



Status of Children Act 1978

Status of Children Regulation 2022

Current as at 1 September 2022

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Queensland

Status of Children Regulation 2022

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Status of Children Regulation 2022

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Status of Children Regulation 2022*.

2 Commencement

This regulation commences on 1 September 2022.

3 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Parentage testing procedure and report

Division 1 Application of part

4 Application of part

This part provides the requirements for—

- (a) carrying out a parentage testing procedure under a parentage testing order; and
- (b) preparing a parentage testing procedure report.

Division 2 Taking sample for parentage testing procedure

5 Only sampler may take sample

A person must not take a sample from a donor for a parentage testing procedure unless the person is a sampler.

6 Information to be given to sampler before sample taken

(1) A sampler must not take a sample from a donor for a parentage testing procedure unless, immediately before the sampler takes the sample, a relevant person for an affidavit for the donor—

- (a) makes an affidavit in the approved form; and
- (b) attaches a recent photograph of the donor to the affidavit; and
- (c) signs the relevant person's name partly on the photograph and partly on the affidavit in the way required by the approved form; and
- (d) gives the affidavit and another recent photograph of the donor to the sampler.

(2) In this section—

recent photograph, of a donor, means a photograph of the donor that satisfies the requirements for the photograph stated in the approved form.

relevant person, for an affidavit for a donor, means—

- (a) if the donor is a child who is under 16 years or is a child who is 16 or 17 years with impaired capacity—a person who may consent to the carrying out of a parentage testing procedure on the donor under section 11(4)(b) of the Act; or
- (b) if the donor is an adult with impaired capacity—a person who may consent to the carrying out of a

parentage testing procedure on the donor under section 11(4)(c) of the Act; or

- (c) otherwise—the donor.

7 Taking blood sample

- (1) A sampler must not take a sample of blood from a donor for a parentage testing procedure unless the instrument the sampler uses to take the sample—
- (a) has not previously been used for any purpose; and
 - (b) is sterilised; and
 - (c) is disposable.
- (2) Before taking the sample of blood, the sampler must ensure the area of the donor's skin into which the sampler will insert the instrument is cleaned with an antiseptic.
- (3) In this section—
instrument includes a needle or syringe.

8 Taking sample for DNA typing

- (1) This section applies in relation to taking a sample, other than a sample of blood, from a donor for a parentage testing procedure that is DNA typing.
- (2) A sampler must not take a sample from the donor with a swab unless the swab—
- (a) has not previously been used for any purpose; and
 - (b) is sterilised.
- (3) A sampler must not take a sample that is a skin scraping or a hair root from the donor unless—
- (a) the sampler uses an implement to take the sample; and
 - (b) the implement is sterilised.

Division 3 Storing and examining sample

9 Sealing and labelling container

- (1) A sampler must place a sample from a donor in a container—
 - (a) immediately after the sampler takes the sample from the donor; and
 - (b) in the presence of a relevant person.
- (2) The sampler must ensure the container—
 - (a) has not previously been used for any purpose; and
 - (b) is sealed in a way that, if it were opened after being sealed, the fact the container has been opened would be obvious to a person inspecting the container.
- (3) The sampler must attach a label to the container in a way that ensures that, if the label, or a part of the label, is removed or writing on the label is altered or erased, the removal of the label, or the alteration or erasure of the writing, would be obvious to a person inspecting the container.
- (4) The sampler must write the following information on the label in ink—
 - (a) the donor's full name, sex and date of birth;
 - (b) the date and time the sample from the donor was taken.
- (5) After the information mentioned in subsection (4) is written on the label, the sampler and the relevant person must sign the label in ink.
- (6) In this section—

relevant person means—

 - (a) if the donor is a child who is under 16 years or is a child who is 16 or 17 years with impaired capacity—a person who may consent to the carrying out of a parentage testing procedure on the donor under section 11(4)(b) of the Act; or

- (b) if the donor is an adult with impaired capacity—a person who may consent to the carrying out of a parentage testing procedure on the donor under section 11(4)(c) of the Act; or
- (c) otherwise—the donor.

10 Statement by sampler

After taking a sample from a donor for a parentage testing procedure, the sampler who took the sample must—

- (a) make a statement in the approved form; and
- (b) attach the photograph mentioned in section 6(1)(d) to the statement; and
- (c) sign the sampler's name partly on the photograph and partly on the statement in the way required by the approved form.

11 Requirements for storing, packing and transporting sample to accredited laboratory

- (1) A sampler must ensure that a sample from a donor is stored, packed and transported to an accredited laboratory in a way that—
 - (a) preserves the integrity of the sample; and
 - (b) ensures the carrying out of the parentage testing procedure on the sample will produce the same results as would have been obtained if the parentage testing procedure had been carried out on the sample immediately after collection of the sample.
- (2) The sampler must ensure the following documents for the donor are sent to the accredited laboratory with the sample—
 - (a) the affidavit, in the approved form, mentioned in section 6(1)(a);
 - (b) the statement, in the approved form, mentioned in section 10(a).

12 Parentage testing procedure must be carried out at accredited laboratory

A parentage testing procedure carried out on a sample from a donor must be carried out—

- (a) at an accredited laboratory; and
- (b) under the standards of practice for which the laboratory holds accreditation.

13 Time in which parentage testing procedure must be carried out or dried sample prepared

(1) An accredited laboratory that has received a sample from a donor in relation to carrying out a parentage testing procedure must ensure the parentage testing procedure is carried out within—

- (a) if the parentage testing procedure is red cell antigen blood grouping—6 days after the sample is taken from the donor; or
- (b) if the parentage testing procedure is human leucocyte antigen tissue typing—3 days after the sample is taken from the donor; or
- (c) if the parentage testing procedure is DNA typing—a reasonable time after the sample is taken from the donor.

(2) Also, an accredited laboratory that has received a sample from a donor in relation to carrying out a parentage testing procedure that is red cell enzyme blood grouping or testing for serum markers must ensure that, within 6 days after the sample is taken from the donor—

- (a) the parentage testing procedure is carried out; or
- (b) a dried sample of the sample is prepared for the purpose of carrying out the parentage testing procedure on the dried sample.

Division 4 Parentage testing procedure report

14 Relevant persons to fill in and sign report—Act, s 12

- (1) For section 12(2) of the Act, a relevant person for a parentage testing procedure must fill in and sign the part of the parentage testing procedure report that, under the approved form for the report, must be filled in and signed by the relevant person.
- (2) In this section—
relevant person, for a parentage testing procedure, means—
 - (a) the nominated reporter for the parentage testing procedure report; and
 - (b) either of the following—
 - (i) the person who carried out the parentage testing procedure;
 - (ii) the person under whose supervision the parentage testing procedure was carried out.

Part 3 Repeal and transitional provision

Division 1 Repeal

15 Repeal

The Status of Children Regulation 2012, SL No. 135 is repealed.

Division 2 Transitional provision

16 References to repealed regulation

A reference in a document to the repealed *Status of Children Regulation 2012* may, if the context permits, be taken to be a reference to this regulation.

Schedule 1 Dictionary

section 3

accredited laboratory means a laboratory accredited by NATA to carry out a parentage testing procedure.

donor means the person required under a parentage testing order to provide a sample for a parentage testing procedure.

NATA means the National Association of Testing Authorities, Australia.

sample, from a donor, means tissue, fluid or other bodily sample from the donor.

sampler means a person who is—

- (a) a doctor; or
- (b) employed by one or more of the following to take a sample from a donor—
 - (i) a hospital within the meaning of the *Hospital and Health Boards Act 2011*, schedule 2;
 - (ii) a pathology practice;
 - (iii) a parentage testing practice;
 - (iv) a doctor.