

# **Status of Children Regulation 2022**

Explanatory notes for SL 2022 No. 115

Made under the

*Status of Children Act 1978*

## **General Outline**

### **Short Title**

*Status of Children Regulation 2022*

### **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 2022* (the Regulation) are to support the operation of provisions in the *Status of Children Act 1978* (the Act) regarding parentage testing orders and the preparation of a parentage testing procedure report in proceedings where a declaration of parentage is sought.

The Act's purpose is to provide legal certainty regarding the status of children and their parents. The Act contains presumptions of parentage that 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 under section 11 of the Act which directs a person to submit to undertaking a parentage testing procedure. The Regulation prescribes the requirements for carrying out a parentage testing procedure.

The results of a parentage testing procedure must be contained in a parentage testing procedure report. Pursuant to section 12 of the Act, the parentage testing procedure report must be prepared according to the requirements prescribed by the Regulation.

## **Achievement of policy objectives**

The Regulation achieves its objectives by:

- prescribing the requirements for carrying out a parentage testing procedure under section 11 of the Act; and
- prescribing the requirements for preparing a parentage testing procedure report under section 12 of the Act.

The Regulation will commence on 1 September 2022 and will repeal and replace the *Status of Children Regulation 2012*.

The Regulation will also 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 to provide legal certainty regarding the status of children and their parents.

## **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 Regulation's implementation.

## **Consistency with fundamental legislative principles**

The Regulation does not conflict with fundamental legislative principles

## **Consultation**

The Bar Association of Queensland, Family Law Practitioners' Association of Queensland, Legal Aid Queensland, National Association of Testing Authorities, Queensland Law Society and the Supreme Court of Queensland were consulted about the Regulation. The Department of Children, Youth Justice and Multicultural Affairs, Department of the Premier and Cabinet, Queensland Health and Queensland Treasury have also been consulted in the process of remaking the Regulation.

A sunset review was undertaken in consultation with the Office of Best Practice Regulation (OBPR) to examine the ongoing need, effectiveness, and efficiency of the Regulation. OBPR advised the Regulation remains relevant and requires no further regulatory impact analysis.