

South Australia

## **Adoption Regulations 2004**

under the *Adoption Act 1988*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 3 Interpretation

#### **Part 2—Consent to adoption**

- 4 Counselling
- 5 Witnessing

#### **Part 3—Prospective Adoptive Parents Register**

- 6 Prospective Adoptive Parents Register
- 7 Expressions of interest and applications for registration
- 8 Minimum requirements for applicants for registration
- 9 Assessment report
- 10 Registration
- 11 Transfer of registration from another State
- 12 Conversion of registration into joint registration
- 13 Duration and renewal of registration
- 14 Cancellation of registration
- 15 Additional requirements relating to applications

#### **Part 4—Review**

- 16 Application for review and constitution of adoption board
- 17 Proceedings
- 18 Adoption board's powers

#### **Part 5—Selection of applicants for adoption orders**

- 19 Order in which registered persons selected to be applicants for adoption orders

#### **Part 6—Register of births**

- 20 Court to notify Registrar of Births, Deaths and Marriages of adoption order etc
- 21 Information to be disclosed in extract from register of births

#### **Part 7—Miscellaneous**

- 22 Forms
- 23 Fees
- 24 Offence to make false or misleading statement
- 25 Evidentiary

#### **Schedule 1—Fees**

## Legislative history

---

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Adoption Regulations 2004*.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Adoption Act 1988*;

*adoption agency* means a person or organisation approved by the Chief Executive under section 29 of the Act;

*child with special needs* means a child who has, or is likely to have, an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments;

*overseas subregister* means the subregister of the register relating to children who are resident in a country outside Australia;

*register* means the *Prospective Adoptive Parents Register* kept under Part 3.

### Part 2—Consent to adoption

#### 4—Counselling

- (1) An officer authorised by the Chief Executive for the purposes of section 15(5)(b) or 16(2)(c) of the Act to counsel a person before that person consents to an adoption—
  - (a) must give to that person an information brochure approved by the Chief Executive; and
  - (b) must explain the information contained in the brochure to the person and must satisfy himself or herself that the person understands that information; and
  - (c) must assist the person in considering the application of that information to the particular circumstances of the person; and
  - (d) must, in the case of an adoption of an Aboriginal child, ensure that the person is aware of the availability of further specialised counselling from Aboriginal organisations and help the person to obtain such counselling if the person so wishes.
- (2) The information brochure referred to in subregulation (1) must include information relating to—
  - (a) the implications of adoption and the consequences of consenting to adoption; and
  - (b) the procedures and time limits for revocation of consent to adoption; and
  - (c) in the case of a brochure to be given to a parent or guardian of a child consenting to adoption of the child—

- (i) counselling and other support services available to parents or guardians; and
  - (ii) arrangements that may be made for care of a child as alternatives to adoption; and
- (d) in the case of a brochure to be given to a child consenting to adoption—counselling and other support services available to children.

## 5—Witnessing

- (1) For the purposes of sections 15(5)(b) and 16(2)(b) of the Act—
- (a) the witness to a consent to adoption must be a person approved by the Chief Executive but cannot be the person who, for the purposes of the Act, counselled the person giving consent; and
  - (b) the witness must, before witnessing a consent to adoption, satisfy himself or herself—
    - (i) that the person giving consent understands the nature of the instrument of consent; and
    - (ii) that the instrument of consent has been endorsed by a counsellor in accordance with the Act.
- (2) A witness to an instrument of consent to adoption must, as soon as practicable after the execution of the instrument—
- (a) forward the original of the instrument to the Chief Executive; and
  - (b) give a copy of the instrument to the person giving consent.

## Part 3—Prospective Adoptive Parents Register

### 6—Prospective Adoptive Parents Register

- (1) The *Prospective Adoptive Parents Register* continues in existence.
- (2) The register may be divided into subregisters, each relating to children of a particular kind.
- (3) A subregister may, for example, relate to children of a particular age group, sex or racial origin or to children with special needs.
- (4) Subject to this Part, a subregister will contain the names of persons registered as prospective adoptive parents in the order in which those persons' applications for registration on the subregister were approved by the Chief Executive under regulation 10 in respect of adopting a child of the kind to which the subregister relates.
- (5) If—
- (a) a person is registered on a particular subregister; and
  - (b) while so registered, the person's application for registration on another subregister is approved by the Chief Executive under regulation 10,
- the latter registration will be taken to have occurred at the same time as that of the former.
- (6) The register is not available for public inspection.

## **7—Expressions of interest and applications for registration**

- (1) A person may, by notice in writing to the Chief Executive, express an interest in adopting a child.
- (2) An expression of interest under subregulation (1) must specify the kind or kinds of child that the person is interested in adopting.
- (3) The Chief Executive may, from time to time, invite persons who have expressed an interest in adopting a child of a particular kind to apply for registration on the subregister relating to children of that kind.
- (4) The Chief Executive will not invite a person to apply for registration if satisfied that the person does not meet the minimum requirements for applicants for registration set out in regulation 8.
- (5) Subject to subregulation (6), an application for registration cannot be made except pursuant to an invitation given under this regulation.
- (6) Where a person who is living together with another person in a qualifying relationship proposes to make an application for registration, the application must be made jointly with that other person.

## **8—Minimum requirements for applicants for registration**

- (1) A person cannot apply for registration as a prospective adoptive parent unless—
  - (b) the person is resident and domiciled in the State; and
  - (c) the person is a permanent resident of Australia; and
  - (d) the person is an Australian citizen or, in the case of a joint application for registration, at least one of the applicants is an Australian citizen.
- (2) A person cannot apply for registration as a prospective adoptive parent if—
  - (a) the person has previously been so registered (whether under these regulations or under the law of another State or a Territory of the Commonwealth) and that registration was cancelled on the ground that it was improperly obtained; or
  - (b) the person has, as an adult, been convicted of an offence involving violence towards a child, abuse of a child or abduction of a child.
- (3) A person cannot, except with the approval of the Chief Executive, apply for registration as a prospective adoptive parent if a child has, at any time, been removed from the care or custody of the person and become the subject of a care and protection order made under the *Children's Protection Act 1993*, or any other similar order made in this State or another State or a Territory of the Commonwealth.
- (4) A person cannot apply for registration on a subregister relating to children who are resident in a country outside Australia unless the person also complies with the minimum requirements of that country for adoption of a child by a person resident in Australia.

## **9—Assessment report**

- (1) The Chief Executive must cause an assessment report to be prepared with respect to an application for registration.

- (1a) However, an assessment report need not be prepared if—
- (a) the applicant is not resident in this State while the assessment is being carried out; or
  - (b) in the opinion of the Chief Executive, the assessment cannot be completed due to—
    - (i) the inability to adequately assess the applicant in his or her usual home environment; or
    - (ii) the failure of the applicant to participate in workshops, seminars or interviews or to cooperate in the assessment process.
- (2) The assessment report must contain an assessment of the suitability of the applicant to adopt a child of the kind in relation to which registration is sought and the capacity of the applicant to care adequately for such a child.
- (3) An assessment report must be prepared having regard to the following factors:
- (a) the parenting skills or potential parenting skills of the applicant;
  - (b) the capacity of the applicant to provide, throughout the child's childhood, the standard of care necessary to safeguard and promote the physical, intellectual and emotional welfare of a child of the kind in relation to which registration is sought;
  - (c) if the applicant has the care of any other child—the effect that may have on the welfare of an adopted child or on the applicant's ability to care for an adopted child;
  - (d) the emotional warmth, maturity and stability of the applicant;
  - (e) the physical and mental health of the applicant;
  - (f) the capacity of the applicant to deal with difficult or stressful situations;
  - (g) in the case of a joint application—the length and quality of the relationship between the applicants;
  - (h) the economic position and financial management skills of the applicant;
  - (i) the criminal record (if any) of the applicant;
  - (j) the nature of the childhood experiences of the applicant;
  - (k) if the applicant is infertile—the attitude of the applicant to that infertility or, in the case of a joint application, the attitude of each applicant to that infertility;
  - (l) the attitude of the applicant to children and in particular to the discipline of children;
  - (m) the attitude of the applicant to the status of an adopted child, to the birth parents of an adopted child and to an adopted child's access to information about the child's origin;
  - (n) the attitude to adoption of a child by the applicant of—
    - (i) any children of the applicant; and
    - (ii) any other parent or guardian of any children of the applicant; and

- (iii) any other person (who is a relative of the applicant, a member of the applicant's household or a close acquaintance of the applicant) with whom the child, if adopted by the applicant, would be likely to come into regular contact;
  - (o) the motivation of the applicant to adopt a child;
  - (p) if the applicant has expressed an interest in adopting a child with special needs—the capacity of the applicant to provide the standard of care required to fulfil the needs of such a child throughout the child's childhood and, if it is likely to be necessary because of the child's special needs, into adulthood;
  - (q) if the applicant has expressed an interest in adopting a child of a particular racial origin—the applicant's understanding of, and interest in, people of that racial origin and the applicant's attitude towards the retention by such a child of his or her cultural heritage.
- (4) A person preparing an assessment report may have regard to any other factor that the person considers relevant in the particular circumstances.
- (5) The Chief Executive may rely on an assessment report prepared by an adoption agency in relation to an application if satisfied that the agency, in preparing that assessment report, has complied with the requirements of this regulation (and in such a case the Chief Executive is not obliged to cause any other assessment report to be prepared in relation to the application).

## **10—Registration**

- (1) A decision on an application must be made within 18 months of the date on which the application was lodged.
- (2) If, after considering an assessment report prepared in relation to an application, the Chief Executive is satisfied that the applicant or, in the case of a joint application, each applicant is a suitable person to adopt a child of the kind in relation to which registration is sought, the Chief Executive will register the applicant or applicants on the appropriate subregister or subregisters.
- (2a) If an assessment report has not been prepared in relation to an application for the reasons set out in regulation 9(1a), the application may be rejected.
- (3) Before the Chief Executive rejects an application, the applicant must be given an opportunity to make representations on the matter to the Chief Executive.
- (4) Written notice of the Chief Executive's decision under this regulation, together with a copy of the relevant assessment report, must be given to the applicant.
- (5) If the Chief Executive rejects an application, the notice of that decision must inform the applicant of the right to seek a review of the decision and must set out the procedures and time limits that apply in respect of seeking a review.

## **11—Transfer of registration from another State**

- (1) A person who has been registered as a prospective adoptive parent under the law of another State or a Territory of the Commonwealth that substantially corresponds to the Act and these regulations may apply to the Chief Executive to have that registration transferred to this State.

- (2) If a person who is so registered duly applies for transfer of that registration under subregulation (1), the Chief Executive must enter the applicant's name in the register if satisfied that the applicant—
  - (a) is registered under that other law; and
  - (b) meets the minimum requirements for applicants for registration set out in regulation 8; and
  - (c) has given notice of the application for transfer of registration, in writing, to the authority administering the other law.
- (3) The Chief Executive may require a person transferring registration in accordance with this regulation to provide such information as is necessary to determine which subregister or subregisters the person's name should be entered in.
- (4) Where a person who has been registered under another law becomes registered pursuant to this regulation, the entry in the register will be taken to have been made on the day on which the person was registered under the other law.

## **12—Conversion of registration into joint registration**

- (1) A person who is registered as a single prospective adoptive parent and who, following registration, commences living together with another person in a qualifying relationship may, if the other person meets the minimum requirements for applicants for registration set out in regulation 8, apply jointly with that other person to the Chief Executive to have the registration converted into joint registration.
- (2) The Chief Executive will treat an application for conversion of registration under this regulation in all respects as if it were a joint application for registration made under regulation 7.
- (3) Where a person's initial registration is converted into joint registration pursuant to this regulation, the entry in the register relating to that joint registration will be taken to have been made on the day on which the person's initial registration occurred.

## **13—Duration and renewal of registration**

- (1) Registration of a person as a prospective adoptive parent—
  - (a) has effect, subject to these regulations, for a period of 3 years; and
  - (b) may be renewed from time to time in accordance with this regulation; and
  - (c) ceases—
    - (i) on written notice of withdrawal being given to the Chief Executive by the registered person or, in the case of persons with joint registration, on the written notice of either of the registered persons; or
    - (ii) on the death of the registered person; or
    - (iii) on cancellation of the registration by the Chief Executive under these regulations.
- (2) Subject to subregulation (3), an application for renewal of registration must be lodged with the Chief Executive not more than 3 months and not less than 1 month before the period of registration expires.

- (3) The Chief Executive may, in his or her discretion, accept a late application for renewal of registration.
- (4) A person may only apply for renewal of registration if the person meets the minimum requirements for applicants for registration set out in regulation 8.
- (5) On receipt of an application for renewal of registration, the Chief Executive must cause the assessment report relating to the applicant to be reviewed having regard to any changes in circumstances of the applicant in the period since that report was prepared or was last reviewed.
- (5a) However, an assessment report need not be reviewed if—
  - (a) the applicant is not resident in this State while the review is being carried out; or
  - (b) in the opinion of the Chief Executive, the review cannot be completed due to—
    - (i) the inability to adequately review the assessment of the applicant in his or her usual home environment; or
    - (ii) the failure of the applicant to participate in workshops, seminars or interviews or to cooperate in the review process.
- (5b) If an assessment report has not been reviewed for the reasons set out in subregulation (5a), the application for renewal of registration may be rejected.
- (6) The Chief Executive may rely on a review of an assessment report undertaken by an adoption agency if satisfied that the agency, in undertaking the review, has had proper regard to any changes in circumstances of the applicant in the period since that report was prepared or was last reviewed.
- (7) If, after considering the review of the assessment report, the Chief Executive is satisfied that the applicant or, in the case of a joint application, each applicant is still a suitable person to adopt a child of the kind in relation to which renewal of registration is sought, the Chief Executive will renew the registration for a further period of 3 years.
- (8) Before the Chief Executive rejects an application for renewal of registration, the applicant must be given an opportunity to make representations on the matter to the Chief Executive.
- (9) Written notice of the Chief Executive's decision under this regulation, together with a copy of the review of the assessment report, must be given to the applicant.
- (10) If the Chief Executive rejects an application for renewal of registration, the notice of that decision must inform the applicant of the right to seek a review of the decision and must set out the procedures and time limits that apply in respect of seeking a review.

#### **14—Cancellation of registration**

- (1) The registration of a person as a prospective adoptive parent will be cancelled if a child is placed for adoption with that person.



- (2) The registration of a person as a prospective adoptive parent will be cancelled by the Chief Executive if—
- (a) the person ceases to be domiciled in this State; or
  - (c) the person ceases to be permanently resident in Australia; or
  - (d) the person ceases to be an Australian citizen and, in the case of joint registration, the person with whom he or she is jointly registered is not an Australian citizen; or
  - (e) a child is removed from the care or custody of that person and becomes the subject of a care and protection order made under the *Children's Protection Act 1993*, or any other similar order made in this State or another State or a Territory of the Commonwealth; or
  - (f) the person is convicted of an offence involving violence towards a child, abuse of a child or abduction of a child; or
  - (g) the person's registration is transferred to another State or a Territory of the Commonwealth; or
  - (h) the registration was improperly obtained.
- (3) If a person is registered on a subregister relating to children who are resident in a country outside Australia and the person ceases to satisfy the minimum requirements of that country for adoption of a child by a person resident in Australia, the person's registration on that subregister will be cancelled by the Chief Executive.
- (4) If the registration of a person is cancelled or otherwise ceases in accordance with these regulations, the Chief Executive will, unless satisfied that special reasons exist for not doing so, cancel the registration of a person jointly registered with that person.
- (5) If persons who are jointly registered cease living together in a qualifying relationship, the Chief Executive will, unless satisfied that special reasons exist for not doing so, cancel the registration of both persons.
- (6) A person registered as a prospective adoptive parent must, within 28 days of that registration becoming liable to cancellation under this regulation, inform the Chief Executive of that fact.  
Maximum penalty: \$250.
- (7) It is a defence to a charge of an offence under subregulation (5) for the defendant to prove that—
- (a) the defendant's registration only became liable to cancellation because, due to a change in the law of a country outside Australia, the person ceased to satisfy the minimum requirements of that country for adopting a child; and
  - (b) the defendant did not know that the law of that country had so changed.
- (8) The Chief Executive may, at any time, review the registration of a person and may, if the Chief Executive finds that the person is no longer a suitable person to adopt a child of the kind in relation to which the person is registered or, in the case of joint registration, that either person is no longer a suitable person to adopt such a child, cancel the registration of the person or persons.

- (9) Before the Chief Executive cancels the registration of a person under this regulation (other than under subregulation (1) or (2)), the person must be given an opportunity to make representations on the matter to the Chief Executive.
- (10) Written notice of the Chief Executive's decision to cancel registration under this regulation, together with a brief description of the reasons for that decision, must be given to each person affected by the decision.
- (11) A notice under subregulation (9) must inform the person of the right (if any) to seek a review of the decision and must set out the procedures and time limits that apply in respect of seeking a review.
- (12) A decision to cancel the registration of a person under subregulation (1) or (2) may not be the subject of a request for a review under regulation 16.

### **15—Additional requirements relating to applications**

The Chief Executive may, for the purposes of determining an application under this Part, require the applicant—

- (a) to provide further information on any matter specified; or
- (b) to participate in specified workshops or seminars; or
- (c) to provide a medical report as to any specified matter from a medical practitioner nominated by the Chief Executive; or
- (d) to provide written consent authorising a third party to release information relating to the applicant to the Chief Executive.

## **Part 4—Review**

### **16—Application for review and constitution of adoption board**

- (1) A person who is dissatisfied with a decision of the Chief Executive under Part 3 may, within 30 days of receipt of notice of the decision, request the Minister to refer the matter to an adoption board for review.
- (2) The Minister must, on receipt of such a request, constitute an adoption board for the purposes of hearing the review and refer the matter to that board unless the Minister is satisfied—
  - (a) that the request for the review is frivolous or vexatious; or
  - (b) that the matter has already been the subject of review.
- (3) An adoption board constituted for the purpose of hearing a review will consist of one or more members appointed by the Minister.
- (4) If an adoption board consists of more than one member, the following provisions apply:
  - (a) the Minister will appoint one of the members of the board to be the presiding member;
  - (b) a decision in which a majority of the members concurs is a decision of the board;

- (c) if a member, other than the presiding member, dies or is for any reason unable to continue with the review proceedings, the board may continue to conduct the review with the remaining members (but, if there are only two remaining members, a decision of the board must be unanimous).

## 17—Proceedings

- (1) An adoption board must give the Chief Executive and the party seeking the review reasonable notice of the time and place at which it intends to conduct the review.
- (2) An adoption board must give the party seeking the review a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make oral or written submissions to the board.
- (3) If a person to whom notice has been given under subregulation (1) does not attend at the time and place fixed by the notice, the adoption board may hold the review in that person's absence.
- (4) An adoption board is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit.
- (5) An adoption board must act according to equity, good conscience and the substantial merits of the case.
- (6) Subject to these regulations, the procedure at a review will be as determined by the adoption board hearing the review.
- (7) The Chief Executive must make available to an adoption board any relevant assessment report and any other records or information as the board requests relating to the matter which is the subject of the review.
- (8) The party seeking the review is entitled to appear personally or by counsel or, by leave of the adoption board hearing the review, by some other representative.
- (9) The Chief Executive may appear personally in proceedings before an adoption board or may be represented at such proceedings by counsel or an officer of the Public Service.
- (10) On completion of a review under these regulations, the adoption board must give notice of its decision to the Chief Executive and to the person who sought the review.

## 18—Adoption board's powers

On a review, an adoption board may—

- (a) confirm, vary or reverse the decision of the Chief Executive in respect of which the proceedings for review have been brought; or
- (b) remit any matter arising in the proceedings to the Chief Executive for further consideration; or
- (c) make such incidental or ancillary orders as it considers appropriate (including orders relating to entries in the register, to the assessment report relevant to the person who sought the review or to the documentation to be sent overseas for the purposes of adoption).

## Part 5—Selection of applicants for adoption orders

### 19—Order in which registered persons selected to be applicants for adoption orders

- (1) Subject to this regulation, persons whose names are included in the register will be selected to be applicants for an adoption order in the order in which the persons' names appear in the subregister relating to children of the same kind as the child to be adopted.
- (2) A person is excluded from selection as an applicant for an order for adoption of a particular child in accordance with the order prescribed by subregulation (1) if the Chief Executive is satisfied that—
  - (a) the adoption of the child by the person would be inconsistent with a limitation of the consent to the adoption of a parent or guardian of the child; or
  - (b) the adoption of the child by the person would be contrary to—
    - (i) the wishes of the child's birth parent or guardian; or
    - (ii) in relation to a child who is resident in a country outside Australia—the requirements of the law of that country governing the adoption of children; or
  - (c) the adoption of the child by another person whose name is included in the register would, in the particular circumstances of the child, better safeguard and promote the welfare and interests of the child; or
  - (d) the registration of the person on the register is liable to cancellation; or
  - (e) the person is living together with another person in a qualifying relationship but the other person is not jointly registered with the person as a prospective adoptive parent; or
  - (f) the person is lawfully married but not cohabiting with his or her spouse and the spouse does not consent to the adoption; or
  - (g) the Court is unlikely to make an adoption order in favour of the person on a ground set out in the Act.
- (3) A person who—
  - (a) is not resident and domiciled in this State; or
  - (c) is not living together with another person in a qualifying relationship; or
  - (d) is in a qualifying relationship with another person but has only been living together with that other person for a continuous period of less than 3 years; or
  - (e) has a child residing with him or her and the child has so resided for a period less than the immediately preceding 12 months; or
  - (f) will or is likely to have any other child residing with him or her in the period of 2 years following selection as an applicant for an adoption order under this regulation,

is excluded from selection as an applicant for an order for adoption of a particular child in accordance with the order prescribed by subregulation (1) unless the Chief Executive is satisfied that there are special circumstances that would justify the making of an adoption order in favour of the person.

- (3a) In the case of selection of applicants for an adoption order from the overseas subregister—
- (a) subject to any requirements of the overseas country, the order of selection will be as follows:
    - (i) the Chief Executive will invite those persons on the subregister, in the order in which the persons' names appear in the subregister, to submit documentation for forwarding to the relevant authority of an overseas country; and
    - (ii) the documentation will be forwarded to the overseas country in the order in which the completed documentation has been received by the Chief Executive; and
  - (b) subregulations (2) and (3) apply if a relevant authority of an overseas country proposes the adoption of a particular child.
- (4) The selection of a person under this regulation as an applicant for an order for adoption of a child may be cancelled if the Chief Executive becomes aware of circumstances that, if known or in existence at the time of the selection, would have resulted in the person being excluded from selection as an applicant for the order.
- (5) If the selection of a person is cancelled under subregulation (4), the Chief Executive must notify the person in writing of the cancellation.

## **Part 6—Register of births**

### **20—Court to notify Registrar of Births, Deaths and Marriages of adoption order etc**

- (1) The Court must, on making an adoption order, give notice of the order to the Registrar of Births, Deaths and Marriages.
- (2) The Court must, on making any order subsequent to an adoption order declaring the name by which the adopted child is to be known, give notice of that order to the Registrar of Births, Deaths and Marriages.

### **21—Information to be disclosed in extract from register of births**

- (1) If the Registrar of Births, Deaths and Marriages issues a copy of, or extract from, an entry in the register of births that has been cancelled pursuant to section 41(1) of the Act, the copy or extract must show that the entry has been cancelled.
- (2) If the Registrar of Births, Deaths and Marriages issues a copy of, or extract from, an entry in the register of births that has been altered pursuant to section 41(2) of the Act, the copy or extract may show—
  - (a) the entry with the additional note of the names of the adoptive parents; or
  - (b) the entry with only the names of the adoptive parents of the child,in accordance with the wishes of the person seeking that copy or extract.

## Part 7—Miscellaneous

### 22—Forms

A notice, application or renewal required under these regulations must be in a form determined by the Chief Executive and must be accompanied by such further documentation as is required by the Chief Executive.

### 23—Fees

- (1) The fees set out in Schedule 1 are payable to the Chief Executive as specified in the Schedule.
- (2) The Chief Executive may permit the payment by instalment of a fee payable under these regulations.
- (3) The Chief Executive may waive or remit the payment of the whole or any part of a fee payable under these regulations.

### 24—Offence to make false or misleading statement

A person must not, in a notice, application or renewal lodged under these regulations—

- (a) make a statement that is, to his or her knowledge, false or misleading; or
- (b) omit or authorise the omission from any such document a particular which is, to his or her knowledge, a material particular.

Maximum penalty: \$1 250.

### 25—Evidentiary

- (1) In any proceedings under the Act, an apparently genuine document purporting to be a consent to adoption given under these regulations will, in the absence of proof to the contrary, be taken to be a valid consent to adoption given under these regulations.
- (2) In any proceedings under the Act, an apparently genuine document purporting to be signed by—
  - (a) the Chief Executive; or
  - (b) a person to whom functions and powers of the Chief Executive under the Act or these regulations have been delegated; or
  - (c) a person who, under the law of another State or a Territory of the Commonwealth, is entitled to exercise functions and powers corresponding to functions and powers of the Chief Executive under the Act or these regulations,will, in the absence of proof to the contrary, be taken to have been so signed.
- (3) In any proceedings under the Act, a certificate as to a delegation apparently signed by the Chief Executive will be accepted, in the absence of proof to the contrary, as proof of the delegation.

## Schedule 1—Fees

### Part 1—Fees in respect of adoption through Prospective Adoptive Parents Register other than overseas subregister

1	Expression of interest under regulation 7(1)—	
	(a) standard fee	\$551
	(b) reduced fee	\$354
2	Application for registration as a prospective adoptive parent—	
	(a) standard fee	\$725
	(b) reduced fee	\$399
3	Preparation of an assessment report by the Chief Executive under regulation 9—	
	(a) standard fee	\$705
	(b) reduced fee	\$358
4	On selection of an applicant for an adoption order under regulation 19	\$352

### Part 2—Fees in respect of adoption through overseas subregister

5	Expression of interest under regulation 7(1)—	
	(a) standard fee	\$847
	(b) reduced fee	\$635
6	Application for registration as a prospective adoptive parent and preparation of an assessment report by the Chief Executive under regulation 9—	
	(a) standard fee	\$4 234
	(b) reduced fee	\$3 527
	(The fee includes participation in certain workshops and seminars.)	
7	On preparation of file for lodging with relevant authority of overseas country	\$2 822
8	On selection of an applicant for an adoption order for a particular child under regulation 19—	
	(a) for first child to be placed for adoption	\$3 668
	(b) for second or subsequent child to be placed for adoption	\$3 527

### Part 3—Other fees

9	On lodgement of an application for transfer of registration under regulation 11	\$296
10	On lodgement of an application for conversion of registration under regulation 12	\$480
11	For preparation of an assessment report by the Chief Executive following an application for conversion of registration under regulation 12	\$480

- 12 For all functions associated with consent to adoption and, where necessary, the preparation of a report under section 22(1) of the Act prior to an application to the Court for an order for adoption of a child by a person other than a person selected as an applicant for an adoption order from the register—
- (a) if the application for an adoption order is to relate to only 1 child \$393
  - (b) if the application for an adoption order is to relate to more than 1 child \$393 for the first child and \$103 for each additional child named in the application

- 13 For obtaining information under section 27 or 27A of the Act \$63

The reduced fee is payable if the person has previously been the subject of an assessment report under regulation 9 or a report, prepared by an agency outside this State, that, in the opinion of the Chief Executive, corresponds to an assessment report under regulation 9.



## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2004	148	<i>Gazette 8.7.2004 p2477</i>	8.7.2004: r 2
2005	17	<i>Gazette 31.3.2005 p765</i>	1.4.2005: r 2
2005	81	<i>Gazette 26.5.2005 p1468</i>	1.7.2005: r 2
2005	186	<i>Gazette 25.8.2005 p3125</i>	25.8.2005: r 2
2006	98	<i>Gazette 15.6.2006 p1746</i>	1.7.2006: r 2
2007	121	<i>Gazette 7.6.2007 p2468</i>	1.7.2007: r 2
2008	14	<i>Gazette 14.2.2008 p500</i>	14.2.2008: r 2
2008	92	<i>Gazette 5.6.2008 p2031</i>	1.7.2008: r 2
2009	136	<i>Gazette 4.6.2009 p2608</i>	1.7.2009: r 2
2010	44	<i>Gazette 10.6.2010 p2675</i>	1.7.2010: r 2
2011	60	<i>Gazette 9.6.2011 p2068</i>	1.7.2011: r 2
2012	88	<i>Gazette 31.5.2012 p2372</i>	1.7.2012: r 2
2013	124	<i>Gazette 6.6.2013 p2298</i>	1.7.2013: r 2
2014	88	<i>Gazette 19.6.2014 p2531</i>	1.7.2014: r 2
2015	91	<i>Gazette 18.6.2015 p2640</i>	1.7.2015: r 2
2016	59	<i>Gazette 23.6.2016 p2153</i>	1.7.2016: r 2
<b>2017</b>	<b>13</b>	<b><i>Gazette 16.2.2017 p555</i></b>	<b>17.2.2017: r 2</b>
2017	102	<i>Gazette 22.6.2017 p2259</i>	1.7.2017: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	1.4.2005

r 3		
child with special needs	varied by 186/2005 r 4	25.8.2005
overseas subregister	inserted by 17/2005 r 4	1.4.2005
Pt 3		
r 6		
r 6(4)	varied by 14/2008 r 4(1)	14.2.2008
r 6(5)	substituted by 14/2008 r 4(2)	14.2.2008
r 7		
r 7(6)	<b>varied by 13/2017 r 4</b>	<b>17.2.2017</b>
r 8		
r 8(1)	(a) deleted by 186/2005 r 5(1)	25.8.2005
	varied by 186/2005 r 5(2), (3)	25.8.2005
r 9		
r 9(1a)	inserted by 186/2005 r 6(1)	25.8.2005
r 9(3)	varied by 186/2005 r 6(2), (3)	25.8.2005
r 10		
r 10(2)	<b>varied by 13/2017 r 5</b>	<b>17.2.2017</b>
r 10(2a)	inserted by 186/2005 r 7	25.8.2005
r 12		
r 12(1)	<b>varied by 13/2017 r 6</b>	<b>17.2.2017</b>
r 13		
r 13(5a) and (5b)	inserted by 186/2005 r 8(1)	25.8.2005
r 13(6)	varied by 186/2005 r 8(2)	25.8.2005
r 13(7)	<b>varied by 13/2017 r 7</b>	<b>17.2.2017</b>
r 14		
r 14(2)	varied by 186/2005 r 9	25.8.2005
	(b) deleted by 186/2005 r 9	25.8.2005
r 14(5)	<b>varied by 13/2017 r 8(1)</b>	<b>17.2.2017</b>
r 14(8)	<b>varied by 13/2017 r 8(2)</b>	<b>17.2.2017</b>
Pt 5		
r 19		
r 19(2)	<b>varied by 13/2017 r 9(1)</b>	<b>17.2.2017</b>
r 19(3)	varied by 186/2005 r 10(1), (2)	25.8.2005
	(b) deleted by 186/2005 r 10(1)	25.8.2005
	<b>varied by 13/2017 r 9(2), (3)</b>	<b>17.2.2017</b>
r 19(3a)	inserted by 17/2005 r 5	1.4.2005
	varied by 14/2008 r 5	14.2.2008
Pt 7		
r 23		
r 23(1)	varied by 17/2005 r 6	1.4.2005
Sch 1	substituted by 17/2005 r 7	1.4.2005
	substituted by 81/2005 r 4	1.7.2005

	substituted by 98/2006 r 4	1.7.2006
	substituted by 121/2007 r 4	1.7.2007
	substituted by 92/2008 r 4	1.7.2008
	substituted by 136/2009 r 4	1.7.2009
	substituted by 44/2010 r 4	1.7.2010
	substituted by 60/2011 r 4	1.7.2011
	substituted by 88/2012 r 4	1.7.2012
	substituted by 124/2013 r 4	1.7.2013
	substituted by 88/2014 r 4	1.7.2014
	substituted by 91/2015 r 4	1.7.2015
	substituted by 59/2016 r 4	1.7.2016
<i>Sch 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.4.2005</i>

## Historical versions

1.4.2005  
1.7.2005  
25.8.2005  
1.7.2006  
1.7.2007  
14.2.2008  
1.7.2008  
1.7.2009  
1.7.2010  
1.7.2011  
1.7.2012  
1.7.2013  
1.7.2014  
1.7.2015  
1.7.2016