

Australian Capital Territory

Adoption (Fees) Determination 2008 (No 1)

Disallowable instrument DI2008-127

made under the

Adoption Act 1993, section 118 (Determination of Fees)

EXPLANATORY STATEMENT

The Adoptions Act 1993 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 Overseas 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.

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.

There are five different Adoption fees:

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

- Information Seminar
- Administrative
- Home Study
- Post Placement Visits and Reports

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

- Step Parent Fee

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 (Office for Children, Youth and Family Support, Department of Disability, Housing and Community Services).

The Office for Children, Youth and Family Support has increased these ongoing fees and charges for the 2008-2009 financial year by the Consumer Price Index (CPI) of 3.00%.

	<u>Old Rate (06/07)</u>	<u>New Rate (08/09)</u>
• Administrative Fee	\$1,250.00	\$1,323.00
• Home Study	\$2,119.00	\$2,243.00
• Post Placement Visits and Reports	\$860.00	\$910.00
• Step Parent Reports	\$757.00	\$801.00

The next fee has been increased by 100% due to a significantly increased cost of providing this service.

• Information Seminar	132.00	\$272.00
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The fees come into force the day after notification.