



Queensland

# Status of Children Regulation 2012

## Explanatory Notes for SL 2012 No. 135

made under the

*Status of Children Act 1978*

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## General outline

### Short title

*Status of Children Regulation 2012.*

### Authorising law

Section 32 of the *Status of Children Act 1978*

### Policy objectives and the reasons for them

The policy objectives of the *Status of Children Regulation 2012* (the Regulation) are to support the operation of the *Status of Children Act 1978* (the Act). The purpose of the Act is to provide legal certainty in relation to the status of children and their parents. The parentage presumptions contained in the Act establish, at law, the presumed parents of a child.

Where a declaration of parentage is sought, the Supreme Court may make a parentage testing order directing a person to submit to the carrying out of a parentage testing procedure. The requirements for conducting a parentage testing procedure are to be contained in the Regulation.

Where a parentage testing procedure has been conducted, the result of the procedure must be contained in a parentage testing procedure report. The

Act requires that the report must be prepared in accordance with the requirements prescribed under the Regulation.

### **Achievement of policy objectives**

The Regulation achieves its objectives by:

- Prescribing the requirements for the carrying out of a parentage testing procedure under section 11 of the Act;
- Prescribing the requirements for the preparation of a parentage testing procedure report under section 12 of the Act; and
- Prescribing the fees for filing a document with the Registry of Births, Deaths and Marriages under the Act, and conducting a search the indexes of the Registry of Births, Deaths and Marriages for a document under section 9 of the Act.

The Regulation will commence on 1 September 2012 and will repeal and replace the *Status of Children Regulation 2002*. The Regulation will maintain consistency between jurisdictions in the way parentage testing is conducted.

### **Consistency with policy objectives of authorising law**

The Regulation is consistent with the policy objectives of the Act.

### **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

There are no identified impacts on the community as a result of the implementation of the Regulation.

### **Consistency with fundamental legislative principles**

The Regulation does not conflict with fundamental legislative principles.

## **Consultation**

The National Association of Testing Authorities, the Family Law Practitioners' Association of Queensland, the Queensland Law Society, the Bar Association of Queensland, and Legal Aid Queensland were consulted about the Regulation. The Department of Communities, Child Safety and Disability Services, Queensland Health, Department of the Premier and Cabinet, and Queensland Treasury and Trade have also been consulted in the process of remaking of the Regulation.

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## **ENDNOTES**

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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