

Queensland



Registration of Births, Deaths and Marriages Act 1962

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATION 1995

**Reprinted as in force on 1 December 2003
(includes commenced amendments up to 2003 SL No. 298)**

Reprint No. 2E

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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2003 Act No. 31 s 58

Information about this reprint

This regulation is reprinted as at 1 December 2003. 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

This page is specific to this reprint. See previous reprints 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.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic 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 a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATION 1995

[as amended by all amendments that commenced on or before 1 December 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Registration of Births, Deaths and Marriages Regulation 1995*.

2 Commencement

This regulation commences on 1 July 1995.

PART 2—PARTICULARS FOR REGISTERS

3 Particulars for a birth—Act, s 12

The particulars for a birth are in schedule 1.

4 Particulars for a death—Act, s 12

The particulars for a death are in schedule 2.

5 Way registrar-general may correct entry in register—Act, s 42

(1) The way the registrar-general may correct an entry in a register is—

(a) for a clerical error—

(i) by ruling through the incorrect particulars in a way that allows the particulars to remain legible; and

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- (ii) by inserting the correct particulars and initialling and dating the correction; and
 - (b) for an error of fact or substance—by entering, signing and dating the correct particulars in the margin or an area set aside for entering corrections.
- (2) The way the registrar-general may cancel an entry in a register is—
- (a) by writing across the entry the word ‘cancelled’ and the reason the entry is cancelled; and
 - (b) by signing and dating the cancellation.
- (3) If the registrar-general makes a new entry in the register after cancelling an entry, the registrar-general must make a note in the cancelled entry referring to the new entry.

PART 3—PARTICULARS FOR CERTIFICATES AND EXTRACTS

6 Particulars to be contained in certificates and extracts—Act, s 22

This part specifies the particulars that, if appearing in an entry or duplicate entry in a register, are required to be contained in a certificate or extract from the entry.

7 Particulars for birth certificates

The particulars for a certificate about a child’s birth are in schedule 1.

8 Particulars for death certificates

The particulars for a certificate about a person’s death are in schedule 2.

9 Particulars for marriage certificates

The particulars for a certificate about a marriage are in schedule 3.

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9A Particulars for commemorative birth certificate

For section 29E(2)¹ of the Act, definition “**commemorative birth certificate**”, paragraph (a), the following particulars are prescribed—

- (a) the particulars prescribed for an extract about a child’s birth;²
- (b) for a commemorative birth certificate about a child who is not an adopted child, the following particulars from the relevant entry or duplicate entry in the birth register—
 - (i) the given names, maiden surname, age as at the date of the child’s birth and place of birth of the child’s mother;
 - (ii) the given names, surname, age as at the date of the child’s birth and place of birth of the child’s father;
- (c) for a commemorative birth certificate about an adopted child, the following particulars to the extent they are recorded in, or able to be worked out from, the entry in the adopted children register—
 - (i) the given names, maiden surname and place of birth of the child’s adoptive mother;
 - (ii) the given names, surname and place of birth of the child’s adoptive father;
 - (iii) unless the registrar general, at the written request of the person applying for the commemorative certificate, decides to withhold either or both particulars, the age as at the date of the child’s birth of the child’s adoptive mother and of the child’s adoptive father.

10 Particulars for extracts (births)

The particulars for an extract about a child’s birth are as follows—

- (a) the registration number;
- (b) the child’s name;
- (c) the child’s sex, date of birth and place of birth;

1 Section 29E (Commemorative birth certificates) of the Act

2 See section 10 (Particulars for extracts (births)).

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- (d) if the child's birth has been reregistered—a statement to that effect.

11 Particulars for extracts (deaths)

The particulars for an extract about a person's death are as follows—

- (a) the registration number;
- (b) the person's name;
- (c) the person's occupation and age;
- (d) the name of the person's last husband or wife;
- (e) the date and place of the person's death;
- (f) the cause of the person's death;
- (g) the date and place of the burial or cremation.

12 Particulars for extracts (marriages)

The particulars for an extract about a marriage are as follows—

- (a) the registration number;
- (b) the name of each party to the marriage;
- (c) the date and place of the marriage;
- (d) if the marriage has been dissolved—particulars of the dissolution.

PART 3A—CERTIFICATES FROM CLOSED ENTRY

12A Persons who may apply for certificate from entry closed on reregistration—Act, s 22

(1) For section 22(3F)(d) of the Act,³ the following persons are prescribed—

³ Section 22 (Searches and copies) of the Act

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- (a) if a guardian has been appointed for the relevant person under a law of the State or Commonwealth—the guardian;
- (b) if an administrator has been appointed under the *Guardianship and Administration Act 2000*,⁴ section 14, for the relevant person—the administrator;
- (c) if a personal representative has been appointed for the relevant person—the personal representative;
- (d) an officer of or person acting for a law enforcement body;
- (e) a person who produces an order of a court of the State or Commonwealth requiring the registrar general to accept an application under section 22(3F) of the Act.

(2) A person prescribed under subsection (1)(a) to (c) must, at the time the application is made—

- (a) produce the instrument of appointment to the registrar general; and
- (b) show that the certificate is required to discharge a function under the appointment.

(3) A person prescribed under subsection (1)(d) must, at the time the application is made—

- (a) produce documentary proof of the person's identity to the registrar general; and
- (b) show that the certificate 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.

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.

(4) If a court order is produced under subsection (1)(e), the registrar general must accept the application.

⁴ *Guardianship and Administration Act 2000*, section 14 (Appointment of 1 or more eligible guardians and administrators)

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(5) If a document under subsection (2)(a) is a photocopy, the document must be certified by a qualified witness as being a correct copy of the document.

(6) In this section—

“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 Misconduct Commission; or
- (d) the Australian Crime Commission.

“qualified witness” means—

- (a) a barrister, solicitor or notary public; or
- (b) a commissioner for declarations; or
- (c) a justice of the peace.

12B Documents and information for application to record change of sex—Act, s 28C

(1) For section 28C of the Act,⁵ a statutory declaration⁶ must include all of the following—

- (a) the doctor’s full name and residential address;
- (b) a statement that the doctor is registered as a medical practitioner in Australia or New Zealand;
- (c) the doctor’s Medicare provider number, if applicable;
- (d) the date the doctor physically examined, or performed the sexual reassignment surgery on, the person who had the sexual reassignment surgery;
- (e) a statement that the doctor has verified the person’s identity.

(2) For section 28C(1)(b) of the Act, the following information is prescribed in relation to the person who is the subject of the application—

5 Section 28C (Requirements for application) of the Act

6 *Oaths Act 1867*, part 4 (Statutory declarations)

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- (a) the name and any former name of the person;
- (b) the person's residential address;
- (c) the person's date and place of birth;
- (d) the person's name and sex as recorded at birth;
- (e) the name and, if known, any former name of the person's mother or father;
- (f) if the person has been married—
 - (i) the date and place of each marriage; and
 - (ii) the date each marriage was dissolved, if applicable; and
 - (iii) the date of death of the person's former husband or wife, if applicable.

(3) The information in subsection (2)(a) to (d) and (f)(i) must, if required by the registrar general, be verified by documentation.

Examples of documentation for subsection (3)—

- a copy of a certificate from a register of births, deaths or marriages
- a copy of a deed poll.

(4) The information in subsection (2)(f)(ii) or (iii) must be verified by documentation.

Examples of documentation for subsection (4)—

- a copy of the decree of the court
- a copy of a certificate from a register of deaths or marriages
- a copy of a deed poll.

(5) For section 28C(1)(b) of the Act, the following documents are prescribed in relation to the person who is the subject of the application—

- (a) at least 3 documents verifying the person's identity;
- (b) photographic identification, if requested by the registrar general;

Examples of photographic identification—

- driver licence
 - passport.
- (c) if the recognition certificate under section 28C(1)(a)(ii) of the Act does not state that the person has undergone sexual reassignment surgery, statutory declarations by 2 doctors that—

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- (i) verify that the person has undergone sexual reassignment surgery; and
- (ii) comply with subsection (1).

(6) If a document under subsection (5)(a) is a photocopy, the document must be certified by a qualified witness as being a correct copy of the document.

(7) In this section—

“qualified witness” means—

- (a) a barrister, solicitor or notary public; or
- (b) a commissioner for declarations; or
- (c) a justice of the peace.

PART 4—GENERAL

13 Forms

A form approved by the chief executive is the prescribed or approved form for its purpose.

14 Fees

The fees payable under the Act are in schedule 4.

SCHEDULE 1

PARTICULARS FOR A CHILD'S BIRTH

sections 3 and 7

1. Registration number.
2. Child's surname.
3. Any first or christian name given when the birth was registered.
4. Any first or christian name given after registration of the birth.
5. Child's sex and date and place of birth.
6. Mother's name.
7. Mother's maiden surname.
8. Mother's age and place of birth.
- 8A. Mother's occupation.
9. Father's name.
10. Father's age and place of birth.
11. Father's occupation.
12. Date and place of the parents' marriage.
13. Names and ages of any surviving children of the parents' relationship.
14. For children of the parents' relationship who predeceased the child—
 - (a) the number of children and the sex of each child; or
 - (b) the name of each child.
15. Informant's name, description or relationship to the child and residential address.
16. Registrar's name.
17. Date and place of registration.
18. Particulars of any marginal or similar notes.

SCHEDULE 2

PARTICULARS FOR A PERSON'S DEATH

sections 4 and 8

1. Registration number.
2. Person's name.
3. Person's sex, occupation and age.
4. Date and place of the person's death.
5. Cause of the person's death.
6. Duration of the person's last illness.
7. Certifying medical attendant.
8. Date the person was last seen by the certifying medical attendant.
9. Informant's name, description or relationship to the person and residential address.
10. Date and place of the burial or cremation.
11. Name of the person who certified the burial or cremation.
12. For a burial—the name of the minister or other person officiating or the names of the witnesses.
13. For a cremation—the name of the minister or other person officiating and the names of the witnesses.
14. If a minister officiates at a burial or cremation—the minister's religion.
15. Name of the person's father.
16. Name of the person's mother.
17. Maiden surname of the person's mother.
18. Occupation of the person's father.
- 18A. Occupation of the person's mother.
19. Person's place of birth.

SCHEDULE 2 (continued)

20. If the person was born outside Australia—the period of the person's residence in Australia.
21. For any marriage of the person—
 - (a) the name of the person's husband or wife; and
 - (b) the place where the marriage was solemnised; and
 - (c) the person's age at the time of the marriage.
22. Names and ages of any surviving children of the person.
23. For children who predeceased the person—
 - (a) the number of children and the sex of each child; or
 - (b) the name of each child.
24. Registrar's name.
25. Date and place of registration.
26. Particulars of any marginal or similar notes.

SCHEDULE 3

PARTICULARS FOR A MARRIAGE

section 9

1. Registration number.
2. Name of each party to the marriage.
3. Occupation of each party.
4. Age or date of birth of each party and the place of birth of each party.
5. Marital status of each party.
6. Residential address of each party.
7. Name of each party's father.
8. Name of each party's mother.
9. Maiden surname of each party's mother.
10. Occupation of each party's father.
11. Date and place of the marriage.
12. Rites under which the marriage was solemnised.
13. Name of the celebrant.
14. Celebrant's authorisation number.
15. Names of witnesses to the marriage.
16. Registrar's name.
17. Date and place of registration.
18. Particulars of any marginal or similar notes.

SCHEDULE 4

FEES

	section 14
	\$
1. Certificate of particulars in an entry or duplicate entry in a register or book	24.00
2. Certified extract from an entry in a register or book	24.00
3. Certified photocopy of a prescribed certificate of information	37.00
4. Search in the indexes or registers for each event under 1 name for not more than 5 years	15.00
5. Continuation of the search at the same time for each event under 1 name for each additional 5 years or part of 5 years	15.00
6. Giving priority to a search or the issue of a certificate or extract (in addition to any other fee)	18.00
7. Registration of birth under section 26(1)(a) of the Act	3.30
8. Registration of birth under section 26(1)(b) of the Act	9.00
9. Registration of birth under section 26(2B) of the Act	12.90
10. Registration of birth under section 27(1) of the Act	17.00
11. Noting change of entry of child's surname under section 27B of the Act	12.90
12. Registration of name given after registration of birth or adoption under section 28(1) of the Act	12.90
13. Noting change of name under section 28(4) of the Act	24.50
14. Noting change of entry of child's surname under section 28A(2), (3) or (4) of the Act	45.50
15. Noting change of sex and reregistration of birth or adoption under section 29B of the Act	69.00

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SCHEDULE 4 (continued)

	\$
16. Reregistration of birth or adoption under section 29C of the Act	45.50
17. Correction of an entry under section 42 of the Act if incorrect information was given to the registrar	12.90

ENDNOTES

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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 1 December 2003. Future amendments of the Registration of Births, Deaths and Marriages Regulation 1995 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
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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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.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 1995	1 July 1995
1A	to 1996 SL No. 154	1 July 1996	29 August 1996
1B	to 1997 SL No. 310	1 October 1997	31 October 1997
1C	to 1998 SL No. 337	1 January 1999	12 January 1999
1D	to 2000 SL No. 66	1 May 2000	5 May 2000
2	to 2000 SL No. 66	1 May 2000	19 January 2001
2A	to 2001 SL No. 111	30 July 2001	10 August 2001
2B	to 2002 SL No. 141	14 June 2002	28 June 2002 (Column discontinued) Notes
2C	to 2002 SL No. 223	1 September 2002	
2D	to 2003 SL No. 55	1 April 2003	
2E	to 2003 SL No. 298	1 December 2003	

5 List of legislation

Registration of Births, Deaths and Marriages Regulation 1995 SL No. 152

made by the Governor in Council on 1 June 1995

notfd gaz 2 June 1995 pp 1062–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

exp 1 September 2005 (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—

Registration of Births, Deaths and Marriages Amendment Regulation (No. 1) 1995 SL No. 319

notfd gaz 24 November 1995 pp 1223–4

commenced on date of notification

Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1996 SL No. 153 ss 1, 2(1), 3 sch

notfd gaz 28 June 1996 pp 1164–70

ss 1–2(1) commenced on date of notification

remaining provisions commenced 1 July 1996 (see s 2(1))

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**Registration of Births, Deaths and Marriages Amendment Regulation (No. 1) 1996
SL No. 154**

notfd gaz 28 June 1996 pp 1164–70
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1996 (see s 3)

**Registration of Births, Deaths and Marriages Amendment Regulation (No. 1) 1997
SL No. 310**

notfd gaz 26 September 1997 pp 354–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 1997 (see s 2)

Justice Legislation (Variation of Fees) Regulation 1998 SL No. 337 pts 1, 5

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1999 (see s 2)

Justice Legislation (Variation of Fees and Costs) Regulation 2000 SL No. 66 pts 1, 7

notfd gaz 20 April 2000 pp 1533–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 2000 (see s 2)

Justice Legislation (Variation of Fees and Costs) Regulation 2001 SL No. 111 pts 1, 6

notfd gaz 20 July 2001 pp 1138–40
ss 1–2 commenced on date of notification
remaining provisions commenced 30 July 2001 (see s 2)

**Registration of Births, Deaths and Marriages Amendment Regulation (No. 1) 2002
SL No. 141**

notfd gaz 14 June 2002 pp 697–700
commenced on date of notification

**Justice Legislation (Variation of Fees and Costs) Regulation (No. 1) 2002 SL No. 223
pts 1, 9**

notfd gaz 30 August 2002 pp 1557–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2002 (see s 2)

**Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54
ss 1–3 sch**

notfd gaz 28 March 2003 pp 1125–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 April 2003 (see s 2)

Discrimination Law (Sex) Amendment Regulation (No. 1) 2003 SL No. 55 pts 1, 3

notfd gaz 28 March 2003 pp 1125–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 April 2003 (see s 2)

Justice Legislation Amendment Regulation (No. 1) 2003 SL No. 298 pts 1, 3

notfd gaz 28 November 2003 pp 1032–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2003 (see s 2)

6 List of annotations

PART 1—PRELIMINARY

pt hdg ins 1995 SL No. 319 s 3

PART 2—PARTICULARS FOR REGISTERS

pt hdg ins 1995 SL No. 319 s 4

Particulars for a birth—Act, s 12

s 3 sub 1995 SL No. 316 s 4

Particulars for a death—Act, s 12

s 4 sub 1995 SL No. 319 s 4

Way registrar-general may correct entry in register—Act, s 42

s 5 prev s 5 om R1 (see RA s 40)
pres s 5 ins 1995 SL No. 319 s 4

PART 3—PARTICULARS FOR CERTIFICATES AND EXTRACTS

pt hdg ins 1995 SL No. 319 s 4

Particulars to be contained in certificates and extracts—Act, s 22

s 6 ins 1995 SL No. 319 s 4

Particulars for birth certificates

s 7 ins 1995 SL No. 319 s 4

Particulars for death certificates

s 8 ins 1995 SL No. 319 s 4

Particulars for marriage certificates

s 9 ins 1995 SL No. 319 s 4

Particulars for commemorative birth certificate

s 9A ins 2002 SL No. 141 s 3

Particulars for extracts (births)

s 10 ins 1995 SL No. 319 s 4
amd 2003 SL No. 55 s 6

Particulars for extracts (deaths)

s 11 ins 1995 SL No. 319 s 4
amd 2003 SL No. 54 s 3 sch

Particulars for extracts (marriages)

s 12 ins 1995 SL No. 319 s 4

PART 3A—CERTIFICATES FROM CLOSED ENTRY

pt 3A (ss 12A–12B) ins 2003 SL No. 55 s 7

PART 4—GENERAL

pt 4 (ss 13–14) ins 1995 SL No. 319 s 4

SCHEDULE—FEES

om 1995 SL No. 319 s 5

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SCHEDULE 1—PARTICULARS FOR A CHILD’S BIRTH

ins 1995 SL No. 319 s 5
amd 1996 SL No. 154 s 4

SCHEDULE 2—PARTICULARS FOR A PERSON’S DEATH

ins 1995 SL No. 319 s 5
amd 1996 SL No. 154 s 5; 2003 SL No. 54 s 3 sch

SCHEDULE 3—PARTICULARS FOR A MARRIAGE

ins 1995 SL No. 319 s 5

SCHEDULE 4—FEES

ins 1995 SL No. 319 s 5
sub 1996 SL No. 153 s 3 sch
amd 1997 SL No. 310 s 4
sub 1998 SL No. 337 s 10; 2000 SL No. 66 s 14; 2001 SL No. 111 s 13;
2002 SL No. 223 s 18
amd 2003 SL No. 55 s 8
sub 2003 SL No. 298 s 7