ 1,004.22	\$ 1,044.40
• Information Seminar	\$ 339.96	\$ 353.55

In order to improve communication and information about adoptions process, Child and Youth Protection Services have remove the current technical terminology on the Instrument to align with the publically available descriptors.

<u>Old descriptor</u>	<u>New descriptor</u>
Information Seminar	Two day education seminar
Administrative Fee	Intercountry adoption application
Home Study	Intercountry adoption private assessor
Post Placement Visits and Reports	Intercountry adoption post placement reports
Step Parent Reports	Step-parent / known adoption application and assessment