




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 14 June 2023

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

 **Mr WEIR** (Condamine—LNP) (4.44 pm): I rise to make a brief contribution to the debate on the Births, Deaths and Marriages Registration Bill 2022. As we have heard from the shadow minister, Tim Nicholls, we will be opposing the bill for a number of reasons. However, like most bills, there are some aspects that do have merit and I would like to take this opportunity to speak to one particular clause. The bill proposes to allow a person to apply to the registry to change their name if they are born in Queensland, were adopted and the adoption is registered in Queensland or have been ordinarily resident in Queensland for at least 12 consecutive months immediately before the person makes the application. Some exceptions apply, including applications relating to marriage or divorce or where the registrar is satisfied that there are exceptional circumstances for accepting the application. I am interested in what would constitute an exceptional circumstance, especially in regard to children changing their surname. The bill states in situations where a child does not meet any of the eligibility criteria, the registrar must still accept an application if the registrar is satisfied there are exceptional circumstances for accepting the application.

In September 2022 the Condamine office was contacted by a constituent inquiring about Queensland laws surrounding name changes. This constituent has four children. Their biological father was convicted of sexually abusing two of them and spent time in jail due to this conviction. The mother has sole parental responsibility via a federal family law court order. However, to legally change her children's surnames in Queensland she still has to seek permission from the biological father.

In November 2022 a letter was sent to the then attorney-general, Shannon Fentiman, with a response received stating the Registry of Births, Deaths and Marriages administers legal changes of name by applying the Registry of Births, Deaths and Marriages Act. The letter advised that the application to change the surname required both registered parents even if one of the parents had been granted sole parental responsibility. There were some exceptions; however, these were limited.

I ask the minister if this amendment will allow a change of surname to be granted with only one parent applying due to the exceptional circumstances in which this Condamine mother finds herself. One would think that having the biological father convicted of sexually assaulting his own children would be a justifiable reason to permit this change of name. These children have already endured enough pain and they do not need to bear the name of the person who has caused them so much trauma in their young lives. Having the same surname would continue that trauma for the rest of their lives. If the minister could give some clarification on this issue while summing up it would be very much appreciated by the family involved.