

Public Sector Management (Adoption) Delegation 2019 (No 1)

Notifiable instrument NI2019–624

made under the

Public Sector Management Act 1994, section 20 (Delegation by Director-General)

1 Name of instrument

This instrument is the *Public Sector Management (Adoption) Delegation 2019 (No 1)*.

2 Commencement

This instrument commences on the day after it is made.

3 Delegation

- (1) I delegate my functions under the *Adoption Act 1993* mentioned in schedule 2, column 2 to the people identified by the corresponding code mentioned in column 1.
- (2) A person identified by a code in schedule 2, column 1 and schedule 3, column 1 is the person occupying the position mentioned in schedule 1, column 2 in relation to the code.
- (3) I delegate my functions under the *Adoption Regulation 1993* mentioned in schedule 3, column 2 to the people mentioned by position and the people identified by the corresponding code mentioned in column 1.

4 Revocation

This instrument revokes the instrument of delegation pursuant to the provisions of the *Adoption Act 1993* signed by the Director-General on 24 November 2015.

Rebecca Cross
Director General
Community Services Directorate
20 August 2019

Application of a delegation must be in consideration of policies, procedures or guidelines

Refer to the legislation for the complete details of the legislative provision outlined

Schedule 1

TABLE OF DELEGATIONS

Child and Youth Protection Services

Column 1	Column 2
Code	Positions
A	Deputy Director-General
	Executive Group Manager, Children, Youth and Families
	Executive Senior Branch Manager, Children, Youth and Families
B	Executive Branch Manager, Child and Youth Protection Services
	Executive Branch Manager, Bimberi Residential Services
C	Deputy Senior Manager, Bimberi Residential Services
	Senior Manager, Practice and Performance
	Senior Manager, Legal Services
	Senior Manager, North/South
	Senior Manager Client Management System (CYRIS)
D	Manager, Operations/Intake
	Manager, Operational Compliance and Support
	Manager, Practice
	Manager, Performance
	Manager, Relationships Management
	Manager, Therapeutic Assessment
	Placements Coordinator
	Principal Practitioner
	Principal Therapist
	Senior Legal Officer
	Narrabundah House Manager
	Operations Manager, Bimberi Residential Services
	Programs and Services Manager, Bimberi Residential Services
	Family Engagement Officer, Bimberi Residential Services
E	Team Leader
	Team Leader, Operational Policy, Audit and Compliance
	Team leader, Case Analysis
	Team Leader, Therapeutic Assessment
	Team Leader, Cultural Services
	Practice Leader
	Relationship Coordinator
	Senior Project Officer
	Senior Practitioner
	Executive Officer
	Social Worker, Melaleuca Place

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Column 1	Column 2
Code	Positions
	Psychologist, Melaleuca Place
	Allocations and Quality Assurance
	Operational Compliance Officer
	Legal Officer
	Case Conferencing Chair
	IMPACT Program/Prenatal Liaison Officer
	Liaison Officer – Child and Youth Protection Services
	Reportable Conduct Investigator
	Unit Manager, Bimberi Residential Services
F	Interstate Liaison Officer
	Audit and Compliance and Operational Policy Officer
	Case Manager
	Cultural Services Officer
	Case Analysis Officers
	OneLink Liaison Officer
	Family Group Conference Facilitator
	Intake Officer and Intake Coordinator
	Therapeutic Assessor
	Team Leader, Bimberi Residential Services
	Project Officer
	Sports and Recreation Officer, Bimberi Residential Services
	Facilities and Services Manager, Bimberi Residential Services
	Business Manager, Bimberi Residential Services
	Graduate Administrative Assistant
G	Manager, Operational Support
	Assistant Manager, Operational Support
	Executive Assistant
	Integrated Management System and Projects Officer
	Client Management System Project Officer
	Team Leader, Operational Support
	Operational Support Officer
	Case Aid
	Training and Development Administration Officer
	Operational Compliance Support Officer
	Allocations and Quality Assurance Officer
	Contract Data and Reporting Officer
	Legal Services Administration Officer
	Youth Workers, Bimberi Residential Services

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Column 1	Column 2
Code	Positions
	Youth Worker, Narrabundah House
	Business Support Officer, Bimberi Residential Services
	Administration Officer, Melaleuca Place
	Administrative Support, Bimberi Residential Services
	Training and Development Officer
	Aboriginal and Torres Strait Islander Training and Development Officer
	Manager, Training and Workforce Development
H	Facilities and Services Officer, Bimberi Residential Services
I	Business Intelligence Officer
	Senior Technical Specialist (CYRIS)
	Senior Project Officer (CYRIS)
	Business Analyst (CYRIS)
	Project Officer (CYRIS)

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SCHEDULE 2

Adoption Act 1993

Note: The code mentioned in column 1 means the people occupying the positions identified in column 2 of schedule 1.

Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Power and/or function: Reference:	Aboriginal and Torres Strait Islander child or young person – additional requirements. Seek and consider submissions on behalf of Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing support to an Aboriginal or Torres Strait Islander child, young person or their family. section 6(b)
A B C D	Subject: Power and/or function: Reference:	Approval of suitable people Receive applications for approval to be registered as suitable for the placement of a child or young person for adoption; Approve the application or refuse to approve the application having regard to the criteria set out in s39F (1) (c) of this Act. section 18
A B C D	Subject: Power and/or function: Reference:	Register of suitable people Maintain a register of people wishing to adopt who have been approved, refused or whose approval has been withdrawn. 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. Provide the person with written notice of the removal. section 19

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Column 1	Column 2	
Code	Delegated Provisions	
A B	Subject: Power and/or function: Reference:	Consents of parents and guardians Subject to this division, an adoption order must not be made for a child or young person unless consent to the adoption has been given by- <ul style="list-style-type: none"> (a) If the child or young person has not previously been adopted, each parent of the child or young person and each guardian of the child or young person; or (b) if the child or young person has previously been adopted – each adoptive parent of the child or young person and each guardian of the child or young person. section 26 (1)
A B C D E F	Subject: Power and/or function: Reference:	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
A B C D E F	Subject: Power and/or function: Reference:	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
A B C D E	Subject: Power and/or function: Reference:	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)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Powers and/or functions: Reference	Dispensing with consent Make an application 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
A B C D E F	Subject: Power and/or function: Reference:	Placement of child or young person before adoption Place a child or young person in the care of a person who is on the register of suitable people and meets other requirements as outlined in this section. 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. section 35A (1) (2) (3)
A B C D E F	Subject: Power and/or function: Reference:	Consultation with child or young person before deciding placement Before deciding about the placement of a child under s35A, give the child or young person with information as outlined in this section and appropriate, taking into account the best interests of the child or young person. section 35B
A B C D E F	Subject: Powers and/or function: Reference:	Guardianship before adoption 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. section 36 (1)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Powers and/or functions: Reference:	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. section 37 (2)
A B C D E	Subject: Powers and/or functions: Reference:	Transfer of guardianship of child young person until adoption Declare the child or young person is under the guardianship of the director-general and 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. 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. 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. 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. section 38 (1) (2) (4) (7) and (8)
A B C D E	Subject: Power and/or function: Reference:	Review of status of child or young person released for adoption Apply to the court for an order when a child or young person has not been placed for adoption or adopted within one year after being placed for adoption and the required consents have been given. section 39 (1)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D	Subject: Power and/or function: Reference:	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. section 39D
A B C D E F	Subject: Power and/or function: Reference:	Notification to director- general of adoption order Receive in writing from the Registrar of the Court the making of an adoption order. section 39J
A B C D	Subject: Power and/or function: Reference:	Discharge of adoption order Apply as a prescribed person for the Court to make an order discharging an adoption order. section 39L (1)
A B C D	Subject: Power and/or function: Reference:	Report to discharge an adoption order Investigate and provide a written report to the court on the circumstances leading to an application for a discharging order from the Court. section 39L (4)
A B C D E F	Subject: Power and/or function: Reference:	Adoption order subject to certain conditions Receive information from adoptive parents as required by a Court order subject to conditions specified in this section. section 40 (d)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D	Subject: Power and/or function: Reference:	Amendment of adoption condition Prepare a report for the amendment of a condition of the adoption order. section 41 (2)
A B C D	Subject: Power and/or function: Reference:	Names of adopted child or young person 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)
A B C D E	Subject: Power and/or function: Reference:	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 of a will or if the beneficiary has died, the date of death and inform the Public Trustee. Inquiries include examination of the director-general's records or making a request to a private adoption agency or other body or person to ascertain the name or address of the beneficiary. section 48 (2) and (3)
A B	Subject: Power and/or function: Reference:	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)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Powers and/or functions: Reference:	Functions of state central authority Perform the duties of a central authority under the Convention; and exercise all of the powers of a central authority under the Convention except for functions of the Commonwealth central authority under the <i>Family law (Hague Convention on Intercountry Adoption) Regulations 1998</i> (Cwth). section 56 (1)
A B C D	Subject: Powers and/or functions: Reference:	Report on child for intercountry adoption Prepare a written report for the court as outlined in this section and provide the report to the Court, the central authority of the Convention country where the prospective adoptive parent or parents are habitually resident. section 57A (1) and (2)
A B C D	Subject: Powers and/or functions: Reference:	Issue of adoption compliance certificate Issue an adoption compliance certificate as State central authority if an adoption order is made under section 57 or 57B of this Act. section 57C
A B	Subject: Powers and/or functions: Reference:	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)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C	Subject: Powers and/or functions: Reference:	Order terminating legal relationship between child or young person and parents Apply to the court, on behalf of an adoptive parent, for an order that the adoption of the child or young person terminates the legal relationship between the child and the pre-adoption parents. Give written notice of the application to the central authority of the Convention country that granted the adoption. section 57H (2) and (3)
A B C D E F G	Subject: Power and/or function: Reference:	Records of adoptions Maintain records in respect of each adoption negotiated or arranged by or for the director-general or given to the director-general. section 61 (1)
A B C D E F	Subject: Power and/or function: Reference:	Provision of information Receive and determine if the applicant is entitled to access and apply for information under this part of the Act. Provide information to an entitled applicant contained in records in the possession or under the control of the director-general or request a relevant authority to provide information to the director-general or the applicant if requested. If the information is not contained in any records mentioned, make any enquiries that are reasonable in the circumstances of the case in an endeavour to obtain the information and on obtaining, provide to the applicant. section 62 (1)
A B C D E F	Subject: Power and/or function: Reference:	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

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F G	Subject: Power and/or function: Reference:	Recipient of application Receive an application for information from an associated person or the registrar-general. section 67 (1) (b) & (2)
A B C D E F	Subject: Power and/or function: Reference:	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 to enable information to be provided. Withhold information from a birth parent as outlined in the Act. sections 68(6) and (7)
A B C D E F	Subject: Power and/or function: Reference:	Assistance in obtaining approval Seek to obtain written approval from each person whose approval is required for the applicant (s67(2)) to receive information. section 69
A B C D E F	Subject: Powers and/or functions: Reference:	Objection to contact - adoptions before <i>Adoption Amendment Act 2009 (No 2)</i> Receive a written objection or revocation to contact from an associated person as outlined in this section and enter the particulars in the Contact Veto Register. section 70 (2) & (3)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Powers and/or functions: Reference:	Counselling services Ensure that an applicant attends an interview with an approved counsellor if there is a Contact Veto in place before information is released. Advise applicant in writing of a place or places at which counselling services are available and that information cannot be supplied unless the applicant attends an interview with an approved counsellor. Dispense with counselling if satisfied that the adopted person and another person referred to in the original birth certificate relating to the adopted person have already exchanged information that may identify the birth parent or a birth relative of the adopted person. Approve in writing a person as a counsellor for this Act. section 72
A B C D E F	Subject: Power and/or function: Reference:	Declaration that contact not be attempted Provide information to a person on the contact veto register only if they have attended counselling (s72) and sign a declaration as outlined in the Act. section 73
A B C D E F	Subject: Power and/or function: Reference:	Birth details of adopted person born overseas At the request of an adult adopted person born overseas and brought to Australia for adoption in Australia, furnish a copy of his or her birth certificate and any other information available from the records of the appropriate authority in the person's country of origin. section 74
A B C D	Subject: Power and/or function: Reference:	Application to court in absence of consent Investigate and prepare a report to the Court regarding an application under this section of the Act. section 75(2)

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D	Subject: Power and/or function: Reference:	Other person's right to information Prepare a report accompanying an application to the Court for information under this section of the Act. section 76 (2)
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

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Column 1	Column 2	
Code	Delegated Provisions	
This power remains with the director-general	Subject:	Application for approval
	Power and/or function:	Receive a written application from a charitable organisation desiring to conduct negotiations and make arrangements for the adoption of children and young people for approval as a private adoption agency.
	Reference:	section 81(1)
This power remains with the director-general	Subject:	Grant or refusal of approval
	Power and/or function:	Grant or refuse to grant an approval to an application made under s81.
	Reference:	section 82
A B	Subject:	Change in principal officer
	Power and/or function:	Receive written notification of a change of principal officer for a private adoption agency.
	Reference:	section 83(1)(b)
This power remains with the director-general	Subject:	Revocation or suspension of approval
	Power and/or function:	By written notice served on the principal officer of a private adoption agency, revoke or suspend the approval of the agency under this part and in accordance with this section.
	Reference:	section 85
A B C D	Subject:	Effect of cessation of approved agency
	Powers and/or functions:	Receive all records and other documents from a charitable organisation that has ceased to be a private adoption agency, assume guardianship for a child or young person for whom the principal officer of the organisation was the guardian; and continue any negotiations or arrangements being undertaken by the organisation immediately before the cessation of the service.
	Reference:	section 86

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Column 1	Column 2	
Code	Delegated Provisions	
A B C D E F	Subject: Power and/or function: Reference:	Approval of communications Provide approval to communication for section 91 (b) in accordance with requirements of the Act. section 92
A B C D	Subject: Power and/or function: Reference:	Director-general's Report for Prosecution Provide a written report to the Court about the circumstances of the alleged communication in proceedings for an offence against s91 (b). section 93
A B	Subject: Power and/or function: Reference:	Payments in consideration of adoptions etc Authorise a payment or reward concerning an adoption as outlined in this section. section 94(2)(b) and (c)
A B C D	Subject: Power and/or function: Reference:	Reviewable decision notices Provide a reviewable decision notice to the relevant person in accordance with this section and prescribed by regulation in relation to this decision. If a child or young person is prescribed by regulation, consider if appropriate to give the notice to the child or young person having regard to the child or young person's age. section 103
A B C D E F	Subject: Power and/or function: Reference:	Notification to parents Notify in writing a birth parent of matters as outlined in this section of the Act. section 108

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Column 1	Column 2	
Code	Delegated Provisions	
A B	Subject: Power and/or function: Reference:	Financial support of adopted children and young people May provide financial support to the adoptive parents of the child or young person in circumstances as outlined in this section and review the support provided every 12 months. section 108A (2) and (3)
A B C D E F H	Subject: Power and/or function: Reference:	Director General may appear at hearings Appear at a hearing of the proceedings of an application for an adoption order, address the court and call, examine and cross examine witnesses. section 115

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SCHEDULE 3

ADOPTION REGULATION 1993

Note: A code mentioned in column 1 means the people occupying the positions identified in column 2 of schedule 1.

Column 1	Column 2	
Positions\Code	Delegated Provisions	
Executive Senior Branch Manager, Children, Youth and Families Executive Branch Manager, Child and Youth Protection Services Senior Manager, North Senior Manager, South D E F	Subject: Powers and/or functions: Reference:	Primary and Secondary Witness A primary witness, social worker, approved by the director-general. section 7(2)(iv)