

1994—No. 490

ADOPTION OF CHILDREN ACT 1965—REGULATION

(Relating to fees for adoption order applications and assessments of suitability to adopt)

NEW SOUTH WALES



[Published in Gazette No. 115 of 9 September 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Adoption of Children Act 1965, has been pleased to make the Regulation set forth hereunder.

Jim Longley
Minister for Community Services.

Commencement

1. This Regulation commences on 12 September, 1994.

Amendment

2. The Adoption of Children Regulations are amended by omitting Schedule 2 and by inserting instead the following Schedule:

SCHEDULE 2—FEES

(Reg. 33)

PART 1—PRE-APPLICATIONS AND PREPARATION FOR ASSESSMENTS (PART 3 OF REGULATIONS)

For supplying a person who submits an expression of interest under Regulation 9 with information under that Regulation:

(a) for general initial information	Nil
(b) for supply of information and publications	\$31
(c) preparation seminar conducted by the Department:	
(i) 1 day seminar (per couple)	\$73
(ii) 2 day seminar (per couple)	\$130

**PART 2—APPLICATIONS AND ASSESSMENTS OF SUITABILITY TO
ADOPT—LOCAL ADOPTIONS (PART 3 OF REGULATIONS)**

1. On lodging application under Regulation 11	\$417
2. For assessment under Regulation 12 of suitability to adopt (payable before assessment):	
(a) assessment (up to 14 hours of interviewing and report writing, including at least 1 home visit) ..	\$1,300
(b) additional fee (per hour or part of an hour)	\$61
3. For updating assessment report every 18 months to ensure applicant continues to meet criteria for approval	\$175
4. For amendment of assessment report requiring home visit	\$250
5. For amendment of assessment report if change of residence only	\$92

**PART 3—ASSESSMENTS FOR OVERSEAS ADOPTIONS (PART 3A OF
REGULATIONS)**

1. On lodging application for report under section 65A of the Act	\$417
2. For assessment under section 65A of the Act:	
(a) assessment (up to 14 hours, including interviewing, report writing and at least 1 home visit)	\$1,300
(b) additional fee (per hour or part of an hour)	\$61
3. For updating assessment report every 18 months to ensure applicant continues to meet criteria for approval	\$175
4. For amendment of assessment report requiring home visit	\$250
5. For amendment of assessment report if change of residence only	\$92
6. For additional assessment report at request of overseas authority	\$175

**PART 4—PLACEMENT OF CHILDREN FOR THE PURPOSE OF
ADOPTION (PART 5 OF REGULATIONS)**

LOCAL ADOPTIONS

For placement of child (administration costs, including post-placement home visit and preparation of Director-General's report for the Court) (payable on advice of allocation of child)	\$700
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OVERSEAS ADOPTIONS

1. For placement of a child (administration costs, including notification to overseas authority, post-placement home visit and preparation of Director-General's report for the Court) (payable on advice of allocation of child)	\$800
2. For multiple placement—each additional child	\$100

PART 5—APPLICATIONS TO COURT (ss. 18 AND 21 OF ACT)**IF APPLICATION MADE BY DIRECTOR-GENERAL**

For preparation and filing of application for an adoption order (payable before filing):

(a) Court application fee	\$834
(b) for report where application not made within 12 months following placement	\$390
(c) additional fee (per hour or part of an hour)	\$61

IF DIRECTOR-GENERAL CONSENTS TO APPLICANT MAKING OWN APPLICATION

For preparation of documents or affidavits (or both) by the Director-General in connection with the application (other than the Director-General's report)

\$84

IF APPLICATION MADE BY STEP PARENT OR RELATIVE

For report prepared by the Director-General under section 21 of the Act:

(a) report (up to 6 hours interviewing and report writing, including at least 1 home visit)	\$390
(b) additional fee (per hour or part of an hour)	\$61

PART 6—ADDITIONAL FEES AND CHARGES

1. Applicants are responsible for any additional charges levied by government departments and agencies within Australia and at consulates (payable before release of documents).
2. Applicants are responsible for any charges imposed by overseas authorities in connection with the processing of their applications, allocation of a child, legal expenses payable in the overseas countries and reports requested by the overseas authorities following the finalisation of adoption action.

EXPLANATORY NOTE

The object of this Regulation is to increase certain fees under the Adoption of Children Regulations 1965 which cover the administrative, legal and other expenses payable to the Director-General of the Department of Community Services in connection with applications for adoption orders and assessments of suitability to adopt children.

This Regulation also introduces fees for additional assessment reports requested by overseas authorities, for placement of children for the purposes of overseas adoptions and differential fees for applications made by the Director-General of the Department of Community Services to the Supreme Court. Additional fees are now all determined on an hourly basis.

This Regulation is made under the Adoption of Children Act 1965, including section 73 (the general regulation-making power, in particular, section 73 (1) (b)).
