

Australian Capital Territory

Public Sector Management (Adoption) Delegation 2012 (No 1)*

Notifiable Instrument NI2012-330

Adoptions Act 1993 – Office for Children, Youth and Family Support

Instrument of Delegation

made under the

Public Sector Management Act 1994, section 36C (Delegation by Directors-General)

Pursuant to section 36C of the *Public Sector Management Act 1994*, I delegate to the public sector officers occupying the positions or performing the functions as specified in the sub-columns of column 1 of the Schedule and whose position numbers are stated in the Table of Delegations, my powers under the provisions of the *Adoption Act 1993* specified in Column 3 of the Schedule.

I revoke all previous delegations made under the *Adoption Act 1993*.

Natalie Howson
Director-General
Community Services Directorate
24 June 2012

*Name amended under Legislation Act, s 60

Table of Delegations

Adoptions Act 1993

Care and Protection Services

| GROUP | DESCRIPTION | POSITION NUMBER |
|-------|---|---|
| A | Deputy Director-General, Community Services Directorate Executive Director, Office for Children, Youth & Family Support | Position No: E00268 Position no. E00386 |
| B | Director, Care and Protection Services | Position no. E00280 |
| C | Senior Manager, Care Senior Manager, Quality Practice and Compliance Senior Manager, Legal Services Senior Manager, Protection | Position no. P11847 Position no. P03004 Position no. P02789, Position no. P03847 |
| D | Manager Adoption and Permanent Care | Position no. P13738 |
| E | Team Leader, Adoptions and Senior Practitioners, Permanent Care | Position nos. P07526, T00370 P00030 |
| F | Adoptions Social Workers | Position nos. P00231, P05381, P12998, P16541,07448,P16565, P07869, P11619 |
| G | Adoptions Administrative Officer | Position nos. P07811, T00391 |
| H | Senior Court Officers and Court Officers, Legal Services Care and Protection Services | Position nos. P17714 P07517, P10948, P22914,P11631, P07817, |

SCHEDULE OF DELEGATIONS UNDER THE

ADOPTION ACT 1993

AND

ADOPTION REGULATIONS 1993

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| <p>A B C D E F</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Aboriginal and Torres Strait Islander child or young person – additional requirements. Identify Aboriginal or Torres Strait Islander people or organisations providing support to an Aboriginal or Torres Strait Islander child or young person or their family when a decision is being made under this Act in relation to the child or young person.</p> <p>section 6(b)</p> |
| <p>A B C D E</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Approval of people suitable to adopt</p> <p>Receive applications for approval to be registered as suitable for the placement of a child or young person for adoption;</p> <p>Approve the application or refuse to approve the application having regard to the criteria set out in 39F (1) (c) of this Act.</p> <p>section 18</p> |
| <p>A B C D</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Register of suitable people</p> <p>Maintain a register of people wishing to adopt who have been approved, people who have been refused or people whose approval has been withdrawn.</p> <p>Remove a person from the register if satisfied the person is no longer suitable having regard to section 39F (1) (c) or no longer resident in the ACT</p> <p>Provide the person with written notice of the removal</p> <p>section 19</p> |

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| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Information for certain parents considering consent Offer information and counselling in accordance with this section, to a parent who is considering consenting to the adoption of a child 28 days following the birth of a child or a parent under the age 18 years considering consenting to the adoption of a child; and ensure the parent has access to independent legal advice. section 27</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Revocation of consent Receive information from the registrar of the Court regarding a revocation of consent. Notify a person in writing when the period to revoke the consent to the adoption of a child ends. section 31</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Access during revocation period Provide written notice of a decision to refuse access to a child where consent has been provided to adoption section 32 (1)</p> |
| <p>A B C D E F</p> | <p>Subject: Powers and/or functions: Reference</p> | <p>Dispensing with consent t Make an application for to dispense with the consent of a person Provide a written report to the Court following an investigation of the basis of the application Make an application to revoke a dispensation of consent order section 35</p> |

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| <p>A B C D E F</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Placement of child or young person before adoption</p> <p>. Place a child or young person in the care of a person who is on the register of suitable people and meets other requirements of this section.</p> <p>Remove a child or young person from the care of a person with whom the child or young person has been placed under this section if the person is no longer on the suitable people register; the person is no longer considered suitable to adopt according to criteria set out in 39F (1) (c); or within a year of placement with a child or young person the person has not applied for an adoption order.</p> <p>section 35A (1) (2) (3)</p> |
| <p>A B C D E F</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Consultation with child or young person before deciding placement</p> <p>Provide a child or young person with information about the proposed placement; opportunity to express views and assistance in understanding the information and opportunity for counselling before deciding about the placement of the child or young person under section 35A of this Act.</p> <p>section 35B</p> |
| <p>A B C D E F</p> | <p>Subject:</p> <p>Powers and/or function:</p> <p>Reference:</p> | <p>Guardianship before adoption</p> <p>Exercise guardianship of the child or young person pending the making of an adoption order, the revocation of consent or a Court order is made regarding the guardianship of the child</p> <p>section 36 (1)</p> |

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| <p>A B C D E F</p> | <p>Subject:</p> <p>Powers and/or functions:</p> <p>Reference:</p> | <p>Guardianship of non citizen child or young person Exercise guardianship of a child or young person brought from outside of Australia for the purpose of adoption in the ACT, or adopted outside Australia if the adoption is not recognised under this Act</p> <p>section 37 (2)</p> |
| <p>A B C D E</p> | <p>Subject:</p> <p>Powers and/or functions:</p> <p>Reference:</p> | <p>Transfer of guardianship of child young person until adoption</p> <p>Declare the child or young person is under the guardianship of the director-general</p> <p>Exercise guardianship responsibilities for the child or young person until the child or young person turns 18 years, an adoption order is made or the court makes an order regarding the guardianship of the child or young person..</p> <p>Request of another State or Territory authority that they assume guardianship of the child or young person with a view to adoption in that State or Territory.</p> <p>Make financial arrangements with an authority referred to in subsection (1) or (4) while the child or young person is in the guardianship of the director-general or that authority.</p> <p>Make arrangements for the return of the child or young person who is under the guardianship of the director-general to his or her former custody.</p> <p>section 38 (1) (2) (4) (7) and (8)</p> |

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| A B C D E | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Review of status of child or young person released for adoption</p> <p>Apply to the court for an order when a child or young person when child or young person not been placed for adoption or adopted within a year of the required consent being given.</p> <p>section 39 (1)</p> |
| A B C D | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Report on proposed adoption Provision of a written report to the Court concerning the circumstances of the child or young person; and information about the proposed adoption and an adoption plan.</p> <p>section 39D (</p> |
| A B C D E F | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Notification to the director- general of adoption order</p> <p>Receive in writing from the Registrar of the Court the making of an adoption order.</p> <p>section 39J</p> |
| A B C D | <p>Subject:</p> <p>.Power and/or function:</p> <p>Reference:</p> | <p>Discharge of adoption order Apply as a prescribed person for the Court to make an order discharging an adoption order</p> <p>section 39L (1) ()</p> |
| A B C D | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Report to discharge an adoption order</p> <p>Provision of a written report to the Court</p> <p>section 39L (4)</p> |
| A B C D | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Amendment of adoption condition</p> <p>Prepare a report for the amendment of a condition of the adoption order</p> <p>section 41 (2)</p> |

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| <p>A B C D</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Report on proposed name change Provision of a written report to the court if an adoptive parent applies for an order to change a child's or young person's given name. section 45 (4)</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Bequest by will to unascertained adopted person Upon written request of the public trustee, make inquiries to ascertain the name and address of the beneficiary or if the beneficiary has died, the date of death, and inform the Public Trustee section 48 (3)</p> |
| <p>A B</p> | <p>Subject: Power and/or function: Reference:</p> | <p>State Central Authority Inform the Commonwealth central authority that the director-general is the State central authority for the ACT for the purposes of the Convention, article 6 (2); and the address and functions of the State central authority for the ACT section 55 (2)</p> |
| <p>A B C D E F</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Functions of state central authority Perform the duties of a central authority under the Convention; and Exercise all the powers of a central authority under the Convention except for functions under the <i>Family law (Hague Convention on Intercoun try Adoption) Regulations 1998</i> section 56 (1)</p> |
| <p>A B C D</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Report on child for intercountry adoption Prepare a written report for the court section 57A (1) and (2)</p> |

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| <p>A B C D</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Issue of adoption compliance certificate Issue an Adoption compliance certificate as State central authority section 57C</p> |
| <p>A B C</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Refusal to recognise adoption or decision Apply to the court for a declaration that an adoption or decision made in accordance with the Convention, article 27 is not recognised. section 57G (1)</p> |
| <p>A B C</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Order terminating legal relationship between child or young person and parents Apply to the court for an order that the adoption of a child or young person terminates previous legal relationship. Give written notice of the application to the relevant convention country central authority Section 57H (2) and (3)</p> |
| <p>A B C D E F G</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Records of adoptions Maintain records in respect of each adoption negotiated or arranged by the director-general section 61 (1)</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Provision of information Provide information to an entitled applicant under this part of the Act and request a relevant authority to provide information or make such enquiries as are reasonable to obtain the information required. section 62 (1)</p> |

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| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Medical Information Disclose information that may be prejudicial to the physical or mental wellbeing of the applicant to a medical practitioner nominated by the applicant and approved by the authority. section 65</p> |
| <p>A B C D E F G</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Recipient of application Receive an application for information from an associated person section 67</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Restriction on entitlement to apply Satisfy the requirement that a person as identified in subsection 1-5 of this section is dead or the whereabouts of the person could not with reasonable enquiries be ascertained Withhold information from a birth parent as outlined in the Act. sections 68(6) and (7)</p> |
| <p>A B C D E F</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Obtaining written approval Seek to obtain written approval from each person whose approval is required for the applicant to receive information section 69</p> |
| <p>A B C D E F G</p> | <p>Subject: Powers and/or functions: Reference:</p> | <p>Objections to contact – adoptions before Adoption Amendment Act 2009 (No 2) Receive written objection to contact from an associated person. Maintain a Contact Veto Register section 70 (2) & (3)</p> |

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| A B C D E F | Subject: Power and/or function: Reference: | Family Information Service Responsible for the administration of the family information service in accordance with the functions outlined in this section of the Act section 77(2) |
| A B C D E F G | Subject: Power and/or function: Reference: | Adoption Information Register Establish and maintain an Adoption Information Register in accordance with the requirements of the Act. Amend or cancel an entry related to a person upon their written request and in accordance with the Act section 78 |
| A B C D E F G | Subject: Power and/or function: Reference: | Contact Veto Register Establish and maintain a Contact Veto Register in accordance with the requirements of the Act section 79 |
| A B C D E F G | Subject: Power and/or function: Reference: | Reunion Information Register Establish a Reunion Information Register in accordance with the requirements of the Act. section 80 |
| | Subject: Power and/or function: Reference: | Application for approval Receive a written application from a private adoption agency for approval to conduct and make arrangements with a view to the adoption of children section 81(1) |
| | Subject: Power and/or function: Reference: | Grant or refusal of approval of private adoption agencies Grant or refuse to grant an approval to an application made under s81 section 82 |
| A B C D | Subject: Power and/or function: Reference: | Change in principal officer of private adoption agency Receive written notification of a change of principal officer section 83(1)(b) |

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| | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Revocation or suspension of approval</p> <p>Revoke or suspend in writing an approval provided to a private adoption agency, having regards to matters as outlined in the Act. Serve this written notice on the principal officer of the agency.</p> <p>section 85</p> |
| A B C D | <p>Subject:</p> <p>Powers and/or functions:</p> <p>Reference:</p> | <p>Effect of cessation of approved agency</p> <p>Receive all documents from a charitable organisation that has ceased to be a private adoption agency. Assume guardianship for a child for whom the principal officer of the organisation was the guardian Continue any negotiations being undertaken by the organisation immediately before the cessation of the service</p> <p>section 86</p> |
| A B C D E F | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Approval of communications with an adopted child</p> <p>Provide approval to communication for section 91 (b) in accordance with requirements of the Act.</p> <p>section 92</p> |
| A B C D | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Director-General's Report for Prosecution</p> <p>Provide a report to the Court regarding an offence against s91 (b).</p> <p>section 93</p> |
| A B | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Payments in consideration of adoptions</p> <p>Authorise a payment or reward concerning an adoption</p> <p>section 94(2)(b) and (c)</p> |
| A B C D | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Reviewable decision notice</p> <p>Provide a written notice of decision to the relevant person in accordance with this section of the Act</p> <p>section 103</p> |
| A B C D E F | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Notification to parents.</p> <p>Notify in writing a birth parent of matters as outlined in this section of the Act</p> <p>section 108</p> |

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| <p>A B C</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Financial support of adopted children and young people</p> <p>May provide financial support to the adoptive parents in some circumstances as outlined in this section.</p> <p>Review a decision to provide financial support every 12 months</p> <p>section 108A (2) and (3)</p> |
| <p>A B C D E F H</p> | <p>Subject: Power and/or function: Reference:</p> | <p>Director General may appear at hearings</p> <p>Appear at a hearing of the proceedings of an application for an adoption order, address the court, and call examine and cross examine witnesses</p> <p>section 115</p> |

Table of Delegations

ADOPTION REGULATIONS 1993

Care and Protection Services

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| <p>A B C D E F</p> | <p>Subject: Primary and Secondary Witness</p> <p>Powers and/or functions: A primary witness, social worker, approved by the Director-General</p> <p>Reference: section 7,(2)(iv)</p> |
| | <p>Subject: Alteration to objects, structure or trusts of private adoption agency</p> <p>Power and/or function: Receive information from the principal officer of a private adoption agency in compliance with this section</p> <p>Reference: section 15</p> |
| | <p>Subject: Principal Officer</p> <p>Power and/or function: Approve in writing the tertiary qualifications of the principal officer of a private adoption agency</p> <p>Reference: section 16(a)</p> |