



Births, Deaths and Marriages Registration Act 2003

Current as at 1 December 2018

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Queensland

Births, Deaths and Marriages Registration Act 2003

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Births, Deaths and Marriages Registration Act 2003

An Act to provide for the registration of births, deaths and marriages, and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Births, Deaths and Marriages Registration Act 2003*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Objects

The objects of this Act are to provide for—

- (a) the collection and maintenance, in registers kept by the registrar, of information about—
 - (i) births, deaths, marriages, adoptions, changes of name and reassignments of sex; and
 - (ii) changes of parentage under the *Surrogacy Act 2010*; and
 - (iii) another matter that the registrar is required to keep under another Act; and
- (b) access, in appropriate cases, to information in a register maintained for those purposes; and

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- (c) the issue of certified and uncertified information from a register; and
- (d) the collection and dissemination of statistical information.

4 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

Part 2 Births

5 Notification of birth

- (1) For each child born in Queensland, the responsible person must give a notice, in the approved form, to the registrar.

Maximum penalty—20 penalty units.

- (2) The responsible person is—
- (a) if the child was born in a hospital, or brought to a hospital within 24 hours after birth—the person in charge of the hospital; or
 - (b) otherwise—
 - (i) a doctor present at the birth; or
 - (ii) if a doctor was not present at the birth—a midwife present at the birth; or
 - (iii) if neither a doctor nor a midwife were present at the birth—a person, other than the mother, present at the birth; or
 - (iv) if the mother was alone at the birth—the mother; or
 - (v) if the mother dies or abandons the child—the person who takes physical custody of the child, for example, a person who discovers the child with the body of the mother.

-
- (3) The notice must be given within 2 working days after the birth.
 - (4) A person need not comply with subsection (1) if someone else has complied with subsection (1).
 - (5) For subsection (1), a responsible person who is the person in charge of a hospital must give the notice electronically unless the registrar reasonably considers—
 - (a) it would be impractical to do so because the hospital is located in an area that does not allow for giving the notice electronically; or
 - (b) other exceptional circumstances do not allow for giving the notice electronically.

6 Births that must be registered in Queensland

- (1) The birth of a child must be registered if—
 - (a) the child is born in Queensland; or
 - (b) a Queensland court—
 - (i) finds that the child was born in Queensland; and
 - (ii) makes an order that—
 - (A) directs that the birth be registered; and
 - (B) states the particulars about the birth that are prescribed under a regulation.
- (2) In this section—

child includes a stillborn child born after 30 April 1989.

7 Births that may be registered in Queensland

- (1) The birth of a child may be registered under this Act if—
 - (a) the child is born in an aircraft or vessel outside Queensland; and

- (b) the child is not, between the time when the child is born and when the child arrives in Queensland, taken to a place outside Queensland.

Example of paragraph (b)—

A woman gives birth on a ship travelling non-stop from Sydney to Tokyo. The mother and child are flown by helicopter from the ship to Brisbane to enable them to receive medical care. The birth may be registered in Queensland.

- (2) The birth of a child outside Australia may be registered under this Act if—
 - (a) the child's parents intend to live in Queensland; and
 - (b) when the application for registration is made, the child is—
 - (i) resident in Queensland; and
 - (ii) not older than 18 months.
- (3) The birth of a child may be registered under this Act if a non-Queensland court—
 - (a) finds that the child was born in Queensland; and
 - (b) makes an order that—
 - (i) directs that the birth be registered; and
 - (ii) states the particulars about the birth that are prescribed under a regulation.
- (4) The birth of a stillborn child born in Queensland before 1 May 1989 may be registered under this Act if, at the same time, the registrar is able to register the death of the child.
- (5) The registrar must not register under this section a birth that has been registered in another State or country.
- (6) In this section—

place does not include an aircraft or vessel.

8 Responsibility to apply to have birth registered

- (1) If the birth of a child must be registered in Queensland, the following persons must apply to register the birth—
- (a) both parents of the child;
 - (b) if the child was found abandoned as a newborn—the person taking care of the child.

Maximum penalty—20 penalty units.

- (2) However, the registrar may accept an application completed by only 1 of the parents if the registrar is satisfied—
- (a) the applicant is unable or unwilling to give information as to the other parent's identity or whereabouts; or

Examples—

- 1 The applicant does not know the father's identity.
- 2 The applicant does not know the other parent's whereabouts.

- (b) the other parent is unable, unlikely or unwilling to sign the application; or

Examples—

- 1 The other parent is dead.
- 2 The other parent can not be located.

- (c) the requirement under subsection (1)(a) for the other parent to apply to register the birth would cause the applicant unnecessary distress.

Examples—

- 1 The applicant is too frightened to contact the other parent because of a domestic violence situation.
- 2 Contact between the applicant and the other parent would breach a domestic violence order.

- (2A) If the registrar accepts an application under subsection (2)(a) or (b) and has an address for the other parent, the registrar must, before registering the birth—

- (a) give the other parent—
 - (i) written notice of the application; and

- (ii) at least 14 days written notice of the registrar's intention to register the birth; and
 - (b) ask the other parent to sign an application.
- (2B) A failure of the registrar to comply with subsection (2A), or a failure of the parent of a child to sign an application as requested under subsection (2A)(b), does not prevent the registration of the child's birth or affect the validity of the registration.
- (3) Also, the registrar may accept an application from a person who is not responsible for having the child's birth registered if the registrar is satisfied—
 - (a) the child's parents are unable, or unlikely, to apply to register the birth; and
 - (b) the person knows the relevant facts.
- (4) If the registrar does not receive an application under subsection (1), (2) or (3) for a birth, the registrar may require 1 of the following persons to apply to register the birth—
 - (a) the person in charge of the place where the child was born;
 - (b) a person present at the birth;
 - (c) a person whom the registrar reasonably believes knows the relevant facts.
- (5) A person must comply with the registrar's requirement, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

9 How to apply to register the birth of a child

- (1) An application to register the birth of the child must be in the approved form (a *birth registration application*).
- (2) The application must be given to the registrar within 60 days after the birth.
- (3) However, the registrar may accept an application given more than 60 days after the birth if satisfied that the birth happened.

10 Registration of parentage details

- (1) This section applies if a person applies—
 - (a) to register the birth of a child; or
 - (b) to include information about the identity of a child's parent in the register of births after the child's birth has been registered.
- (2) The registrar must not include information in the register of births that identifies a person as the parent of a child unless—
 - (a) both—
 - (i) the person signed a birth registration application; and
 - (ii) the registrar is satisfied that the person is a parent of the child; or
 - (b) the registrar is entitled under the *Status of Children Act 1978*, section 26 to presume that the person is a parent of the child.
- (3) However, the registrar may include information about the identity of a parent who did not sign the birth registration application if—
 - (a) the registrar is satisfied that the parent did not sign because—
 - (i) the parent is dead; or
 - (ii) the parent's whereabouts are unknown; or
 - (iii) the parent is unable to sign the application; or
 - (iv) the parent is, for another justifiable reason, unable to apply; or
 - (b) the registrar is satisfied that the other parent does not dispute the correctness of the information; or
 - (c) the registrar is entitled under a law, including a law of another State or the Commonwealth, to make a presumption as to the identity of the child's parent.

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- (4) In circumstances prescribed under a regulation, the registrar may require a person who claims that someone is a parent of a child to prove it by giving the registrar a copy of a court finding mentioned in the *Status of Children Act 1978*, section 26.

10A Limitation on registration of parentage details

- (1) In relation to the registration of a relevant event for a child—
- (a) the child's parent, or 1 of the child's parents, must be registered as the child's mother or as the child's father; and
 - (b) not more than 1 person may be registered as the child's mother or as the child's father; and
 - (c) not more than 2 people in total may be registered as the child's parents (however described).
- (2) In this section—
- relevant event**, for a child, means—
- (a) the child's birth; or
 - (b) the child's adoption; or
 - (c) the child's change of parentage under a parentage order or discharge order.

11 Court order relating to birth register

- (1) A court, on application by an interested person or on its own initiative, may order the registrar to—
- (a) register the birth of a child born in Queensland; or
 - (b) include or correct application information about a child's birth, other than the child's name, in the register of births.
- (2) However, a person may not apply for an order under subsection (1) if the person has, under section 49, applied to

QCAT for a review of a decision of the registrar in relation to the same matter.

(3) In this section—

court means—

- (a) for application information about a child's parentage—the Supreme Court; or
- (b) otherwise—the District Court.

12 Child's name

- (1) A birth registration application, other than an application to register the birth of a stillborn child, must state the child's name.
- (2) If a birth registration application states only 1 name for the child, the name is taken, for this Act, to be the child's surname.
- (3) If—
 - (a) the name stated in the birth registration application is a prohibited name; or
 - (b) for a birth registration application that is made by both parents—the registrar is satisfied that the parents can not agree on the child's name; or
 - (c) no name is stated in the birth registration application;the registrar may choose a name for the child and enter it in the register.
- (4) However, the registrar can not choose a first name for a stillborn child if the applicants have indicated that they do not wish to name the child.
- (5) One of the ways in which the applicants may indicate that they do not wish to name the child is by not putting a name for the child in the birth registration application.
- (5A) Before entering a name in the register for a child under subsection (3), the registrar must give the applicant at least 14 days written notice of the registrar's intention to do so.

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- (6) If a child's parents can not agree on a name for the child, either parent may apply to a Magistrates Court to decide the child's name.
- (7) The Magistrates Court may—
 - (a) choose a name, other than a prohibited name, for the child; and
 - (b) order that the name be entered in the register of births for the child.

Note—

Under section 56, a regulation may prescribe information that a court may consider when deciding or changing a child's name.

13 Application to change child's first name within a year of birth

- (1) This section applies if a child's birth or adoption was registered in Queensland.
- (2) The child's parents may apply, in the approved form, to change the child's first name in the relevant child register.
- (3) However, 1 of the parents may apply to change the child's first name if—
 - (a) the parent is the only parent of the child entered in the relevant child register; or
 - (b) the other parent is dead; or
 - (c) a Magistrates Court approves the change of name.
- (4) The child's guardians may apply, in the approved form, to change the child's first name in the relevant child register.
- (5) However, 1 of the guardians may apply to change the child's first name if—
 - (a) the other guardian is dead; or
 - (b) a Magistrates Court approves the change of name.
- (6) The registrar must not approve an application to register a change of a child's first name to a prohibited name.

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- (7) A Magistrates Court may, on application by a child's parent or guardian, approve a proposed change of first name for the child if satisfied that—
- (a) the name is not a prohibited name; and
 - (b) the change is in the child's best interests.

Note—

Under section 56, a regulation may prescribe information that a court may consider when deciding or changing a child's name.

- (8) An application under this section may be made only once and within a year of the child's birth.
- (9) In this section—
- change*** a name includes add a name.

14 Re-registering a relevant event

- (1) This section applies if—
- (a) a person's birth was registered in Queensland; or
 - (b) a person's adoption was registered under the *Adoption of Children Act 1964* or this Act; or
 - (c) a person's parentage is changed by a parentage order.
- (2) The registrar must re-register a person's relevant event when the reassignment of the person's sex is noted under this Act.
- (3) The registrar may re-register a person's relevant event if—
- (a) the registrar decides that, because of the number of notes on the entry, it would be desirable to re-register the relevant event; or
 - (b) the registrar receives an application, in the approved form, to re-register the person's relevant event after a change of the person's name has been noted under this Act.
- (4) An application to re-register a person's relevant event may only be made by—
- (a) if the person is an adult—the person; or

- (b) if the person is a minor—a parent or guardian of the person.
- (5) The registrar re-registers a person’s relevant event by—
- (a) duplicating the information in the entry for the person’s relevant event (the *closed entry*) in a new entry in the relevant child register, other than information that has been superseded, and without indicating what information has been superseded; and
- Example—*
- If the registrar is re-registering a birth consequent on the change of a person’s surname from Smith to Jones, the information in the new entry would be the same as in the old entry except that the person’s surname would appear as Jones.
- (b) noting on the closed entry—
 - (i) that the relevant event has been re-registered; and
 - (ii) a reference to the new entry; and
 - (c) noting on the new entry—
 - (i) that the new entry was made under this section; and
 - (ii) a reference to the closed entry.
- (6) A certificate issued by the registrar from the new entry—
- (a) if the person’s sex has been reassigned under this Act—
 - (i) must show the person’s reassigned sex; and
 - (ii) must not include a statement or other clear indication to the effect that a reassignment of the person’s sex has been noted in the register; or
 - (b) if the person’s name has been changed under this Act—must not show the person’s name that was in the closed entry before a change of name was noted in the closed entry.
- (7) The registrar may issue a certificate from the closed entry.

-
- (8) However, if the closed entry relates to a person whose sex has been reassigned, the registrar may issue a certificate to only the following persons—
- (a) the person;
 - (b) a child of the person;
 - (c) a parent of the person, if the person is a child;
 - (d) a person prescribed under a regulation.
- (9) Subsection (8) is subject to the *Adoption Act 2009*, section 290.
- (10) In this section—
- relevant event***, for a person, means the most recent of the following events for the person—
- (a) birth;
 - (b) adoption;
 - (c) change of parentage under a parentage order.

Part 3 Change of name

15 Change of name by registration

- (1) A person's name may be changed by registration of the change under this part, unless the change has been registered under a corresponding law.
- (2) A change of name includes the addition of a name.
- (3) It is no longer possible in Queensland to change a person's name by deed poll.
- (4) However, this part does not prevent the change of a person's name by repute or usage.
- (5) Also, changes to a person's name under a parentage order or discharge order are not dealt with under this part but under sections 41D and 41E.

16 Application to register change of adult's name

- (1) An adult person may apply to register a change of the person's name in the change of name register only if—
 - (a) the person's birth or adoption was registered in Queensland; or
 - (b) the person was born outside Australia, but the person ordinarily resides in Queensland.
- (2) When deciding whether the person ordinarily resides in Queensland, the registrar may consider—
 - (a) how long the person has resided in Queensland and, if a regulation prescribes a minimum period of residence, whether the person has resided in Queensland for the minimum period; and
 - (b) whether or not the person is employed in Queensland; and
 - (c) whether or not the person is enrolled on an electoral roll under the *Electoral Act 1992*; and
 - (d) any other consideration prescribed under a regulation.
- (3) In this section—

adult person includes a person under 18 years who is, or has been, married.

17 Application to register change of child's name

- (1) This section applies if—
 - (a) a child's birth or adoption was registered in Queensland; or
 - (b) a child was born outside Australia, but the child ordinarily resides in Queensland.
- (2) The child's parents may apply, in the approved form, to register a change of the child's name in the change of name register.

-
- (3) However, 1 of the parents may apply to register a change of the child's name if—
- (a) the parent is the only parent of the child entered in the relevant child register or shown on the child's birth certificate; or
 - (b) the other parent is dead; or
 - (c) a Magistrates Court approves the change of name.

Note—

Under section 56, a regulation may prescribe information that a court may consider when deciding or changing a child's name.

- (4) The child's guardians may apply, in the approved form, to register a change of the child's name in the change of name register.
- (5) However, 1 of the guardians may apply to register a change of the child's name if—
- (a) the other guardian is dead; or
 - (b) a Magistrates Court approves the change of name.
- (6) A Magistrates Court may, on application by a child's parent or guardian, approve a proposed change of name for the child if satisfied that—
- (a) the name is not a prohibited name; and
 - (b) the change is in the child's best interests.
- (7) When deciding whether the child ordinarily resides in Queensland, the registrar may consider—
- (a) how long the child has resided in Queensland and, if a regulation prescribes a minimum period of residence, whether the child has resided in Queensland for the minimum period; and
 - (b) whether or not the child is employed in Queensland; and
 - (c) any other consideration prescribed under a regulation.
- (8) In this section—

child does not include a person under 18 years who is, or has been, married.

18 Child's consent to change of name

- (1) The registrar must not approve an application to register the change of the name of a child who is 12 years or more unless the registrar is satisfied that the child—
 - (a) consents to the change of name; or
 - (b) is unable to understand the meaning and implications of the change of name.
- (2) Subsection (1) does not apply if a Magistrates Court has approved the change of name.

19 Registration of change of name

- (1) Before registering the change of a person's name, the registrar may require—
 - (a) evidence of the following—
 - (i) the identity and age of the person;
 - (ii) that the change of name is not sought for a fraudulent or other improper purpose;
 - (iii) any other information prescribed under a regulation; or
 - (b) a document prescribed under a regulation.
- (2) The registrar must not approve an application to register a change of name—
 - (a) if the registrar is not satisfied of the applicant's identity and of the identity of the person whose change of name is to be registered; or
 - (b) if the registrar reasonably suspects that the change of name is sought for a fraudulent or other improper purpose; or
 - (c) to a prohibited name.

-
- (3) If the registrar registers a change of name of a person whose birth or adoption was registered in Queensland and the changed name is not the same as the person's latest name in the relevant child register, the registrar must also—
 - (a) if the person requests the change be noted in the relevant child register—note the changed name in the relevant child register; or
 - (b) otherwise—note in the relevant child register that a change of name has been entered in the change of name register.
 - (4) The registrar may notify the registering authority under a corresponding law of a change of name under this Act.
 - (5) The registrar must note the change of the person's name on the previous entry, if any, for the person in the change of name register.
 - (6) If an application to register a person's change of name states only 1 name for the person, the name is taken, for this Act, to be the person's surname.

20 Notation of change of name other than by registration

- (1) This section applies if—
 - (a) a person's birth or adoption was registered in Queensland; and
 - (b) the person's name has been changed under the law of another State or other legal process.

Example of other legal process—

an order of a Queensland court or a non-Queensland court or a deed poll

- (2) An adult may apply to the registrar, in the approved form, to note the change of the adult's name in the relevant child register.
- (3) A child's parents may apply to the registrar, in the approved form, to note the change of the child's name in the relevant child register.

- (4) However, 1 of the parents may apply to note the change of the child's name if—
 - (a) the parent is the only parent of the child entered in the relevant child register; or
 - (b) the other parent is dead; or
 - (c) a Magistrates Court approves the change of name; or

Note—

Under section 56, a regulation may prescribe information that a court may consider when deciding or changing a child's name.

 - (d) a Queensland court or non-Queensland court has ordered the change of name.
- (5) A child's guardians may apply to the registrar, in the approved form, to note the change of the child's name in the relevant child register.
- (6) However, 1 of the guardians may apply to note the change of the child's name if—
 - (a) the other guardian is dead; or
 - (b) a Magistrates Court approves the change of name; or
 - (c) a Queensland court or non-Queensland court has ordered the change of name.
- (7) The application must be accompanied by a document, prescribed under a regulation, that evidences that the person's name has been changed under the law of another State or other legal process.
- (8) Before noting the change of a person's name, the registrar may require—
 - (a) evidence of the following—
 - (i) the identity and age of the person;
 - (ii) that the change of name is not sought for a fraudulent or other improper purpose;
 - (iii) any other information prescribed under a regulation; or

-
- (b) a document prescribed under a regulation.
 - (9) The registrar must not approve an application to note the change of name—
 - (a) if the registrar is not satisfied of the applicant’s identity and of the identity of the person whose change of name is to be noted; or
 - (b) if the registrar reasonably suspects that the change of name is sought for a fraudulent or other improper purpose; or
 - (c) to a prohibited name.
 - (10) If an application to register a person’s change of name states only 1 name for the person, the name is taken, for this Act, to be the person’s surname.
 - (11) In this section—
 - adult** includes a person under 18 years who is, or has been, married.
 - child** does not include a person under 18 years who is, or has been, married.

21 Limit on number of name changes

- (1) An application to register the change of a person’s name may be made only—
 - (a) for the change of a child’s first names—once before the child reaches 18 years; or
 - (b) otherwise—once in every 1-year period.
- (2) However, subsection (1) does not apply if a Magistrates Court has, because of exceptional circumstances, approved the change of name.
 - Example of exceptional circumstances—*
 - to protect the child from domestic violence
- (3) An application under subsection (1)(a) may be made in addition to an application under section 13.

- (4) For subsection (1)(b), the 1-year period runs from when the person's change of name was registered under this Act or under a corresponding law, whichever is later in time.

Part 4 Reassignment of sex

22 Sexual reassignment may be noted

The reassignment of a person's sex after sexual reassignment surgery may be noted in the person's entry in the register of births or adopted children register.

23 Application to note a reassignment of sex

- (1) An adult may apply to note the reassignment of the adult's sex.
- (2) An application to note the reassignment of a child's sex may be made by—
- (a) the child's parents; or
 - (b) 1 of the child's parents if—
 - (i) the other parent is dead; or
 - (ii) the other parent's whereabouts are unknown; or
 - (iii) the other parent refuses to sign the application; or
 - (iv) the other parent is, for another justifiable reason, unable to apply; or
 - (c) the child's guardians.
- (3) Despite subsection (2), the registrar must accept an application to note the reassignment of a child's sex if a Magistrates Court, on the application of a parent or guardian of the child, orders the registrar to do so.
- (4) The application must be—
- (a) in the approved form; and
 - (b) accompanied by—

-
- (i) statutory declarations, by 2 doctors, verifying that the person the subject of the application has undergone sexual reassignment surgery; or
 - (ii) a recognition certificate; and

Note—

See the dictionary for the definition of a *recognition certificate*.

- (c) accompanied by other information prescribed under a regulation; and
 - (d) accompanied by other documents prescribed under a regulation.
- (5) For subsection (4)(b), a statutory declaration made by a doctor in another country may be sworn before a notary public in the other country.
- (6) In this section—

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

24 Effect of reassignment of sex

- (1) A person who has had the reassignment of the person's sex entered into a register maintained under a corresponding law is a person of the sex as reassigned.
- (2) A person who is the subject of a recognition certificate is a person of the sex stated in the recognition certificate.
- (3) However, the person must comply with section 23 for the reassignment of the person's sex to be noted under this Act.
- (4) If the reassignment of a person's sex is noted under this Act, the person is a person of the sex as reassigned.
- (5) A person who has an entitlement—
 - (a) under a will; or
 - (b) under a trust; or

(c) otherwise by operation of law;

does not, except as otherwise provided under the will, the trust or by the law conferring the entitlement, lose the entitlement only because the reassignment of the person's sex has been noted.

(6) In this section—

entitlement includes a right.

Part 5 Marriages

25 Marriages that are registrable

- (1) A marriage solemnised in Queensland must be registered under this Act.
- (2) A person may have a marriage registered by giving the registrar—
 - (a) the marriage certificate; or
 - (b) if the marriage was solemnised before the commencement of the *Marriage Act 1961* (Cwlth)—evidence of the marriage required by the registrar.
- (3) A marriage is taken to be solemnised in Queensland if—
 - (a) it is solemnised on a vessel; and
 - (b) the vessel goes to the place where the marriage is solemnised from a port in Queensland, without stopping at a port that is not in Queensland; and
 - (c) after the marriage is solemnised, the vessel returns to a port in Queensland, without stopping at a port that is not in Queensland.
- (4) The registrar may require a person giving a marriage certificate under subsection (2)(a) to also give it electronically, if it is reasonably practicable for the person to do so.

Part 5A Civil partnerships

25A Registration of civil partnership

- (1) This section applies if the registrar is required to register a relationship as a civil partnership under the *Civil Partnerships Act 2011*, section 9 or 12.
- (2) The civil partnership must be registered under this Act.

25B How civil partnerships are registered

- (1) Subsection (2) applies if the registrar is required to register a relationship as a civil partnership under the *Civil Partnerships Act 2011*, section 9 or 12.
- (2) The registrar must register the civil partnership by including in the register the particulars of the civil partnership prescribed under a regulation.
- (3) If 2 persons make, under the *Civil Partnerships Act 2011*, section 11, a declaration of civil partnership before a civil partnership notary other than the registrar, the notary must give the following to the registrar not later than 14 days after the day the declaration is made—
 - (a) written notice of the making of the declaration;
 - (b) the notice given to the notary under the *Civil Partnerships Act 2011*, section 10 for the civil partnership.

Maximum penalty—5 penalty units.

- (4) In this section—
civil partnership notary see the *Civil Partnerships Act 2011*, schedule 2.

25C Civil partnership—particulars of termination

- (1) This section applies if a civil partnership is terminated under the *Civil Partnerships Act 2011*, section 18.

- (2) The registrar must include in the register the particulars of the termination prescribed under a regulation.

Part 6 Deaths

26 Deaths that must be registered in Queensland

- (1) The death of a person must be registered under this Act if—
- (a) the person dies in Queensland; or
 - (b) a Queensland court, other than the Coroners Court—
 - (i) finds—
 - (A) that the death happened in Queensland; and
 - (B) the name of the person; and
 - (C) the date or approximate date of the person's death; and
 - (ii) makes an order that—
 - (A) directs that the death be registered; and
 - (B) states the findings mentioned in paragraph (b)(i) and any other particulars about the death prescribed under a regulation; or
 - (c) a coroner finds—
 - (i) that the death happened in Queensland; and
 - (ii) the name of the person; and
 - (iii) the date or approximate date of the person's death.
- (2) In this section—

coroner means a coroner under the *Coroners Act 1958* or the *Coroners Act 2003*.

Coroners Court means the Coroners Court under the *Coroners Act 1958* or the *Coroners Act 2003*.

person includes a stillborn child born after 30 April 1989.

27 Deaths that may be registered in Queensland

- (1) The death of a person may be registered under this Act if—
 - (a) the person dies in an aircraft or vessel, or in waters, outside Queensland; and
 - (b) the person's body is not, between the time when the person dies and when the person's body arrives in Queensland, taken to a place outside Queensland.

Example—

A person dies on a ship travelling non-stop from Sydney to Tokyo. The person's body is taken by helicopter from the ship to a mortuary in Brisbane. The death may be registered in Queensland.

- (2) The death of a person outside Australia may be registered under this Act if the person—
 - (a) ordinarily resided in Queensland; or
 - (b) died leaving real property in Queensland.
- (2A) The death of a person may be registered under this Act if a Queensland court or a coroner finds, or has found—
 - (a) that the death happened but is, or was, unable to find where the person died; and
 - (b) the name of the person; and
 - (c) the date or approximate date of the person's death.
- (3) The death of a person may be registered under this Act if a non-Queensland court or a non-Queensland coroner finds—
 - (a) that the death happened in Queensland; and
 - (b) the name of the person; and
 - (c) the date or approximate date of the person's death.
- (4) The death of a stillborn child born in Queensland before 1 May 1989 may be registered under this Act if, at the same time, the registrar is able to register the birth of the child.
- (5) The registrar must not register under this section a death that has been registered in another State or country.
- (6) In this section—

coroner means a coroner under the *Coroners Act 1958* or the *Coroners Act 2003*.

place does not include an aircraft or vessel.

28 Responsibility to apply to have death registered

- (1) If the death of a person must be registered in Queensland, a spouse or relative of the deceased person must apply to register the death, unless the spouse or relative has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If the registrar does not receive an application under subsection (1), the registrar may require 1 of the following persons to apply to register the death—
- (a) the person in charge of the place where the person died;
 - (b) the person finding the body;
 - (c) the person arranging for the disposal of the deceased person's body.

Example of a place mentioned in subsection (2)(a)—

a hospital or nursing home

Example of a person mentioned in subsection (2)(c)—

a personal representative or funeral director

- (3) A person must comply with the registrar's requirement, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) A person does not commit an offence against subsection (1) if someone else has applied to register the death.
- (5) In this section—
- relative* includes a relative by marriage.

29 How to apply to register the death of a person

- (1) An application to register the death of a person must be in the approved form (a *death registration application*).
- (2) The application must be given to the registrar within 14 days after the death, or the death is discovered, whichever happens later.
- (3) However, the registrar may accept an application given more than 14 days after the death, or the death is discovered, if satisfied the death happened.
- (4) Also, the parent of a stillborn child born before 1 May 1989 may give the registrar a death registration application for the child at any time.

Note—

Also see section 7 (Births that may be registered in Queensland) for the requirement to register the birth.

- (5) If the person making a death registration application is a funeral director in Queensland, the person must give the application electronically unless the registrar reasonably considers—
 - (a) it would be impractical to do so because the funeral director's place of business is located in an area that does not allow for giving the notice electronically; or
 - (b) other exceptional circumstances do not allow for giving the notice electronically.

30 Cause of death certificate

- (1) This section applies if—
 - (a) a doctor—
 - (i) for a stillborn child—
 - (A) was present at the stillbirth; or
 - (B) examined the stillborn child's body; or
 - (ii) for any other deceased person—

- (A) attended the deceased person when the person was alive; or
 - (B) examined the deceased person's body; or
 - (C) has considered information about the deceased person's medical history and the circumstances of the deceased person's death; and
- (b) the doctor is able to form an opinion as to the probable cause of death.

Examples of subsection (1)(a)(ii)(C)—

- 1 A doctor may consider information about the deceased person's medical history by examining the records of, or speaking to, another doctor who attended the deceased person when the person was alive.
 - 2 A doctor may be able to consider information about the circumstances of the deceased person's death by speaking to someone who was with the deceased when the deceased person died or who discovered the deceased person's body.
- (2) Subject to the *Coroners Act 2003*, section 26(5), the doctor must—
- (a) complete a certificate, in the approved form, (***cause of death certificate***) for the deceased person; and
 - (b) give the original certificate to the person who is arranging for the disposal of the deceased person's body or to the registrar; and
 - (c) give a copy of the certificate to the person who is arranging for the disposal of the deceased person's body.

Note—

The *Coroners Act 2003*, section 26(5), provides that a doctor must not issue a cause of death certificate for a person in certain circumstances.

- (3) For subsection (2), a person who is arranging for the disposal of the deceased person's body includes a school of anatomy that is holding the body.
- (4) The doctor must comply with subsection (2) within 2 working days of the person's death or when the person's body is found, whichever is the later.

-
- (5) However, a doctor need not comply with subsection (2) if another doctor has complied with subsection (2).
 - (6) A doctor must not charge a person for a cause of death certificate.
 - (7) If a doctor reasonably suspects that the doctor, or the doctor's spouse, may receive a benefit because of a person's death, the doctor must not issue a cause of death certificate for the person.

Maximum penalty—120 penalty units.

- (8) If the doctor gives the person who is arranging for the disposal of the deceased person's body the original cause of death certificate, the person must give the certificate to the registrar within 14 days after the person has received the certificate.
- (9) Despite subsection (4) or (8), the registrar may accept a cause of death certificate given to the registrar at any time.
- (10) In this section—
benefit—
 - (a) includes—
 - (i) a payment under a life insurance policy; and
 - (ii) property under a will; and
 - (iii) property under an intestate distribution; but
 - (b) does not include fees payable for professional services.

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

person includes a stillborn child born after 30 April 1989.

31 Court order relating to registration of death

- (1) The District Court, on application by an interested person or on its own initiative, may order the registrar to—
 - (a) register the death of a person who died in Queensland;
or

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- (b) include or correct application information about a person's death in the register of deaths.
- (2) However, a person must not apply for an order under subsection (1) if the person has, under section 49, applied to QCAT for a review of a decision of the registrar in relation to the same matter.
- (3) An order under subsection (1)(a) must state—
 - (a) that the death happened in Queensland; and
 - (b) the name of the person; and
 - (c) the date or approximate date of the person's death; and
 - (d) any other particulars about the death prescribed under a regulation.

32 Notifying about disposal of a deceased person's body

- (1) This section does not apply to—
 - (a) a school of anatomy when disposing of a human body that was given to it; or

Note—

Note section 41(6) (Registering events other than adoptions or changes of parentage in register) requires particular notice to be given about receipt by a school of anatomy of a human body in particular circumstances.

- (b) the disposal of parts of a human body taken during a medical procedure or autopsy.
- (2) Each of the following persons must give the registrar notice, in the approved form, within 7 days after the disposal of a human body—
 - (a) the person who arranges the disposal of the body;
 - Example for paragraph (a)—*
 - a funeral director
 - (b) the person in charge of a cemetery or crematorium in which the disposal of the body occurs.

Maximum penalty—20 penalty units.

-
- (3) A person who arranges for the body of a deceased person to be moved outside Queensland must give the registrar notice in the approved form before moving the body outside Queensland.

Maximum penalty—20 penalty units.

- (4) Subsections (2) and (3) apply even if a coroner has made—
- (a) an order for removal of the body out of the State under the *Coroners Act 1958*, section 20; or
 - (b) an order for burial or a certificate for cremation under the *Coroners Act 1958*, section 23; or
 - (c) an order releasing the body for burial, or for release of the body to another jurisdiction, under the *Coroners Act 2003*, section 26.
- (5) If the body of a deceased person has not been disposed of within 30 days after—
- (a) a cause of death certificate is issued; or
 - (b) the coroner made—
 - (i) an order for removal of the body out of the State under the *Coroners Act 1958*, section 20; or
 - (ii) an order for burial or a certificate for cremation under the *Coroners Act 1958*, section 23; or
 - (iii) an order releasing the body for burial, or for release of the body to another jurisdiction, under the *Coroners Act 2003*, section 26;

the person who possesses the body must immediately give the registrar notice in the approved form.

Maximum penalty—20 penalty units.

- (6) For subsection (2)(b), if the cemetery or crematorium is in Queensland, the person must give the notice electronically unless the registrar reasonably considers—
- (a) it would be impractical to do so because the crematorium or cemetery is located in an area that does not allow for giving the notice electronically; or

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- (b) other exceptional circumstances do not allow for giving the notice electronically.
- (7) The registrar may accept a notice under subsection (2), (3) or (5) at any time.
- (8) In this section—
coroner means a coroner under the *Coroners Act 1958* or the *Coroners Act 2003*.

33 Stillbirths

For this Act, a stillborn child is taken to have died—

- (a) when the child left the mother's body; and
- (b) at the place where the mother was when the child left the mother's body.

Part 7 Administration

34 The registrar

- (1) There is to be a registrar-general (the *registrar*).
- (2) The registrar is to be employed under the *Public Service Act 2008*.
- (3) The registrar's functions are—
 - (a) to establish the registers for this Act; and
 - (b) to administer this Act in an efficient, effective and economical way; and
 - (c) the functions given under this or another Act.
- (4) The registrar has the powers reasonably necessary to perform the registrar's functions.

35 The deputy registrar

- (1) There is to be a deputy registrar-general (the *deputy registrar*).
- (2) The deputy registrar is to be employed under the *Public Service Act 2008*.
- (3) The deputy registrar has the same functions and powers as the registrar, but is subject to the registrar's direction.
- (4) The deputy registrar may act as the registrar when the registrar is temporarily unavailable for any reason to perform the registrar's functions.

36 Staff

The registrar's staff is to consist of the staff that are necessary for the proper administration of this Act.

37 Delegation

- (1) The registrar may delegate any of the registrar's powers under this or another Act, other than this power of delegation, to an appropriately qualified person.
- (2) In this section—
appropriately qualified, in relation to the exercise of a power, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

the level at which a person is employed by an entity

38 Executing documents

- (1) The registrar is to have 1 or more seals.
- (2) A certificate or other document issued by or for the registrar must be issued with—
 - (a) the imprint of 1 of the registrar's seals; and

- (b) the signature, or a facsimile of a signature, of the registrar or the registrar's delegate.
- (3) If a document produced in evidence before a court is apparently signed and sealed by or for the registrar, the court must presume, in the absence of evidence to the contrary, that the document was properly issued under the registrar's authority.
- (4) In this section—
court includes an administrative authority or official.

39 Reciprocal administrative arrangements

- (1) The Minister may enter into an arrangement with the Minister responsible for the administration of a corresponding law providing for—
 - (a) the exercise by the registrar of powers and functions of the registering authority under the corresponding law; and
 - (b) the exercise by the registering authority under the corresponding law of powers and functions of the registrar under this Act.
- (2) When an arrangement is in force under this section—
 - (a) the registrar may exercise, to the extent authorised by the arrangement, but subject to the conditions of the arrangement, the powers and functions of the registering authority under the corresponding law; and
 - (b) the registering authority under the corresponding law may exercise, to the extent authorised by the arrangement, but subject to the conditions of the arrangement, the powers and functions of the registrar under this Act.
- (3) An arrangement under this section may—
 - (a) establish a database in which information is recorded for the benefit of all the participants in the arrangement; and

- (b) provide for access to information contained in the database; and
- (c) provide for payments by or to participants in the arrangement for services provided under the arrangement.

40 The registers

- (1) The registrar must maintain a register for each type of registrable event.
- (2) A register may be wholly or partly—
 - (a) in the form of a computer database; or
 - (b) in documentary form; or
 - (c) in another form the registrar considers appropriate.
- (3) The registrar must maintain the indexes to a register that are necessary to make the information in the register reasonably accessible.

41 Registering events other than adoptions or changes of parentage in register

- (1) The registrar must register a registrable event other than an adoption or a change of parentage under a parentage order or discharge order if—
 - (a) the registrable event is an event that must be registered under this Act; and
 - (b) the registrar receives—
 - (i) an application for registration of the event that contains all the information prescribed under a regulation for the event (the *application information*); and
 - (ii) the documents prescribed under a regulation; and
 - (iii) for the registration of a marriage—the certificate or evidence mentioned in section 25(2); and

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- (c) the registrar reasonably believes the application information, and information in the prescribed documents, is correct.
- (2) The registrar may require a person who is applying for registration to give the registrar—
- (a) evidence to support the application; or
 - (b) information prescribed under a regulation; or
 - (c) documents prescribed under a regulation.

Example—

The registrar may require the person to provide a statutory declaration attesting to the particulars contained in the application.

- (3) The registrar may register a registrable event even though—
- (a) the application for registration does not contain all the application information; or
 - (b) the application was not accompanied by the prescribed information or documents; or
 - (c) for a death—the death is still being investigated by a coroner under the *Coroners Act 1958* or the *Coroners Act 2003*.
- (4) The registrar registers an event by—
- (a) for any type of registrable event—entering the application information that is necessary for the register, and any other information prescribed under a regulation, for the event in the register for that type of event; or
 - (b) for a marriage—incorporating the marriage certificate into the register.
- (5) When registering an event, the registrar must not enter the following into the register—
- (a) the word ‘illegitimate’ or words to that effect;
 - (b) the word ‘suicide’ or words to that effect.
- (6) If a school of anatomy receives the body of a deceased person under the *Transplantation and Anatomy Act 1979*, part 5, the person in charge of the school of anatomy must give the

registrar written notice that the body has been received for anatomical purposes.

- (7) The registrar may enter the information contained in the notice in the register for the death.
- (8) If the registrar receives a coroner's notice in relation to the death of a person, the registrar may enter the information contained in the notice in the register for the death.
- (9) If the registrar receives a notice or certificate under this or another Act, the registrar may enter the information contained in the notice or certificate in the relevant register.
- (10) In this section—

coroner's notice means an order or notice under the *Coroners Act 2003*, section 97.

41A Registering adoptions

- (1) This section applies if—
 - (a) the registrar receives, under the *Adoption Act 2009*, section 289, a notice of the making of a final adoption order; or
 - (b) the registrar receives, under the *Adoption Act 2009*, section 290B, a notice to record an adoption granted in another country.
- (2) This section also applies if—
 - (a) the registrar receives—
 - (i) an original copy of a relevant order of another jurisdiction; or
 - (ii) a copy of a relevant order of another jurisdiction certified as a true copy by an officer with authority under the law of that jurisdiction to certify the copy; or
 - (iii) a notice of the making of a relevant order of another State from an officer in that State with

authority under the law of that State to give the notice; and

- (b) the relevant order relates to a person whose birth or previous adoption is registered in Queensland.
- (3) The registrar must register the adoption by incorporating into the adopted children register the notice or copy mentioned in subsection (1) or (2).
- (4) Also, the registrar must close the adopted person's birth entry and any previous adoption entry by—
 - (a) noting, on the birth entry or previous adoption entry (each of which is a *closed entry*), a reference to the new adoption entry; and
 - (b) noting, on the new adoption entry, a reference to the closed entry or entries.
- (5) In this section—

relevant order, of another jurisdiction, means an order made in the jurisdiction corresponding to a final adoption order.

State includes New Zealand.

41B Amending registers on discharges of adoptions

- (1) This section applies if the registrar receives, under the *Adoption Act 2009*, section 289, a notice of the making of an order of the Supreme Court discharging a final adoption order.
- (2) This section also applies if—
 - (a) the registrar receives—
 - (i) an original copy of a relevant order of another jurisdiction; or
 - (ii) a copy of a relevant order of another jurisdiction certified as a true copy by an officer with authority under the law of that jurisdiction to certify the copy; or
 - (iii) a notice of the making of a relevant order of another State from an officer in that State with

authority under the law of that State to give the notice; and

- (b) the relevant order relates to a person with an entry in the adopted children register.
- (3) The registrar must re-register the registrable event to which the closed entry relates by—
- (a) making a new entry in the register that includes—
 - (i) all the information that was in the closed entry other than information about the making or discharge of the relevant adoption order; and
 - (ii) a note that the new entry was made under this section; and
 - (iii) a reference to the entry closed under subsection (4); and
 - (b) noting on the closed entry—
 - (i) that the birth or adoption has been re-registered under this section; and
 - (ii) a reference to the new entry made under paragraph (a).
- (4) Also the registrar must close the entry that was made to register the adoption effected by the relevant adoption order by—
- (a) incorporating, in the entry, the notice mentioned in subsection (1) or copy mentioned in subsection (2)(a)(i) to (iii); and
 - (b) noting on the entry—
 - (i) that the relevant adoption order has been discharged; and
 - (ii) that the person's birth or earlier adoption has been re-registered under this section; and
 - (iii) a reference to the new entry made under subsection (3)(a).

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(5) The registrar may make any other notations in the register that the registrar considers necessary to ensure the register includes the correct information for the person.

(6) In this section—

closed entry means the entry for the person's birth or adoption that was closed because of the relevant adoption order.

relevant adoption order means—

- (a) the final adoption order that was discharged by the order mentioned in subsection (1); or
- (b) the order of another jurisdiction, corresponding to a final adoption order, that was discharged by the relevant order mentioned in subsection (2)(a)(i) to (iii).

relevant order, of another jurisdiction, means an order made in the jurisdiction discharging another order corresponding to a final adoption order.

State includes New Zealand.

41C Sending notice of relevant adoption orders and discharges to other States

(1) This section applies if—

- (a) the registrar receives, under the *Adoption Act 2009*, section 289, a notice of a final adoption order or an order discharging a final adoption order; and
- (b) the registrar knows or suspects there is an entry for the adopted person's birth or adoption in a register kept under a law of another State.

(2) The registrar must give a notice of the making of the order to the appropriate officer in that State with responsibility for keeping the register.

(3) In this section—

State includes New Zealand.

41D Registering change of parentage under parentage order

- (1) This section applies if—
 - (a) a parentage order is made in relation to a child whose birth was registered in Queensland; and
 - (b) the registrar receives—
 - (i) an application to register the order and the application contains the information prescribed under a regulation; and
 - (ii) an original copy of the parentage order.
- (2) The registrar must register the transfer of parentage by incorporating into the parentage order register information from the application to register the parentage order and the original copy of the parentage order.
- (3) Also, the registrar must close the child's birth entry by—
 - (a) noting, on the birth entry (the *closed entry*), a reference to the parentage order entry; and
 - (b) noting, on the new parentage order entry, a reference to the closed entry.

41E Re-registering birth if discharge order

- (1) This section applies if—
 - (a) the registrar has registered under section 41D the transfer of a person's parentage; and
 - (b) a discharge order is made in relation to the parentage order for the person; and
 - (c) the registrar receives—
 - (i) an application to register the discharge order and the application contains the information prescribed under a regulation; and
 - (ii) an original copy of the discharge order.
- (2) The registrar must close the entry in the parentage order register for the person by—

- (a) incorporating, in the entry, information from the application to register the discharge order and the original copy of the discharge order; and
- (b) noting on the entry—
 - (i) that the parentage order has been discharged; and
 - (ii) that the person's birth has been re-registered under this section; and
 - (iii) a reference to the new entry made under subsection (3).
- (3) The registrar must also re-register the person's birth by making a new entry in the birth register that includes—
 - (a) the person's names as declared in the discharge order; and
 - (b) all the information that was in the entry that was closed under section 41D (other than the person's names and information about the parentage order or discharge order); and
 - (c) a note that the new entry was made under this section; and
 - (d) a reference to the entry closed under subsection (2).
- (4) The registrar may make any other notations in the birth register or parentage order register that the registrar considers necessary to ensure the registers include the correct information for the person.

42 Correcting the register

- (1) The registrar must correct a register—
 - (a) on the order of a Queensland court or QCAT; or
 - (b) on the application of the chief executive (corrective services) under the *Corrective Services Act 2006*, section 27(4) or the *Dangerous Prisoners (Sexual Offenders) Act 2003*, section 43AB(4); or

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- (c) on the application of the police commissioner under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, section 74A(5); or
 - (d) subject to section 41(5), to reflect a coroner's findings if the findings differ from the information entered on a register.
- (2) The registrar may correct a register—
- (a) on the order of a non-Queensland court; or
 - (b) to reflect a finding made on inquiry under section 43; or
 - (c) on the application, in the prescribed form, of a person who can provide correct information to the registrar; or
 - (d) to ensure the particulars in an entry about a registrable event conform with the most reliable information about the registrable event that is available to the registrar.

Example of paragraph (a)—

The registrar might correct a register if a Commonwealth court found that a particular person was the parent of a child.

- (3) The registrar may correct a register—
- (a) by adding, or cancelling, an entry in the register; or
 - (b) by adding, amending or deleting particulars in an entry in the register.
- (4) The registrar need not correct a register in relation to historical information.
- (5) A certificate from an entry that contains corrected information must show the most recent information.
- (6) However, the certificate may also show information that has been corrected if the registrar considers it necessary.
- (7) In this section—

police commissioner means the commissioner of the Queensland Police Service.

43 Inquiry to ensure register correct

- (1) The registrar may conduct an inquiry to find out—
 - (a) whether a registrable event has happened; or
 - (b) particulars of a registrable event; or
 - (c) whether particulars of a particular registrable event have been correctly recorded in a register.
- (2) The registrar may, by notice given to a person who may be able to provide information relevant to an inquiry under this section, require the person to answer specified questions or to provide other information within a time and in a way specified in the notice.
- (3) The person must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) In this section—

registrable event includes any event for which the registrar may be required, under this Act, to record or note in a register.

44 Obtaining information from the registrar

- (1) A person or other entity may apply to the registrar, in writing, for any of the following (the *requested information*)—
 - (a) a certificate or information about an event that is, or may be, in a register kept by the registrar;
 - (b) a copy of a source document.
- (1A) The application may be given to the registrar electronically.
- (2) Unless the application relates to historical information, the registrar may refuse the application if the applicant does not have an adequate reason for obtaining the requested information.
- (3) In deciding whether an applicant has an adequate reason for obtaining the requested information, the registrar must have regard to—

-
- (a) the relationship, if any, between the applicant and the person to whom the information relates; and
 - (b) the reason that the applicant wants the information; and
 - (c) the use to be made of the information; and
 - (d) the age of the entry; and
 - (e) the contents of the entry or source document; and
 - (f) the sensitivity of the information; and
 - (g) any other relevant factors.
- (4) If the applicant is not the person who created the source document, the registrar may give the applicant a copy of the source document with information obliterated.
- (5) A certificate must state—
- (a) the information prescribed under a regulation that is in the register for a stated registrable event; or
 - (b) that no entry was located in the register about the stated registrable event.
- (6) Despite subsection (5)(a), a certificate need not state a person's residential address if the person has satisfied the registrar that, because of exceptional circumstances, the person's residential address should not be disclosed on the certificate.

Examples of exceptional circumstances—

- 1 The person is protected by a domestic violence order made under the *Domestic and Family Violence Protection Act 2012* or an interstate order or registered New Zealand order under part 6 of that Act.
 - 2 The person indicates that giving the information may put the person's life at risk.
- (7) A certificate, other than a certificate containing historical information, must not contain—
- (a) the word 'illegitimate' or words to that effect; or
 - (b) the word 'suicide' or words to that effect; or
 - (c) information prescribed under a regulation.

Note—

Also see the *Corrective Services Act 2006*, section 25 (Registration of birth) for other information that must not be contained on a certificate.

- (8) A certificate is admissible in proceedings as evidence of its contents.
- (9) The registrar may give requested information to an applicant electronically.
- (10) Subsection (9) does not limit—
 - (a) a requirement of this Act about giving the requested information; or
 - (b) the *Electronic Transactions (Queensland) Act 2001*.
- (11) For the *Constitution of Queensland 2001*, section 52, issuing a commemorative certificate is a commercial activity.
- (12) The registrar may not give requested information relating to a closed entry under section 41A except to the extent allowed under the *Adoption Act 2009*, section 290.
- (13) The registrar may only give requested information relating to an entry closed under section 41D or 41E to any of the following persons—
 - (a) a birth parent for the parentage order;
 - (b) an intended parent for the parentage order;
 - (c) if the child for the parentage order is at least 18 years—the child;
 - (d) a guardian appointed under the *Guardianship and Administration Act 2000* for any of the persons mentioned in paragraphs (a) to (c);
 - (e) if an administrator has been appointed under the *Guardianship and Administration Act 2000*, section 14, for the child—the administrator;
 - (f) if a personal representative has been appointed for the child—the personal representative;
 - (g) an officer of, or person acting for, a law enforcement body;

- (h) the Attorney-General.
- (14) When applying for information from a closed entry, a person mentioned in subsection (13)(d), (e) or (f) must—
- (a) produce to the registrar—
 - (i) a document verifying the person's identity; and
 - (ii) the person's instrument of appointment; and
 - (b) show that the information is required to discharge a function under the person's appointment.
- (15) When applying for information from a closed entry, a person mentioned in subsection (13)(g) must—
- (a) produce a document verifying the person's identity to the registrar; and
 - 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
 - (b) show that the information is required to discharge—
 - (i) a function of the law enforcement body; or
 - (ii) the person's duty as an officer of the law enforcement body.
- (16) Despite subsection (13), the registrar may give requested information relating to an entry closed under section 41D or 41E to a child who is under 18 years if the birth parents and the intended parent, or intended parents, for the parentage order consent to the child's application for the information.
- (17) For subsection (16), a person's consent is not required if—
- (a) the person has died; or
 - (b) the child can not locate the person after making all reasonable enquiries.
- (18) If the registrar issues a certificate from an entry closed under section 41D or 41E, the registrar must stamp the certificate or mark it in another way to indicate that the certificate is not for official use.

(19) In this section—

birth parent means—

- (a) for a parentage order under the *Surrogacy Act 2010*—a birth parent under that Act; or
- (b) for another parentage order—a person corresponding, under the law of another Australian jurisdiction where the order was made, to a birth parent under the *Surrogacy Act 2010*.

commemorative certificate means a certificate that is more decorative than another certificate.

intended parent means—

- (a) for a parentage order under the *Surrogacy Act 2010*—an intended parent under that Act; or
- (b) for another parentage order—a person corresponding, under the law of another Australian jurisdiction where the order was made, to an intended parent under the *Surrogacy Act 2010*.

law enforcement body means—

- (a) the Queensland Police Service or a police service of another State; or
- (b) the Australian Federal Police; or
- (c) the Crime and Corruption Commission; or
- (d) the Australian Crime Commission.

44A Addendum to birth certificate

(1) This section applies if—

- (a) a person (the **applicant**)—
 - (i) applies to the registrar, in writing, for information about an event that is, or may be, in a register kept by the registrar; and
 - (ii) is at least 18 years at the time of making the application; and

- (b) the applicant's birth was registered in Queensland; and
 - (c) a parentage order in relation to the applicant was registered in the parentage order register under section 41D (even if the entry in the parentage order register was later closed under section 41E); and
 - (d) the registrar issues a certificate certifying particulars contained in an entry about the birth of the applicant.
- (2) When the registrar issues a certificate mentioned in subsection (1)(d), the registrar must attach an addendum to the certificate stating that further information is available about the entry.
- (3) To remove any doubt, it is declared that the registrar must not issue the addendum to any person other than the applicant.

45 Information policies

- (1) The registrar may allow an entity to obtain information contained in a register other than under section 44.
- (2) The registrar must maintain a written statement of the policies relating to who may obtain—
- (a) information under subsection (1); or
 - (b) a certificate or information under section 44.
- (3) The registrar must give a copy of the statement to any person who asks for it.
- (4) However, subsection (3) does not apply to a statement if the registrar reasonably believes withholding the statement is necessary—
- (a) to protect the persons for whom the registrar keeps information from unjustified intrusion on their privacy; or
 - (b) to prevent information mentioned in subsection (1) being obtained fraudulently or improperly.

46 Protection of privacy

- (1) This section applies if the registrar gives an entity, or allows an entity to obtain, information contained in a register.
- (2) The registrar must, as far as practicable, protect the persons to whom the information relates from unjustified intrusion on their privacy.
- (3) For this purpose, the registrar may impose conditions when giving someone information, or access to information, contained in a register.

47 Control of records

Despite the *Public Records Act 2002*, the registrar is to retain control over access to any information supplied or records maintained under this Act.

48 Additional services

- (1) Subject to section 46, the registrar may enter into an arrangement with an entity for the provision of information in a register that is in the public interest, including information in bulk or historical or genealogical information.

Example of a person who the registrar may enter into an arrangement with—

a department, or non-profit organisation, conducting medical research

- (2) If the registrar enters into an arrangement, the registrar may charge a fee for the service that is not more than the actual cost of providing the service.

48A Registrar to give notice of registration of child death to family and child commissioner

- (1) This section applies if the registrar registers the death of a child, other than a stillborn child.
- (2) The registrar must give notice of the registration to—
 - (a) the family and child commissioner; and

- (b) the chief executive (child safety).
- (3) The notice must include the following information, to the extent it is known to the registrar—
- (a) for the notice to the family and child commissioner—
 - (i) the registration number for the registration; and
 - (ii) the child’s name; and
 - (iii) the child’s place of birth; and
 - (iv) the child’s usual place of residence; and
 - (v) the child’s age; and
 - (vi) the child’s sex; and
 - (vii) the child’s occupation, if any; and
 - (viii) the duration of the last illness, if any, had by the child; and
 - (ix) the date and place of death; and
 - (x) the cause of death;
 - (b) for the notice to the chief executive (child safety)—
 - (i) the child’s name; and
 - (ii) the child’s date and place of birth; and
 - (iii) the child’s usual place of residence; and
 - (iv) the date and place of death; and
 - (v) the cause of death.
- (4) To the extent that it is practicable to do so, the registrar must give the notice within 30 days after registering the death.
- (5) In this section—
- chief executive (child safety)*** means the chief executive of the department in which the *Child Protection Act 1999* is administered.

48B Registrar may enter into arrangement with family and child commissioner

- (1) The registrar may enter into an arrangement with the family and child commissioner about providing to the commissioner information from a register or a source document, or providing to the commissioner a copy of a source document, about—
 - (a) the births of children, whether particular children, children of a class or children generally; or
 - (b) the deaths of children, whether particular children, children of a class or children generally.
- (2) The registrar may provide information or a copy of a source document to the family and child commissioner under the arrangement.
- (3) The registrar and the family and child commissioner must, as far as practicable having regard to the commissioner's child death research functions, protect the persons to whom the information or source document relates from unjustified intrusion on their privacy.
- (4) If the registrar enters into an arrangement with the family and child commissioner, the registrar may charge a fee for the service that is not more than the actual cost of providing the service.
- (5) This section applies despite sections 44 to 46 and 48.
- (6) In this section—

child death research functions, for the family and child commissioner, means the commissioner's functions under the *Family and Child Commission Act 2014*, part 3.

48C Registrar may enter into arrangement with health ombudsman

- (1) The registrar may enter into an arrangement with the health ombudsman about providing to the health ombudsman information from a register or a source document, or providing to the health ombudsman a copy of a source

document, about the death of a person to which an investigation under the *Health Ombudsman Act 2013* may be relevant.

- (2) The registrar may provide information or a copy of a source document to the health ombudsman under the arrangement.
- (3) The registrar and the health ombudsman must, as far as practicable, protect the person to whom the information or source document relates from unjustified intrusion on the person's privacy.
- (4) If the registrar enters into an arrangement with the health ombudsman, the registrar may charge a fee for the service that is not more than the actual cost of providing the service.
- (5) This section applies despite sections 44 to 46 and 48.
- (6) In this section—

health ombudsman means the health ombudsman under the *Health Ombudsman Act 2013*.

48D Arrangement for giving information about persons for particular purposes under Adoption Act

- (1) The chief executive (adoptions) may give information to the registrar about the identity of a person if—
 - (a) the person has given a contact statement to the chief executive (adoptions); or
 - (b) the public trustee has given a notice about the person to the chief executive (adoptions) under the *Adoption Act 2009*, section 217(3).
- (2) The registrar may give information to the chief executive (adoptions) about whether the person has died and, if the person has died, the date of the death.
- (3) The registrar and the chief executive (adoptions) may enter into a written arrangement for giving information under this section.
- (4) In this section—

chief executive (adoptions) means the chief executive administering the *Adoption Act 2009*.

contact statement means a contact statement under the *Adoption Act 2009*, section 269(1).

Part 8 General

49 Reviewing registrar's decisions

- (1) A person who is dissatisfied with a decision of the registrar may, as provided under the QCAT Act, apply to QCAT for a review of the decision.
- (2) Despite the QCAT Act, section 157, the registrar is required to give a person a written notice complying with that section for a decision only if the decision—
 - (a) is made on the application of the person; and
 - (b) is not the decision sought by the person.

Note—

The QCAT Act, sections 158 and 159 provide for a person dissatisfied with a decision of the registrar obtaining a written statement of reasons for the decision.

50 False or misleading representation

- (1) A person must not give information to a person under this Act that the person knows is false or misleading in a material particular.
Maximum penalty—80 penalty units.
- (2) Subsection (1) does not apply to information given in a document, if the person when giving the document—
 - (a) informs the person being given the document, to the best of the person's ability, how the information is false or misleading; and

- (b) has, or can reasonably obtain, the correct information—
gives the correct information.
- (3) It is enough for a complaint against a person for an offence against subsection (1) to state that the information was ‘false or misleading’, without specifying whether it was false or whether it was misleading.

51 Unauthorised access to or interference with register

- (1) A person must not, without lawful authority—
 - (a) access a register or information in a register; or
 - (b) make, alter or delete an entry in a register; or
 - (c) interfere with a register in any other way.Maximum penalty—100 penalty units.
- (2) Without limiting subsection (1), a person has lawful authority to do something in that subsection if—
 - (a) the person is doing the thing to carry out a function under this or another Act; or
 - (b) the registrar has authorised the person to do the thing.

52 Proceedings for offences

- (1) A proceeding for an offence against this Act is a summary proceeding under the *Justices Act 1886*.
- (2) The proceeding must start—
 - (a) within 1 year after the offence was committed; or
 - (b) within 6 months after the offence came to the complainant’s knowledge, but within 2 years after the offence was committed.

53 False certificates

The registrar may confiscate—

[s 54]

- (a) a document that the registrar reasonably believes bears a forged facsimile of the registrar's signature or seal; or
- (b) a certificate or other document purporting to be a certificate or other document under this Act that the registrar reasonably believes has been forged; or
- (c) a certificate under this Act about a registrable event if the entry in a register about the event has been amended or cancelled since the certificate was issued.

54 Protection from liability

- (1) The registrar, the deputy registrar and the registrar's staff do not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (2) In particular, the registrar, the deputy registrar and the registrar's staff do not incur civil liability for information contained in a document that is obtained under section 44.
- (3) If subsection (1) or (2) prevents civil liability attaching, the liability attaches instead to the State.

54A How notice or application is given electronically

- (1) This section applies if, under this Act, a person is required or permitted to give a notice or application to the registrar electronically.
- (2) The notice or application is given electronically if it is given—
 - (a) in an electronic format, and in a way, approved by the registrar; or

Examples of electronic formats and ways of giving information—

- capturing the information in an electronic form (for example, an HTML web form, a mobile application or a SmartForm) that is submitted through an online system provided by the registrar
- including the information in a data file that is transmitted electronically between 2 computer systems

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- (b) under the *Electronic Transactions (Queensland) Act 2001*.

Note—

Under the *Electronic Transactions (Queensland) Act 2001*, the person to whom the information is required or permitted to be given (in this case, the registrar) must consent to the information being given by an electronic communication. See sections 11(2) and 12(2) of that Act.

- (3) Also, a requirement for the notice or application to be given in the approved form is complied with if the information required in the approved form is given under subsection (2).

55 Approved forms

- (1) The chief executive may approve forms for use under this Act.
- (2) An approved form is not properly completed unless—
- (a) the form is completed in English; and
 - (b) if a regulation prescribes particulars to be application information for the form—the form contains the prescribed particulars.

56 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) For example, a regulation may—
- (a) impose a penalty of not more than 20 penalty units for a contravention of a provision of a regulation; and
 - (b) prescribe information to be contained in a particular approved form, certificate, extract or register; and
 - (c) prescribe information to be contained on the registrar's seal; and
 - (d) prescribe the way in which a register is to be corrected; and

[s 57]

- (e) prescribe information that a court may consider when deciding or changing a child's name; and
- (f) prescribe fees for this Act, including for example, a fee for the registration of information under a court order; and
- (g) prescribe an area of the State to be a registry district.

Part 9 Transitional provisions

Division 1 Provisions for Act No. 31 of 2003

57 Transitional provisions

- (1) A certificate or other document issued under the *Registration of Births, Deaths and Marriages Act 1962* is taken to have been issued under this Act.
- (2) The registers kept under the *Registration of Births, Deaths and Marriages Act 1962* form part of the registers under this Act.
- (3) The person holding office as registrar general immediately before the commencement of this Act continues as the registrar under this Act.
- (4) The person holding office as deputy registrar general immediately before the commencement of this Act continues as the deputy registrar under this Act.
- (5) The *Registration of Births, Deaths and Marriages Act 1962* continues to apply to—
 - (a) an application that was made under that Act but has not been decided before the commencement of this section; and
 - (b) a document that was lodged under that Act but has not been dealt with before the commencement of this section; and

- (c) a notation or registration that was started under that Act but has not been completed before the commencement of this section.
- (6) The *Registration of Births, Deaths and Marriages Act 1962*, sections 32, 33 and 35 continues to apply to a pre-commencement death as defined in the *Coroners Act 2003*.

Division 2 Provision for Act No. 77 of 2003

57A Transitional provision

A delegation in force immediately before the commencement of the amendment of section 37 by the *Justice and Other Legislation Amendment Act 2003* continues in force after the commencement and is unaffected by the amendment.

57B Transitional—Adoption Act 2009

From the commencement of the *Adoption Act 2009*, section 329, the Adopted Children Register under the repealed *Adoption of Children Act 1964*, section 55, continues as the adopted children register under this Act.

Division 3 Provisions for Act No. 37 of 2007

58 Definition for div 3

In this division—

amending Act means the *Justice and Other Legislation Amendment Act 2007*.

59 Existing applications to have birth registered

- (1) This section applies to an application to have a birth registered if, before the commencement of this section, the registrar—

- (a) accepted the application under previous section 8(2);
and
 - (b) had not registered the birth before the commencement.
- (2) Section 8 as amended by the amending Act applies to the application.
- (3) In this section—
previous section 8(2) means section 8(2) as in force before the commencement of the amending Act.

60 Existing applications to note a person's name change

- (1) This section applies if, before the commencement of this section—
- (a) an application to note the change of a person's name was made under section 20(2) or (3); and
 - (b) the registrar had not noted the change.
- (2) Part 3 as amended by the amending Act applies to the application.

61 Existing applications for a certificate about an event that is, or may be, in a register

- (1) This section applies if, before the commencement of this section—
- (a) a person or other entity applied for a certificate about an event under section 44(1); and
 - (b) the registrar had not given the certificate to the person or entity.
- (2) Section 44 as amended by the amending Act applies to the application.

Division 4 Provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009

62 Application of ss 11(2) and 31(2)

(1) Sections 11(2) and 31(2) apply as if a reference in the subsections to a person having applied to QCAT under section 49 for review of a decision of the registrar includes a reference to the person having appealed to the District Court, before the commencement, under previous section 49.

(2) In this section—

commencement means the commencement of this section.

previous section 49 means section 49 as in force before the commencement.

Note—

See also the QCAT Act, chapter 7.

Division 5 Transitional provisions for Surrogacy Act 2010

63 Application to alter or add parentage details as result of amendments to the Status of Children Act 1978

(1) This section applies if—

(a) a woman (the *mother*) has undergone a fertilisation procedure within the meaning of the *Status of Children Act 1978*, as a result of which she became pregnant and gave birth to a child; and

(b) by application of a presumption in that Act the mother's partner is presumed to be a parent of the child; and

(c) the child's birth was registered before the commencement of this section.

[s 63]

- (2) An application may be made to the registrar for the addition of information in the register of births about the identity of the mother's partner as a parent of the child.
- (3) The registrar must include the additional information in the register of births if the registrar is satisfied in relation to the matters mentioned in subsections (4) and (5).
- (4) The registrar must not include additional information in the child's birth entry about the identity of the mother's partner as a parent of the child unless—
 - (a) the application is made jointly by the mother and the mother's partner; and
 - (b) if the child's birth entry already includes information that identifies a person as the father of the child—
 - (i) the Supreme Court has made an order for the removal of the particulars from the birth entry that identifies the father of the child; and
 - (ii) the registrar removes those particulars from the birth entry; and
 - (c) the application is accompanied by a statutory declaration made by the mother and the mother's partner stating that—
 - (i) they were in a de facto relationship at the time the mother underwent the procedure mentioned in subsection (1)(a); and
 - (ii) the mother's partner consented to the procedure that resulted in the pregnancy.
- (5) An application made under this section must be in the approved form.
- (6) This section has effect despite sections 10 and 42 and the *Status of Children Act 1978*, section 37.

Division 6 **Transitional provision for Civil Partnerships and Other Legislation Amendment Act 2012**

65 **References in documents to civil partnership**

(1) A reference in a document issued under this Act to a civil partnership is, on and from the commencement and if the context permits, taken to be a reference to a registered relationship.

(2) In this section—

commencement means the commencement of this section.

Division 7 **Transitional provision for Justice and Other Legislation Amendment Act 2013**

66 **Registrar and deputy registrar appointed before commencement**

(1) This section applies to a person who, immediately before the commencement of this section, held office as registrar or deputy registrar.

(2) From the commencement, the person continues to hold that office as if the person had been appointed after the commencement.

Division 8 **Transitional provision for Births, Deaths and Marriages Registration Amendment Act 2018**

67 **Transitional provision for particular applications**

Section 22, as in force at the commencement, applies to—

[s 67]

- (a) an application made under section 23, but not finally dealt with, before the commencement; and
- (b) an application made under section 23 after the commencement, whether or not the person underwent sexual reassignment surgery before the commencement.

Schedule 2 Dictionary

section 4

adoption entry means an entry in the adopted children register.

amending Act, for part 9, division 3, see section 58.

application information see section 41.

approved form means a form approved by the chief executive under section 55(1).

autopsy means an autopsy or post mortem under—

- (a) the *Coroners Act 1958*, the *Coroners Act 2003* or the *Transplantation and Anatomy Act 1979*; or
- (b) a law of another State or country that corresponds to an Act mentioned in paragraph (a).

birth means the expulsion or extraction of a child from its mother.

birth entry means an entry in the register of births.

birth registration application see section 9.

cause of death certificate see section 30.

certificate includes an extract.

child includes a stillborn child.

coroner means a coroner under the *Coroners Act 2003*.

corresponding law means a law of another State that provides for the registration of births, deaths and marriages.

death registration application means a death registration application under section 29.

deputy registrar see section 35(1).

discharge order means—

- (a) a discharge order under the *Surrogacy Act 2010*; or

- (b) an order of another Australian jurisdiction that corresponds to an order mentioned in paragraph (a).

disposal, of human remains, means—

- (a) cremation of the remains; or
- (b) burial of the remains, including burial at sea; or
- (c) placing the remains in a mausoleum or other permanent resting place; or
- (d) placing the remains in the custody of an educational or scientific institution for the purpose of medical education or research; or
- (e) removal of the remains from the State, other than if the remains have been cremated or are taken from the State by sea and buried at sea in the course of the voyage.

family and child commissioner means the principal commissioner under the *Family and Child Commission Act 2014*.

fee includes a tax.

funeral director means a person who carries on the business of arranging for the disposal of human remains.

guardian means a guardian who has been appointed under a law of a State or the Commonwealth.

historical information means information in a register that relates to an event that was registered before a period prescribed under a regulation.

Example—

A regulation may prescribe that the information in the birth register for any births that were registered more than 90 years ago is historical information.

marriage certificate means an official certificate of marriage under the *Marriage Act 1961* (Cwlth), section 50.

midwife means a person registered under the Health Practitioner Regulation National Law to practise in the midwifery profession, other than as a student.

non-Queensland coroner means a person who holds a position equivalent to a coroner in another State.

non-Queensland court means—

- (a) a court of another State; or
- (b) a Commonwealth court.

parentage order means—

- (a) a parentage order under the *Surrogacy Act 2010*; or
- (b) an order of another Australian jurisdiction that corresponds to an order mentioned in paragraph (a).

person includes a child.

prohibited name means a name that—

- (a) is obscene or offensive; or
- (b) could not practically be established by repute or usage—
 - (i) because it is too long; or
 - (ii) because it consists of, or includes, symbols without phonetic significance; or
 - (iii) for another reason; or
- (c) includes or resembles an official title or rank; or
- (d) is, or includes, a statement; or

Examples—

‘Save Mother Earth’ or ‘Down with Capitalism’

- (e) is contrary to the public interest for another reason; or
- (f) a regulation states is a prohibited name.

Queensland court means a court of Queensland.

recognition certificate means a certificate issued under the law of another State that identifies the person who is the subject of the certificate as—

- (a) having undergone sexual reassignment surgery; and
- (b) being the sex stated in the certificate.

register, used as a noun, means a register maintained under section 40.

register, used as a verb, means to enter information about a registrable event into the register.

registering authority means an authority responsible under a corresponding law for the registration of births, deaths and marriages.

registrable event means—

- (a) a birth, death, marriage or change of name; or
- (b) an adoption under the *Adoption Act 2009*; or
- (c) a change of parentage under a parentage order; or
- (d) another event for which the registrar is required, under another Act, to record in a register.

registrar see section 34(1).

relevant child register, for a person, means whichever of the following registers has an open entry for the person—

- (a) the birth register;
- (b) the adopted children register;
- (c) the parentage order register.

school of anatomy means a school of anatomy under the *Transplantation and Anatomy Act 1979*.

seal includes a stamp.

sexual reassignment surgery means a surgical procedure involving the alteration of a person's reproductive organs carried out—

- (a) to help the person to be considered to be a member of the opposite sex; or
- (b) to correct or eliminate ambiguities about the sex of the person.

source document means—

- (a) a document, other than a document prescribed by regulation, given to the registrar in relation to the

registration or notation of an event in a register kept by the registrar; or

- (b) a digitised copy of a document to which paragraph (a) applies, kept by the registrar as an official record of the document.

stillbirth means the birth of a stillborn child.

stillborn child means a child—

- (a) who has shown no sign of respiration or heartbeat, or other sign of life, after completely leaving the child's mother; and
- (b) who—
 - (i) has been gestated for 20 weeks or more; or
 - (ii) weighs 400g or more.

vessel includes a hovercraft.