



# Victoria Government Gazette

No. S 492 Friday 19 October 2018  
By Authority of Victorian Government Printer

## Subordinate Legislation Act 1994

### NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

#### Proposed Adoption Regulations

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared to assess the impact of the proposed Adoption Regulations (the proposed regulations).

#### **Reason for and objectives of proposed regulations**

The proposed regulations are made under section 130 of the **Adoption Act 1984**.

The proposed regulations prescribe matters relating, but not limited, to:

- the requirements for approval of adoption agencies;
- overseas adoptions;
- the process for approving approved counsellors;
- the obligations of approved counsellors when providing counselling services;
- the requirements regarding consents to adoption; and
- the requirements for approval to adopt a child.

The Adoption Regulations 2008 expire on 25 February 2019 and need to be reviewed and remade.

The primary objective of the proposed regulations is to protect the welfare and interests of children placed for adoption. The regulations seek to achieve this and avoid harms that might occur if adoption practices were to be unregulated. The hierarchy of objectives of the proposed regulations is to:

- protect the rights and wellbeing of adoptive children;
- protect the rights and wellbeing of parents who place their children for adoption;
- protect the rights and wellbeing of adoptive parents; and
- minimise the administrative burden in achieving the above objectives.

The majority of changes in the proposed regulations relate to updating terminology and administrative forms.

New provisions support the right of the child to genetic identity and the right of the father to consent to the adoption. The regulations provide that where the father has not been identified, approved counsellors must provide information to the mother, as specified in the regulations, about the importance to the child of knowing their origins, because to do so is in the interest of an adopted child's connection to family, culture and identity and learning about their history. Approved counsellors must complete a certificate of compliance specifying that the counsellor has given this information to the mother. The proposed regulations also seek to achieve the wishes in relation to Aboriginal and Torres Strait Islander culture that are consistent with the Act.

The regulations also introduce adoption plans that will consolidate all of the considerations and decisions made by the parties to an adoption concerning contact and information exchange. The proposed regulations require that the applicants understand the importance of participating in forming an adoption plan in relation to a child.

The RIS examines the costs and benefits of the proposed regulations and possible alternatives and concludes that the proposed regulations are the most efficient method of achieving the abovementioned objectives.

**SPECIAL**

**Availability of RIS**

Copies of the RIS and the proposed regulations may be obtained from:

- Out of Home Care, Department of Health and Human Services by phoning (03) 9096 7819 (between 9.00 am and 5.00 pm).
- The Victorian Department of Health and Human Services' website, <https://dhhs.vic.gov.au/publications/adoption-regulations-regulatory-impact-statement>

**Comments**

Public comments and submissions are invited on the proposed regulations and in response to information provided in the RIS. Written comments and submissions should be forwarded by no later than 5.00 pm, 16 November 2018 to:

Mary Roberts  
Acting Assistant Director, Out of Home Care  
Department of Health and Human Services  
Level 10, 50 Lonsdale Street  
Melbourne, Victoria 3000

or emailed to: [mary.roberts@dhhs.vic.gov.au](mailto:mary.roberts@dhhs.vic.gov.au)

Please note that all comments and submissions received will be treated as public documents.

---

This page was left blank intentionally

## **bluestar** \* **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2018

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

### How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**

Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121  
DX 106 Melbourne



**Telephone**

(03) 8523 4601



**Fax**

(03) 9600 0478

**email**

[gazette@bluestargroup.com.au](mailto:gazette@bluestargroup.com.au)

**Price Code A**