



Queensland

Births, Deaths and Marriages Registration Regulation 2022

Subordinate Legislation 2022 No. ...

made under the

Births, Deaths and Marriages Registration Act 2022

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Births, Deaths and Marriages Registration Regulation 2022*.

2 Commencement

This regulation commences on [insert date].

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

Part 2 Births

4 Particulars about birth for inclusion in court order—Act, ss 6 and 7

For sections 6(1)(b)(ii)(B) and 7(3)(b)(ii) of the Act, the particulars in schedule 1, part 1 are prescribed.

5 Particulars for registering birth in register—Act, s 10

For section 10(1)(b)(i) of the Act, the particulars in schedule 1, part 1 are prescribed.

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Part 3 Change of name

6 Information court may consider when approving change of child's name—Act, ss 30, 44, 45, 55 and 56

- (1) In deciding under section 30(b) of the Act whether a proposed change of name for a child is in the child's best interests, the matters to which the Magistrates Court may have regard include the following—
 - (a) the number of previous changes of the child's name;
 - (b) the views of the child's parents on the change of name, to the extent the parents' views are available;
 - (c) the views of any person with parental responsibility for the child on the change of name, to the extent the person's views are available;
 - (d) the child's views on the change of name, to the extent the child's views are available;
 - (e) the likely effect of the change of name on the child;
 - (f) the child's cultural, ethnic, indigenous, Aboriginal or Torres Strait Islander background and whether the change of name is likely to adversely affect the child's cultural, ethnic, indigenous, Aboriginal or Torres Strait Islander identity;
 - (g) the child's preferred name;
 - (h) whether the proposed change of name is an affirmation or expression of the child's sex.
- (2) In deciding under section 44(7)(b), 45(10)(b), 55(8)(b) or 56(10)(b) of the Act whether a proposed change of name for a child is in the child's best interests, the matters to which the Childrens Court may have regard include the matters mentioned in subsection (1).

7 Particulars for registering change of name in register—Act, s 34

For section 34(1)(b)(i) of the Act, the particulars in schedule 1, part 2 are prescribed.

8 Noting change of name other than by registration—Act, s 35

- (1) For section 35(7)(b)(i) of the Act, the following documents are prescribed—
 - (a) a certificate from a registering authority that evidences the person's change of name;
 - (b) a copy of a deed poll registered in Queensland or another State that evidences the person's change of name;
 - (c) a court order that approves the person's change of name or otherwise evidences a change of the person's name.
- (2) If a document is a copy, the document must be certified by a qualified witness as being a true copy of the original document.

Part 4 Acknowledgement of sex

9 Information for assessment—Act, s 37, definition *assessment*

For section 37 of the Act, definition *assessment*, paragraphs (a)(iii) and (b)(iii), the following information is prescribed—

- (a) the developmentally informed practitioner's name, address of practice, telephone number and email address;
- (b) details of any professional registration or membership of the developmentally informed practitioner;
- (c) the dates the developmentally informed practitioner has seen the child;

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- (d) information about the developmentally informed practitioner’s relationship with the child;
- (e) a statement that the information provided in the assessment is complete and correct.

10 Types of persons—Act, s 37, definition *developmentally informed practitioner*

- (1) For section 37 of the Act, definition *developmentally informed practitioner*, the following types of persons are prescribed—
 - (a) a medical practitioner;
 - (b) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student;
 - (c) a person registered under the Health Practitioner Regulation National Law to practise in the occupational therapy profession, other than as a student;
 - (d) a person who is eligible for practising membership of The Speech Pathology Association of Australia Limited ACN 008 393 440;
 - (e) a person registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing profession, other than as a student; and
 - (ii) in the registered nurses division of that profession;
 - (f) a person who is a member of the Australian Association of Social Workers Limited ACN 008 576 010;
 - (g) a person who is employed by a school as a school guidance officer;
 - (h) a person who is registered on the Australian Register of Counsellors and Psychotherapists.
- (2) In this section—

school guidance officer means a person who—

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- (a) holds full registration under the *Education (Queensland College of Teachers) Act 2005*; and
 - (b) has—
 - (i) completed a masters course at a tertiary education institution that includes studies in guidance, counselling, mental health or psychoeducational assessment; or
 - (ii) general or provisional registration in the Register of Psychologists kept by the Psychology Board of Australia; or
 - (iii) completed 4 years of a psychology program accredited by the Australian Psychology Accreditation Council.

Part 5 Marriages

- 11 Particulars for registering marriage in register—Act, s 85**
For section 85(1)(a) of the Act, the particulars in schedule 1, part 3 are prescribed.

Part 6 Civil partnerships

- 12 Particulars for registering civil partnership in register—Act, s 86**
For section 86(2) of the Act, the particulars in schedule 1, part 4 are prescribed.

[s 13]

Part 7 Deaths

- 13 Particulars about death for inclusion in court order—Act, ss 89 and 95**
- For sections 89(1)(b)(ii)(B) and 95(3)(d) of the Act, the particulars in schedule 1, part 5 are prescribed.
- 14 Particulars for registering death in register—Act, s 93**
- For section 93(1)(b)(i) of the Act, the particulars in schedule 1, part 5 are prescribed.

Part 8 Miscellaneous

- 15 Who may be given requested information relating to entry closed under section 43 of the Act—Act, s 111**
- For section 111(2)(e) of the Act, the following persons are prescribed—
- (a) if an administrator has been appointed under the *Guardianship and Administration Act 2000*, section 14 for the person—the administrator;
 - (b) if a personal representative has been appointed for the person—the personal representative;
 - (c) an executor or administrator of the person’s estate;
 - (d) an officer of, or person acting for, a law enforcement body;
 - (e) a person who produces an order of a court of the Commonwealth or the State, or an order of QCAT, requiring the registrar to accept an application under section 110 of the Act.

16 Who may be given requested information or certificate containing notation of previous sex—Act, s 113

For section 113(3)(b)(v) of the Act, the following persons are prescribed—

- (a) if an administrator has been appointed under the *Guardianship and Administration Act 2000*, section 14 for the subject person—the administrator;
- (b) if a personal representative has been appointed for the subject person—the personal representative;
- (c) an executor or administrator of the subject person’s estate;
- (d) an officer of, or person acting for, a law enforcement body;
- (e) a person who produces an order of a court of the Commonwealth or the State, or an order of QCAT, requiring the registrar to accept an application under section 110 or 112 of the Act.

17 Provision about persons prescribed under ss 15 and 16

- (1) When applying for requested information or a certificate, a person mentioned in section 15(a) or (b) or 16(a) or (b) must—
 - (a) satisfy the registrar of the person’s identity; and
 - (b) produce to the registrar the person’s instrument of appointment; and
 - (c) show that the requested information is required to discharge a function under the person’s appointment.
- (2) When applying for requested information or a certificate, a person mentioned in section 15(d) or 16(d) must—
 - (a) satisfy the registrar of the person’s identity; and
 - (b) show that the requested information is required to discharge—
 - (i) a function of the law enforcement body; or

[s 18]

- (ii) the person's duty as an officer of the law enforcement body.

Example of documentary proof of an officer's identity—

an identity card issued by a law enforcement body, with a photo of the officer, that states the officer's name, rank and registered number

- (3) When applying for requested information or a certificate, a person mentioned in section 15(e) or 16(e) must satisfy the registrar of the person's identity.
- (4) If a court order or an order of QCAT is produced under section 15(e) or 16(e), the registrar must accept the application.
- (5) If a document produced under this section is a copy, the document must be certified by a qualified witness as being a true copy of the original document.

18 Fees

- (1) The fees payable under the Act are in schedule 2.
- (2) An application fee must accompany an application to the registrar.
- (3) The registrar may waive, wholly or partly, payment of a fee stated in schedule 2.
- (4) In deciding whether to wholly or partly waive a fee the registrar may have regard to the following factors—
 - (a) whether the applicant is experiencing financial hardship;
 - (b) whether the provision of the service or thing applied for would improve the applicant's circumstances;
 - (c) whether, in the registrar's opinion, waiver of the fee is otherwise desirable in the circumstances.
- (5) The registrar may refund all or part of a fee paid.

19 Giving priority

- (1) A person may apply to the registrar for the registrar to give priority to—

-
- (a) registering a change of name; or
 - (b) searching the register or indexes to the register for an event; or
 - (c) issuing a certificate.
- (2) An application under this section must be accompanied by the fee prescribed in schedule 2.

20 Certifying documents

- (1) A person may apply to the registrar for the registrar to certify a photocopy of information or a document.
- (2) An application under this section must be accompanied by the fee prescribed in schedule 2.

21 Historical information—Act, sch 2, definition *historical information*

For an application, the periods for schedule 2 of the Act, definition *historical information* are—

- (a) for a birth—100 years before the day of the application; or
- (b) for a marriage—75 years before the day of the application; or
- (c) for a civil partnership—75 years before the day of the application; or
- (d) for a death—30 years before the day of the application.

22 Prohibited name—Act, sch 2, definition *prohibited name*

For schedule 2 of the Act, definition *prohibited name*, paragraph (f), a name that is, includes, or is part of, a political slogan is a prohibited name.

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Part 9 **Repeal and transitional provision**

Division 1 **Repeal**

23 **Repeal of regulation**

The Births, Deaths and Marriages Registration Regulation 2015, SL No. 81 is repealed.

Division 2 **Transitional provision**

24 **Continued application of repealed regulation**

- (1) This section applies if an application under the *Births, Deaths and Marriages Registration Act 2003*, other than section 17, was made, but not decided, before the repeal of that Act.
- (2) The *Births, Deaths and Marriages Registration Regulation 2015* as in force before the repeal of the *Births, Deaths and Marriages Registration Act 2003* continues to apply to the application.

Schedule 1 Prescribed particulars

sections 4, 5, 7, 11, 12, 13 and 14

Part 1 Births

- 1 The child's—
 - (a) full name; and
 - (b) date of birth; and
 - (c) place of birth; and
 - (d) sex.
- 2 If the birth is a multiple birth—the child's order in the birth.
- 3 If a person is registered as a parent, father or mother, of the child, the person's—
 - (a) full name; and
 - (b) full birth name, if applicable; and
 - (c) place of birth; and
 - (d) age at the date of the birth; and
 - (e) occupation at the date of the birth.
- 4 If the child's parents are married to each other—the date and place of the marriage.
- 5 If the child's parents are in a civil partnership with each other—
 - (a) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(a)—the date and place the civil partnership was registered; or
 - (b) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(b)—

Schedule 1

- (i) the date, under the *Civil Partnerships Act 2011*, section 13(2), on which the civil partnership had effect; and
 - (ii) the place the parents made the declaration of civil partnership; or
 - (c) for a civil partnership taken to be registered as a civil partnership under the *Civil Partnerships Act 2011*, section 33—the date and place the civil partnership was entered into under the relevant corresponding law.
- 6 If the child’s parents are in a de facto relationship with each other—that fact.
- 7 For any other children of the parents’ relationship—
- (a) for each other child living at the date of the birth, other than a child born of the same pregnancy—
 - (i) the other child’s name; and
 - (ii) the other child’s age; and
 - (b) for each other child who predeceased the child, other than a child born of the same pregnancy—
 - (i) the other child’s name; and
 - (ii) a statement to the effect that the other child predeceased the child.
- 8 For any other children of either of the parents—
- (a) for each other child living at the date of the birth—
 - (i) the other child’s name; and
 - (ii) the other child’s age; and
 - (b) for each other child who predeceased the child—
 - (i) the other child’s name; and

- (ii) a statement to the effect that the other child predeceased the child.

Example for item 8—

a child who is an older half-sibling of the child

- 9 Each applicant's—
 - (a) full name; and
 - (b) residential address; and
 - (c) relationship to the child.

Part 2 Change of name

The person's—

- (a) full birth name as registered at birth or adoption; and
- (b) name proposed to be registered; and
- (c) former name, if any; and
- (d) date of birth; and
- (e) place of birth; and
- (f) reason for the application.

Part 3 Marriages

- 1 Each party's—
 - (a) full name; and
 - (b) age; and

Schedule 1

- (c) place of birth; and
 - (d) occupation; and
 - (e) marital status before entering into the marriage; and
 - (f) usual residential address; and
 - (g) parents' full names and full birth names.
- 2 The date and place of the marriage.
 - 3 The rites under which the marriage was solemnised.
 - 4 The authorised celebrant's full name and authorisation number.
 - 5 The names of the witnesses to the marriage.

Part 4 Civil partnerships

- 1 Each party's—
 - (a) full name; and
 - (b) date of birth; and
 - (c) place of birth; and
 - (d) relationship status before entering into the civil partnership; and
 - (e) usual residential address; and
 - (f) parents' full names and full birth names.
- 2 For a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(b)—
 - (a) the date on which, under the *Civil Partnerships Act 2011*, section 13(2), the civil partnership had effect; and
 - (b) the place the parties made the declaration of civil partnership; and

- (c) the full name and registration number of the civil partnership notary before whom the parties made the declaration.

Part 5 Deaths

- 1 The deceased person's—
 - (a) full name at the date of death; and
 - (b) place of birth, if known; and
 - (c) date of death; and
 - (d) place of death; and
 - (e) age at the date of death; and
 - (f) sex at the date of death; and
 - (g) occupation; and
 - (h) relationship status at the date of death; and
 - (i) parents' full names, full birth names and occupations.
- 2 If the deceased person was ever married—
 - (a) the full name of each person to whom the deceased person was married; and
 - (b) the deceased person's age at the date of each marriage; and
 - (c) the place of each marriage.
- 3 If the deceased person was ever in a civil partnership—
 - (a) the full name of each civil partner; and
 - (b) the deceased person's age at—
 - (i) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(a)—the date the civil partnership was registered; or

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- (ii) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(b)—the date, under the *Civil Partnerships Act 2011*, section 13(2), on which the civil partnership had effect; or
 - (iii) for a relationship taken to be registered as a civil partnership under the *Civil Partnerships Act 2011*, section 33—the date the civil partnership was entered into under the relevant corresponding law; and
 - (c) the place—
 - (i) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(a)—the civil partnership was registered; or
 - (ii) for a civil partnership entered into under the *Civil Partnerships Act 2011*, section 6(b)—the deceased person made the declaration of civil partnership; or
 - (iii) for a relationship taken to be registered as a civil partnership under the *Civil Partnerships Act 2011*, section 33—the civil partnership was entered into under the relevant corresponding law.
- 4 If the deceased person was ever in a de facto relationship—the full name of each de facto partner.
- 5 If the deceased person was born outside Australia—the year the person first arrived in Australia.
- 6 If the deceased person had children—
 - (a) for each child living at the date of the person’s death, the child’s—
 - (i) name; and
 - (ii) age; and
 - (b) for a child who predeceased the deceased person—
 - (i) the child’s name; and
 - (ii) a statement to the effect that the child predeceased the deceased person.

- 7 The deceased person's cause of death.
- 8 The duration of the deceased person's last illness, if applicable.
- 9 The first initial and surname of the certifying doctor for the deceased person.
- 10 The first initial and surname of the person certifying the burial or cremation of the deceased person.
- 11 The first initial and surname of any Minister of religion or other person officiating at the burial or cremation of the deceased person.
- 12 If a Minister of religion officiates at the burial or cremation of the deceased person—the religion of the Minister.
- 13 The date, place and final disposal of the deceased person's body.
- 14 Each applicant's—
 - (a) full name; and
 - (b) residential address; and
 - (c) relationship to the deceased person.

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Schedule 2 Fees

sections 18, 19 and 20

	Fee units
1 Application under section 15 of the Act to register a change of a child's first name	23.10
2 Application to—	
(a) register a parentage order under section 18(3)(b)(i) of the Act	119.00
(b) register a parentage discharge order under section 20(3)(c)(i) of the Act	119.00
3 Application under section 26 or 29 of the Act to register a change of name	194.20
4 Application under section 35 of the Act to note a change of name	40.05
5 Application under section 36 of the Act to re-register a relevant event	76.60
6 Application under section 39 or 40 of the Act to alter a record of sex	119.00
7 Application under section 50 or 51 of the Act for a recognised details certificate	119.00
8 Application under section 107(2)(a) of the Act to correct a register	20.65
9 Application under section 110(1) of the Act for requested information by searching the register or indexes to the register for an event—for each event under 1 name, for each 5-year period or part of a 5-year period searched	25.55
10 Application under section 110(1) of the Act for a copy of requested information that is a source document	57.05
11 Application under section 112 of the Act for a certificate	51.30

	Fee units
12 Application to give priority to—	
(a) registering a change of name under section 19(1)(a)	102.00
	(in addition to any other fee)
(b) searching the register or indexes to the register for an event under section 19(1)(b)	30.40
	(in addition to any other fee)
(c) issuing a certificate under section 19(1)(c)	30.40
	(in addition to any other fee)
13 Application under section 20 to certify a photocopy of information or a document	59.50

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Schedule 3 Dictionary

section 3

authorisation number, of an authorised celebrant, means the number assigned to the celebrant by the Commonwealth or a State.

authorised celebrant see the *Marriage Act 1961* (Cwlth), section 5(1), definition *authorised celebrant*, paragraph (a).

certifying doctor means the doctor who completes a cause of death certificate or autopsy certificate or notice.

doctor includes a person registered as a medical practitioner under a law of another country corresponding to the Health Practitioner Regulation National Law.

qualified witness means—

- (a) a barrister, solicitor or notary public; or
- (b) a commissioner for declarations; or
- (c) a justice of the peace.

ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Justice and Attorney-General.

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