



Queensland

# Childrens Court Amendment Rule 2024

## Subordinate Legislation 2024 No. 76

made under the

*Childrens Court Act 1992*

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**1 Short title**

This rule may be cited as the *Childrens Court Amendment Rule 2024*.

**2 Commencement**

This rule commences on 24 June 2024.

**3 Rules amended**

This rule amends the *Childrens Court Rules 2016*.

**4 Amendment of r 3 (Application of rules)**

(1) Rule 3(1)—

*insert—*

(ca) acknowledgement of sex proceedings; and

(2) Rule 3(1)(e)—

*insert—*

(iii) the *Births, Deaths and Marriages Registration Act 2023*, section 78.

(3) Rule 3(1)(ca) to (e)—

*renumber* as rule 3(1)(d) to (f).

**5 Amendment of r 4 (Definitions)**

(1) Rule 4—

*insert—*

(3A) For a rule about an acknowledgement of sex proceeding, the words and expressions used in the rule have the same meaning as they have in the *Births, Deaths and Marriages Registration Act 2023*.

(2) Rule 4(4), ‘subrules (2) and (3)’—

*omit, insert—*

subrules (2), (3) and (4)

(3) Rule 4(3A) and (4)—

*renumber* as rule 4(4) and (5).

## **6 Amendment of r 5 (Main objects of rules)**

Rule 5(a)—

*insert—*

(iii) for an acknowledgement of sex proceeding—the *Births, Deaths and Marriages Registration Act 2023*, section 70; and

## **7 Insertion of new pt 2, div 1, hdg**

Before rule 9—

*insert—*

### **Division 1 Preliminary**

## **8 Amendment of r 9 (What part is about)**

(1) Rule 9(b), from ‘that’ to ‘file’—

*omit, insert—*

the litigation director must file

(2) Rule 9—

*insert—*

(d) states the documents a person making an acknowledgement of sex application must file.

## **9 Insertion of new pt 2, div 2, hdg**

Before rule 10—

*insert—*

## **Division 2      Starting proceedings**

### **10      Amendment of r 10 (Starting proceedings)**

(1) Rule 10, heading—

*omit, insert—*

#### **10      How proceeding is started**

(2) Rule 10(1)—

*insert—*

(ba) an acknowledgement of sex application;

(3) Rule 10(1)(ba) and (c)—

*renumber* as rule 10(1)(c) and (d).

(4) Rule 10(2), ‘subrule (1)(a) or (b)’—

*omit, insert—*

subrule (1)(a), (b) or (c)

### **11      Amendment of r 12 (Form and content of originating application)**

Rule 12, heading, after ‘originating application’—

*insert—*

**generally**

### **12      Insertion of new r 12A**

After rule 12—

*insert—*

#### **12A Orders and relief that may be sought in originating application for particular acknowledgement of sex proceeding**

(1) Subrule (2) applies in relation to an acknowledgement of sex proceeding started by an

application made under the *Births, Deaths and Marriages Registration Act 2023*, section 44 or 55 by an eligible person for a child.

- (2) The originating application for the acknowledgement of sex proceeding may include an application for any order or relief that could otherwise be made or granted by the court on an application in the proceeding.
- (3) Subrule (4) applies in relation to an acknowledgement of sex proceeding started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child.
- (4) The originating application for the acknowledgement of sex proceeding may include an application for—
  - (a) an order under the *Births, Deaths and Marriages Registration Act 2023*, section 46(2) or 57(2) dispensing with the requirement to serve a copy of the originating application on 1 or more of the respondents; or
  - (b) any other order or relief that could otherwise be made or granted by the court on an application in the proceeding.

*Note—*

See part 7, division 2 in relation to applications in proceedings.

## 13 Insertion of new pt 2, div 3, hdg

Before rule 13—

*insert—*

### **Division 3**

### **Additional documents to be filed for particular proceedings**

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**14 Amendment of r 13 (Documents to be filed if child protection proceeding started)**

- (1) Rule 13(2)(d), ‘orders or’—  
*omit, insert—*  
orders and
- (2) Rule 13(4)(b), from ‘file’ to ‘is filed’—  
*omit, insert—*  
comply with paragraph (a)
- (3) Rule 13(4)(b)(iii), ‘subparagraph (i) or (ii) does’—  
*omit, insert—*  
subparagraphs (i) and (ii) do

**15 Insertion of new r 14A**

After rule 14—

*insert—*

**14A Documents to be filed if acknowledgement of sex proceeding started**

- (1) This rule applies if an acknowledgement of sex proceeding is started.
- (2) Each of the following documents must be filed with the originating application for the acknowledgement of sex proceeding—
  - (a) the birth certificate for the child the subject of the application;
  - (b) if the child or a member of the child’s family is named in a domestic violence order—a copy of the domestic violence order;
  - (c) any other document relevant to the proceeding.



*Examples of documents relevant to the proceeding—*

- an order of a court, or an agreement registered or approved, under the *Family Law Act 1975* (Cwlth) relating to the child
- a relevant child protection order for the child

(3) In this rule—

***domestic violence order*** means—

- (a) a domestic violence order under the *Domestic and Family Violence Protection Act 2012*; or
- (b) an interstate order, or a registered New Zealand order, under part 6 of that Act.

## 16 Amendment of r 17 (When document is filed)

Rule 17(1)(b), ‘an Adoption Act application or a child protection application’—

*omit, insert—*

a child protection application, an Adoption Act application or an acknowledgement of sex application

## 17 Insertion of new r 18A

After rule 18—

*insert—*

### **18A Documents in language other than English**

- (1) If a document filed in the court is written in a language other than English, a certified translation of the document must also be filed.
- (2) In this rule—

***certified translation***, of a document, means a translation of the document into English by a translator whose certification states—

- (a) that the translation is correct; and

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(b) the translator’s accreditation or qualifications for making the translation.

**18 Amendment of r 21 (Notice of address for service—parties to proceeding)**

Rule 21(1), ‘or an Adoption Act application’—

*omit, insert—*

, an Adoption Act application or an acknowledgement of sex application

**19 Amendment of r 25 (Parties to proceeding to be served)**

Rule 25(1)—

*insert—*

*Notes—*

- 1 See the *Births, Deaths and Marriages Registration Act 2023*, section 71 for who is a party to an acknowledgement of sex proceeding.
- 2 See rule 31 and the *Births, Deaths and Marriages Registration Act 2023*, sections 46, 57 and 63 for when the court may dispense with the requirement to serve particular documents.

**20 Amendment of rr 31, 74, 76 and 78**

Rules 31(5)(a), 74(3)(a), 76(3)(a) and 78(3)(a)—

*insert—*

*Note—*

For a decision in an acknowledgement of sex proceeding, see the *Births, Deaths and Marriages Registration Act 2023*, section 70 in relation to the court’s paramount consideration.

**21 Amendment of r 33 (Guardian to be served)**

Rule 33(1)(a), ‘or an Adoption Act application’—

*omit, insert—*

, an Adoption Act application or an acknowledgement of sex application

**22 Amendment of pt 5, hdg (Participants in proceedings and other particular entities)**

Part 5, heading, from ‘and’—

*omit, insert—*

**and related matters**

**23 Amendment of r 35 (What part is about)**

Rule 35(d), ‘or adoption proceeding’—

*omit, insert—*

, adoption proceeding or acknowledgement of sex proceeding

**24 Amendment of r 42 (Way child is to participate in proceeding)**

(1) Rule 42(1)—

*omit, insert—*

(1) This rule applies in relation to a child who—

(a) is the subject of a CAO proceeding, child protection proceeding or adoption proceeding; or

(b) starts an acknowledgement of sex proceeding by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56, or is otherwise the subject of an acknowledgement of sex proceeding.

(1A) The court may make an order or issue a direction to assist the child to participate in the proceeding, including, for example, a direction that—

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- (a) the child may have a person nearby during all or part of an appearance in the proceeding to support the child; or

*Example—*

support of an Aboriginal or Torres Strait Islander child provided by an appropriate person in accordance with Aboriginal tradition or Island custom

- (b) the child may appear at an appearance in a particular way; or
- (c) service on the child under rule 31 is to occur in a particular way; or
- (d) there is a requirement that something be done to assist a child to understand and participate in the proceeding.

*Notes—*

- 1 See the Child Protection Act, section 106 and the *Births, Deaths and Marriages Registration Act 2023*, section 73 for the court's duty to ensure that parties understand the nature, purpose and legal implications of the proceeding.
- 2 See also rule 67(2)(c) for the court's power to issue directions in relation to a child protection proceeding.

- (2) Rule 42(2), 'subrule (1)'—

*omit, insert—*

subrule (2)

- (3) Rule 42(2)(a)—

*insert—*

*Note—*

For a decision in an acknowledgement of sex proceeding, see the *Births, Deaths and Marriages Registration Act 2023*, section 70 in relation to the court's paramount consideration.

- (4) Rule 42(2)(b)—

*insert—*

(iii) for an acknowledgement of sex proceeding started by a child as mentioned in subrule (1)(b)—

(A) the child’s age; and

(B) whether the child is legally represented.

(5) Rule 42(1A) and (2)—

*renumber* as rule 42(2) and (3).

**25 Amendment of r 43 (Way child is to be heard in proceeding)**

Rule 43(1), notes—

*insert—*

3 For an acknowledgement of sex proceeding, see the *Births, Deaths and Marriages Registration Act 2023*, section 76 in relation to how a child may be heard in the proceeding.

**26 Amendment of r 48 (Attending appearance by audio visual link or audio link)**

Rule 48(1)—

*insert—*

*Note—*

See rule 64(2)(j) in relation to how an appearance in an acknowledgement of sex proceeding is to happen.

**27 Replacement of pt 7, hdg and pt 7, div 1, hdg**

Part 7, heading and part 7, division 1, heading—

*omit, insert—*

**Part 7**                      **Case management,  
applications in  
proceedings and  
related matters**

**Division 1**                **Case management in child  
protection proceedings  
and acknowledgement of  
sex proceedings**

**Subdivision 1 Preliminary**

**28 Amendment of r 62 (What division is about)**

(1) Rule 62, after ‘child protection proceeding’—

*insert—*

or an acknowledgement of sex proceeding

(2) Rule 62(c), before ‘who’—

*insert—*

for a child protection proceeding—

**29 Insertion of new pt 7, div 1, sdiv 2, hdg**

Before rule 63—

*insert—*

**Subdivision 2 General provisions**

**30 Amendment of r 63 (Court to manage child protection proceedings)**

(1) Rule 63, heading, after ‘proceedings’—

*insert—*

**and acknowledgement of sex proceedings**

- (2) Rule 63, after ‘child protection proceeding’—

*insert—*

or an acknowledgement of sex proceeding

**31 Amendment of r 64 (Way court may manage child protection proceeding)**

- (1) Rule 64, heading, after ‘proceeding’—

*insert—*

**or acknowledgement of sex proceeding**

- (2) Rule 64(1), after ‘child protection proceeding’—

*insert—*

or an acknowledgement of sex proceeding

- (3) Rule 64(1), ‘a proceeding’—

*omit, insert—*

the proceeding

- (4) Rule 64(2)(n), note—

*omit, insert—*

*Note—*

See division 2 in relation to applications in proceedings.

- (5) Rule 64—

*insert—*

- (3) However, for an acknowledgement of sex proceeding started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child, the court must, in acting under subrule (1) or (2), have regard to the fact that the applicant is a child.

*Note—*

See also the *Births, Deaths and Marriages Registration Act 2023*, section 70 in relation to the court’s paramount

consideration in exercising jurisdiction or powers in an acknowledgement of sex proceeding.

**32 Amendment of r 65 (Evidence in child protection proceeding)**

- (1) Rule 65, heading, after ‘proceeding’—

*insert—*

**or acknowledgement of sex proceeding**

- (2) Rule 65, after ‘in a child protection proceeding’—

*insert—*

or an acknowledgement of sex proceeding

- (3) Rule 65—

*insert—*

(ab) for an acknowledgement of sex proceeding started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child—how the child is to give evidence, including whether the child is to give evidence orally, by affidavit or in another way the court considers appropriate;

- (4) Rule 65(h), note—

*omit, insert—*

*Note—*

See the Child Protection Act, section 105 and the *Births, Deaths and Marriages Registration Act 2023*, section 74 for how the court may inform itself.

- (5) Rule 65(ab) to (h)—

*renumber* as rule 65(b) to (i).

- (6) Rule 65—

*insert—*

(2) In deciding whether to give a direction under



subrule (1)(b), the court must have regard to the following matters—

- (a) the child’s age;
- (b) whether the child is legally represented;
- (c) the nature of the evidence to be given by the child;
- (d) whether the child’s evidence may be given in another way.

**33 Insertion of new pt 7, div 1, sdiv 3, hdg**

Before rule 66—

*insert—*

**Subdivision 3 Additional provisions for  
child protection  
proceedings**

**34 Insertion of new pt 7, div 1, sdiv 4**

After rule 72—

*insert—*

**Subdivision 4 Additional provisions for  
acknowledgement of sex  
proceedings**

**72A Court may consider other relevant  
proceedings**

- (1) In an acknowledgement of sex proceeding, the court may consider—
  - (a) whether the child the subject of the proceeding or a parent of the child is a party to a DFVP proceeding, or a DFVP proceeding is otherwise relevant to the proceeding; and

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- (b) if paragraph (a) applies, whether to issue another direction about the DFVP proceeding.
- (2) The court may also consider whether there are any other relevant proceedings, and whether to issue a direction about a matter related to the relevant proceeding.
- (3) In this rule—

***DFVP proceeding*** means a proceeding under the *Domestic and Family Violence Protection Act 2012*.

***relevant proceeding***, in relation to an acknowledgement of sex proceeding, means a proceeding relevant to the acknowledgement of sex proceeding, including, for example, a proceeding in which a court is exercising jurisdiction conferred under the *Family Law Act 1975* (Cwlth).

## **72B Court may direct particular children to give information**

- (1) This rule applies if an acknowledgement of sex proceeding is started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child.
- (2) The court may direct the child to give the court further information, in the way the court considers appropriate, about—
  - (a) the content of the application; or
  - (b) an affidavit filed by or on behalf of the child.
- (3) In deciding whether to give a direction under subrule (2), the court must have regard to the following matters—
  - (a) the child's age;
  - (b) whether the child is legally represented;

- 
- (c) the nature of the information to be given by the child.

### **72C Court may direct way particular children make submissions**

- (1) This rule applies if an acknowledgement of sex proceeding is started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child.
- (2) The court may direct the child to make submissions in the way the court considers appropriate, including, for example, that a submission is to be made orally or in writing.
- (3) In deciding whether to give a direction under subrule (2), the court must have regard to the following matters—
  - (a) the child’s age;
  - (b) whether the child is legally represented;
  - (c) the nature of the information to be given by the child.

### **35 Amendment of r 80 (Respondent in proceeding may file affidavit)**

- (1) Rule 80(1), from ‘the filing’—

*omit, insert—*

filing—

  - (a) a child protection application; or
  - (b) an Adoption Act application; or
  - (c) an acknowledgement of sex application.
- (2) Rule 80(3), note, after ‘proceeding’—

*insert—*

or an acknowledgement of sex proceeding

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**36 Amendment of r 81 (Particular children may be asked to make affidavit only with court's leave)**

Rule 81, note, from 'giving evidence'—

*omit, insert—*

being called to give evidence under the Child Protection Act, section 112, the Adoption Act, section 238 and the *Births, Deaths and Marriages Registration Act 2023*, section 75.

**37 Amendment of r 91 (Examination of person making affidavit)**

(1) Rule 91(1), note—

*omit, insert—*

*Notes—*

- 1 The child the subject of a CAO proceeding or child protection proceeding, or a child in an adoption proceeding, may be called to give evidence or cross-examined only with the leave of the court under the Child Protection Act, section 112 or the Adoption Act, section 238.
- 2 See the *Births, Deaths and Marriages Registration Act 2023*, section 75 for when a child in an acknowledgement of sex proceeding may be called to give evidence or cross-examined.

(2) Rule 91—

*insert—*

- (1A) Subrule (3) applies if an affidavit to be relied on in an acknowledgement of sex proceeding started by an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 45 or 56 by a child is an affidavit of the child.
- (1B) In deciding whether to make an order under subrule (1), the court must have regard to the following matters—
  - (a) the child's age;
  - (b) whether the child is legally represented;

- (c) the nature of the evidence to be given by the child;
  - (d) whether the child’s evidence may be given in another way.
- (3) Rule 91(2), ‘Subrule (3)’—  
*omit, insert—*  
 Subrule (5)
- (4) Rule 91(6), ‘subrule (3)’—  
*omit, insert—*  
 subrule (5)
- (5) Rule 91(1A) to (6)—  
*renumber* as rule 91(2) to (8).

**38 Amendment of r 93 (Request for subpoena)**

Rule 93(2), note, from ‘giving evidence’—

*omit, insert—*

being called to give evidence under the Child Protection Act, section 112, the Adoption Act, section 238 and the *Births, Deaths and Marriages Registration Act 2023*, section 75.

**39 Amendment of r 102 (Court may issue directions about how children give evidence)**

(1) Rule 102(1), note—

*omit, insert—*

*Notes—*

- 1 The child the subject of a CAO proceeding or child protection proceeding, or a child in an adoption proceeding, may be called to give evidence or cross-examined only with the leave of the court under the Child Protection Act, section 112 or the Adoption Act, section 238.
- 2 See the *Births, Deaths and Marriages Registration Act 2023*, section 75 for when a child in an

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acknowledgement of sex proceeding may be called to give evidence or cross-examined.

(2) Rule 102(3)(a)—

*insert—*

*Note—*

For a decision in an acknowledgement of sex proceeding, see the *Births, Deaths and Marriages Registration Act 2023*, section 70 in relation to the court's paramount consideration.

**40 Amendment of r 121 (Application of part)**

Rule 121—

*insert—*

(c) the *Births, Deaths and Marriages Registration Act 2023*, section 78.

**41 Amendment of r 123 (Notice of appeal)**

(1) Rule 123, note 1, from '239(2)'—

*omit, insert—*

239, the Adoption Act, section 243 and the *Births, Deaths and Marriages Registration Act 2023*, section 78.

(2) Rule 123, note 2, from 'sections 118(5)'—

*omit, insert—*

sections 118 and 239, the Adoption Act, section 244 and the *Births, Deaths and Marriages Registration Act 2023*, section 79.

(3) Rule 123, note 3, from 'sections 118(2)'—

*omit, insert—*

sections 118 and 239, the Adoption Act, section 244 and the *Births, Deaths and Marriages Registration Act 2023*, section 79.

**42 Amendment of r 127 (Outline of argument)**

Rule 127(1)—

*insert—*

(c) the *Births, Deaths and Marriages Registration Act 2023*, section 78.

**43 Amendment of sch 1 (Dictionary)**

(1) Schedule 1—

*insert—*

***acknowledgement of sex application*** means an application made under the *Births, Deaths and Marriages Registration Act 2023*, section 44, 45, 55, 56 or 62.

***acknowledgement of sex proceeding*** means a proceeding started by an acknowledgement of sex application.

(2) Schedule 1, definition *address for service*, after ‘Adoption Act application,’—

*insert—*

acknowledgement of sex application,

(3) Schedule 1, definition *child protection principles*, paragraph (b), ‘6AA’—

*omit, insert—*

5F

(4) Schedule 1, definition *electronic service address*, paragraph (a), after ‘the Adoption Act’—

*insert—*

, the *Births, Deaths and Marriages Registration Act 2023*

(5) Schedule 1, definition *notice of appeal*—

*insert—*

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(c) a notice of appeal under the *Births, Deaths and Marriages Registration Act 2023*, section 79.

(6) Schedule 1, definition *party*—

*insert*—

*Note*—

See the *Births, Deaths and Marriages Registration Act 2023*, section 71 for who is a party to an acknowledgement of sex proceeding.

(7) Schedule 1, definition *service address*, paragraph (a), after ‘the Adoption Act’—

*insert*—

, the *Births, Deaths and Marriages Registration Act 2023*



ENDNOTES

- 1 Made by the Governor in Council on 13 June 2024.
- 2 Notified on the Queensland legislation website on 14 June 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

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