



*Status of Children Act 1978*

# Status of Children Regulation 2002

Reprinted as in force on 26 May 2006

Reprint No. 1A\*

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

\* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. Footnotes have been relocated as editor's notes.

# Information about this reprint

This regulation is reprinted as at 26 May 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Status of Children Regulation 2002

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
3	Dictionary .....	3
<b>Part 2</b>	<b>Parentage testing procedures</b>	
<b>Division 1</b>	<b>General</b>	
4	Application of pt 2. ....	4
5	Carrying out of parentage testing procedure .....	4
<b>Division 2</b>	<b>Collection, storage and testing of samples</b>	
6	Samplers .....	4
7	Provision of information by donor .....	5
8	Collection of blood samples .....	5
9	Collection of samples for DNA typing .....	6
10	Sealing and labelling of containers .....	6
11	Statement by sampler .....	7
12	Packing and storage requirements .....	8
13	Testing of samples .....	8
<b>Division 3</b>	<b>Parentage testing procedure reports</b>	
14	Preparation of parentage testing procedure report .....	9
<b>Part 3</b>	<b>Miscellaneous</b>	
15	Certification of copy of document mentioned in Act, s 18D—Act, s 9(1) .....	9
16	Fees .....	10
<b>Part 4</b>	<b>Repeal</b>	
17	Repeal of Status of Children Regulation 1989 .....	10
<b>Schedule 1</b>	<b>Fees</b> .....	11
<b>Schedule 2</b>	<b>Dictionary</b> .....	12

Contents

---

**Endnotes**

1	Index to endnotes . . . . .	13
2	Date to which amendments incorporated . . . . .	13
3	Key . . . . .	13
4	Table of reprints . . . . .	14
5	List of legislation . . . . .	14
6	List of annotations . . . . .	14

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# Status of Children Regulation 2002

[as amended by all amendments that commenced on or before 26 May 2006]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Status of Children Regulation 2002*.

### 2 Commencement

This regulation commences on 1 September 2002.

*Editor's note—*

For a proceeding started before the commencement of the Act, see section 24 of the Act.

### 3 Dictionary

The dictionary in schedule 2 defines words used in this regulation.

## **Part 2                      Parentage testing procedures**

### **Division 1                General**

#### **4                      Application of pt 2**

This part applies to a parentage testing procedure that is required to be carried out on a person under a parentage testing order.

#### **5                      Carrying out of parentage testing procedure**

A parentage testing procedure must be carried out—

- (a) in accordance with division 2; and
- (b) at an accredited laboratory; and
- (c) in accordance with standards of practice entitling the laboratory to be accredited by NATA to carry out the procedures.

### **Division 2                Collection, storage and testing of samples**

#### **6                      Samplers**

A person must not take a sample from a donor for a parentage testing procedure unless—

- (a) the person is a doctor; or
- (b) the person is employed by a hospital, a pathology practice, a parentage testing practice or a doctor to take a sample from a donor.

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## **7 Provision of information by donor**

- (1) A sampler must not take a sample from a donor before the donor or, if appropriate, a person mentioned in subsection (2) or (3), has—
  - (a) completed an affidavit in the approved form immediately before the sampler takes the sample from the donor; and
  - (b) attached a recent photograph of the donor to the affidavit and signed his or her name partly on the photograph and partly on the affidavit in a way that, if the photograph were later removed from the affidavit, the removal would be evident on inspecting the affidavit; and
  - (c) given the affidavit and another recent photograph of the donor to the sampler.
- (1A) The photographs mentioned in subsection (1) must each measure approximately 45 millimetres by 35 millimetres and show a full face view of the donor's head and the donor's shoulders against a plain background.
- (2) If the donor is a child who is under 16 years or is a child who is 16 or 17 years with impaired capacity, the affidavit mentioned in subsection (1)(a) may be completed only by a person who may consent to the carrying out of the procedure on the donor under section 11(4)(b) of the Act.
- (3) If the donor is an adult with impaired capacity, the affidavit mentioned in subsection (1)(a) may be completed only by a person who may consent to the carrying out of the procedure on the donor under section 11(4)(c) of the Act.

## **8 Collection of blood samples**

- (1) A sampler may take a sample of blood from a donor only with a needle or syringe that—
  - (a) has not been used for any purpose; and
  - (b) has been sterilised; and
  - (c) is disposable.

[s 9]

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- (2) Before taking the sample of blood, the sampler must ensure the area of the donor's skin into which the needle is to be inserted to withdraw the blood has been cleaned with an antiseptic.

## **9 Collection of samples for DNA typing**

- (1) This section applies to the taking of 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 the sample with a swab unless the swab—
  - (a) has not been used for any purpose; and
  - (b) has been sterilised.
- (3) If the sample to be taken is a skin scraping or a hair root, the implement used by the sampler to take the sample must have been sterilised before use.

## **10 Sealing and labelling of containers**

- (1) A sampler must ensure that—
  - (a) a sample is placed in a container—
    - (i) immediately after the sample is taken; and
    - (ii) in the donor's presence; and
  - (b) the container has not previously been used for any purpose; and
  - (c) the container is sealed in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container; and
  - (d) the container is labelled in a way that—
    - (i) if the label, or any part of the label, were removed; or
    - (ii) if writing on the label were altered or erased;

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- the removal of the label, or the alteration or erasure of the writing on the label, would be evident on inspection of the container; and
- (e) the particulars on the label are written in ink and include—
    - (i) the full name of the donor; and
    - (ii) the date of birth and the sex of the donor; and
    - (iii) the date and time when the sample was taken; and
  - (f) when paragraph (e) is complied with—the sampler and the donor sign the label in ink.
- (2) 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) the procedure mentioned in subsection (1)(a) must be completed in the presence of a person who may consent to the carrying out of the procedure on the donor under section 11(4)(b) of the Act; and
  - (b) the procedure for the donor mentioned in subsection (1)(f) is taken to be complied with only if a person who may consent to the carrying out of the procedure on the donor under section 11(4)(b) of the Act signs the label.
- (3) If the donor is an adult with impaired capacity—
- (a) the procedure mentioned in subsection (1)(a) must be completed in the presence of a person who may consent to the carrying out of the procedure on the donor under section 11(4)(c) of the Act; and
  - (b) the procedure for the donor mentioned in subsection (1)(f) is taken to be complied with only if a person who may consent to the carrying out of the procedure on the donor under section 11(4)(c) of the Act signs the label.

## **11 Statement by sampler**

After taking a sample from a donor, the sampler must—

- (a) complete a statement in the approved form; and

[s 12]

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- (b) attach the donor's photograph mentioned in section 7(1)(c) to the statement; and
- (c) sign his or her name partly on the photograph and partly on the statement in a way that, if the photograph were later removed from the statement, the removal would be evident on inspecting the statement.

## **12 Packing and storage requirements**

- (1) A sample must be packed, stored and transported to an accredited laboratory for testing in a way that—
  - (a) will preserve the integrity of the sample; and
  - (b) ensures the testing of the sample will produce the same results as would have been obtained if the sample had been tested immediately after collection.
- (2) The sampler must ensure the following documents are sent to the laboratory with the sample—
  - (a) the affidavit completed under section 7(1)(a);
  - (b) the statement completed under section 11.

## **13 Testing of samples**

- (1) An accredited laboratory that has received a sample for testing must ensure the testing is completed—
  - (a) if the proposed procedure is red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers—within 6 days after the sample is taken; or
  - (b) if the proposed procedure is HLA tissue typing—within 3 days after the sample is taken; or
  - (c) if the proposed procedure is DNA typing—within a reasonable time after the sample is taken.
- (2) If the proposed procedure is red cell enzyme blood grouping or testing for serum markers, subsection (1)(a) is taken to be complied with if a dried sample of the sample to be tested is

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prepared within 6 days after the sample is taken from the donor.

### **Division 3                      Parentage testing procedure reports**

#### **14            Preparation of parentage testing procedure report**

For section 11A(2) of the Act—

- (a) the part of the report that the approved form indicates is for completion by the nominated reporter must be completed and signed by that person; and
- (b) the part of the report that the approved form indicates is for completion by either—
  - (i) the person who carried out the parentage testing procedure; or
  - (ii) the person under whose supervision the procedure was carried out;

must be completed and signed by either of those persons.

### **Part 3                                      Miscellaneous**

#### **15            Certification of copy of document mentioned in Act, s 18D—Act, s 9(1)**

A copy of a document mentioned in section 18D of the Act may be filed in the office of the Registrar-General if it is certified as being a true copy of the document by any of the following—

- (a) a justice, commissioner for declarations or notary public under the law of the State, the Commonwealth or another State;

[s 16]

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- (b) a lawyer;
- (c) another person authorised to administer an oath under the law of the State, the Commonwealth or another State.

## **16 Fees**

The fees payable under the Act are stated in schedule 1.

# **Part 4 Repeal**

## **17 Repeal of Status of Children Regulation 1989**

The *Status of Children Regulation 1989* is repealed.

## Schedule 1 Fees

section 16

	\$
1 Filing a document, or a copy of a document, mentioned in the Act, section 18D .....	10.00
2 Searching indexes of documents filed, including inspecting a document .....	10.00

## Schedule 2      Dictionary

### section 3

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

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

*HLA* means human leucocyte antigen.

*NATA* means the National Association of Testing Authorities, Australia.

*sample* means tissue, fluid or other bodily sample.

*sampler* means the person who takes a sample from a donor for a parentage testing procedure.

*testing* means the implementation, or any part of the implementation, of a parentage testing procedure.

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	13
3 Key . . . . .	13
4 Table of reprints . . . . .	14
5 List of legislation . . . . .	14
6 List of annotations . . . . .	14

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 26 May 2006. Future amendments of the Status of Children Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2002	
1A	2006 SL No. 100	26 May 2006	

## 5 List of legislation

### **Status of Children Regulation 2002 SL No. 225**

made by the Governor in Council on 29 August 2002

notfd gaz 30 August 2002 pp 1557–61

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 2002 (see s 2)

exp 1 September 2012 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Status of Children Amendment Regulation (No. 1) 2006 SL No. 100**

notfd gaz 26 May 2006 pp 340–3

commenced on date of notification

## 6 List of annotations

### **Provision of information by donor**

s 7 amd 2006 SL No. 100 s 3

### **Statement by sampler**

s 11 amd 2006 SL No. 100 s 4