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RBDM Correcting the register policy



**Queensland
Government**

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PURPOSE

The purpose of this policy is to outline the Registry of Births, Deaths and Marriages (RBDM) approach to assessing an application to correct the register under the *Births, Deaths and Marriages Registration Act 2003* (Qld) (BDMR Act).

INTRODUCTION

The core functions of RBDM are to collect, maintain and provide appropriate access to information and certificates about key life events that occur in Queensland - births, deaths, marriages, adoptions, surrogacy arrangements, civil partnerships, and changes of name and sex. Central to this function is the obligation to ensure that registered information is as complete and accurate as possible.

Sometimes people will dispute the information on a life event application, or a life event registration, and seek to alter that information. In these circumstances, they may provide certain forms of information to support their position. The Registrar is then called upon to make a decision to register, alter or remove certain information from a registration.

It is not RBDM's role to be the decision maker in complex legal disputes, such as parentage disputes or other disputes about the status of personal relationships between people. The BDMR Act sets up a framework for these issues to be determined through court proceedings.

This policy outlines the types of information and circumstances that can be appropriately assessed by the Registrar in relation to an application to correct the register, and when an issue or question of proof should be referred to a court for a decision.

SCOPE

This policy sets out the Registrar's position on:

- Assessing applications to correct the register; and
- Relevant considerations in deciding whether or not to approve a correction application.

Out of scope - this policy does not include guidance or processes relating to:

- Adding a parent, who was not originally recorded on a birth registration, after the birth has been registered;
- Seeking additional information required before registering an event;
- Pre-registration disputes; and
- Applications for [Change of Name](#).

LEGISLATION

Legislation	Section
Births, Deaths and Marriages Registration Act 2003 (Qld)	8 Responsibility to apply to have birth registered
	11 Court order relating to birth register
	28 Responsibility to apply to have death registered
	31 Court order relating to registration of death
	41 Registering events other than adoptions or changes of parentage in register
	42 Correcting the register
	43 Inquiry to ensure register correct
	50 False or misleading representation
	53 False certificates
Criminal Code (Qld)	501 False statements for the purpose of registers of births, deaths, and marriages

REGISTERING EVENTS

The person/s with the legal responsibility for making an application to register a life event should provide complete and accurate information at the time of registration.

The BDMR Act (*section 50*) and the Criminal Code (Qld) (*section 501*) include specific offences and penalties for providing false and misleading information in a registration.

The Registrar must register a registrable event if the Registrar receives the relevant documentation (e.g. application form and other prescribed information) and reasonably believes that the information is correct (*section 41, BDMR Act*).

The BDMR Act sets out ways for a registered event or information related to a registered event to be corrected. Section 42(1) of the BDMR Act outlines when the Registrar must correct a register (e.g. on the order of a Queensland court or Queensland Civil and Administrative Tribunal).

Section 42(2) outlines when the Registrar may correct a register, i.e.

- (a) on the order of a non-Queensland court;
- (b) to reflect a finding made on inquiry by the Registrar under [section 43](#) of the BDMR Act;
- (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 about a registrable event conform with the most reliable information about the registrable event.

The BDMR Act also sets **out** some specific processes for information related to a registered birth to be changed, i.e.

- through a change of name or change of sex application (under *Parts 3 and 4, BDMR Act*);

- through an adoption, surrogacy, or cultural recognition order (under sections 41A to 41E, BDMR Act); or
- adding a parent to a birth registration (under section 10 BDMR Act).

Aside from these distinct processes, once a life event is registered, any requests to add, change or delete information will be assessed as an application for a correction (under section 42(2)(c), BDMR Act).

APPLYING TO CORRECT A REGISTRATION

Any person who can provide correct information may apply, using [the approved form](#), to correct the register (*section 42(2)(c), BDMR Act*).

APPROVING A CORRECTION

Correction applications should be assessed by taking into account the following:

- the applicant and their relationship to the life event;
- the class of information being corrected (see 'Classes of Registration Information' below);
- the reason why the original registration information is incorrect;
- the magnitude of delay in making the correction; and
- the 'material' significance of the information.

In considering these criteria, it should be noted that RBDM certificates are legally and personally valuable documents, obtained at a cost to the person who acquires it. If the registered information is amended or deleted, for legal purposes the value of all existing certificates is reduced to zero.

As such, the broader consequences of approving a correction are a relevant consideration in deciding whether or not the correction should be made, particularly if the proposed correction is minor or insignificant.

Ultimately, the decision to approve a correction depends on whether the evidence, and the circumstances presented to the Registrar in the application for correction, demonstrate that the existing registration should be corrected to reflect the most accurate information available.

CLASSES OF REGISTRATION INFORMATION

The information prescribed for a registered event, and for a certificate of a registered event, is outlined in Schedules 1 and 2 of the *Births, Deaths and Marriages Registration Regulation 2015* (Qld) (*BDMR Regulation 2015*).

The information can be divided into two 'classes':

- **Class 1** – Proof of the event occurring; and
- **Class 2** – Information that establishes a person's identity or reflects their legal relationships.

Class 1 information is usually provided by third parties who were professionally involved with the event.

Class 2 information is usually provided by the 'responsible person' on the registration application form.

The classification for prescribed particulars for Birth, Marriage, Civil Partnership and Death registrations are outlined at [Appendix 1](#) of this Policy.

CLASS 1 INFORMATION

Class 1 information is provided or attested-to by a third-party professional with a responsibility for the truth and accuracy of that information, and is considered very reliable. This information would only be considered for correction if evidence was supplied by the original third party or organisation through a life event notice, accepting responsibility for the error and formally replacing the original evidence. For example, if an administrative error by a Doctor resulted in the wrong cause of death (COD) recorded in the electronic form, this information would be corrected by RBDM if a new COD form was supplied by a doctor with an explanation for the original error.

Some examples of primary evidence provided by third party professionals are:

- a doctor or midwife provides evidence of the date, and place of a child's birth, and the identity of the mother;
- a funeral director provides information about the arrangements for the deceased;
- a celebrant confirms the date and place of marriage and informs their name and authorisation number.

Note: Not all information provided by a celebrant or funeral director is classified as Class 1 information. This is because, in some instances, the celebrant or funeral director is essentially “transcribing” information provided by the ‘responsible person/s’ for an event (i.e. a couple getting married or an informant for a death registration).

CLASS 2 INFORMATION

Class 2 information is additional information beyond the facts of the actual event that is provided by the ‘responsible person’/parties to an event, i.e. the parents of a child for birth registration, the parties to a marriage, or a spouse or relative of the deceased for a death registration.

Class 2 information can be proven or disproven on evidence provided with a correction application, for example, the identity of a person's siblings or the relationship status of a deceased person at the time of their death.

- **Example 1:** A person who was not named on their parent's death registration by the original informant, claims they were a child of the deceased, and wants to be added to the death registration. **Consider:** A person might be added to the registration if they can demonstrate, via their birth certificate and other circumstantial evidence, that they were a child of the deceased.
- **Example 2:** A deceased's child acts as informant for their mother's death registration, and originally describes their late mother's place of birth as Melbourne, Australia. However, they later apply to correct the register to change their mother's place of birth to Melbourne, United States of America. **Consider:** An informant would need to be able to supply evidence clearly demonstrating where their parent was born.
- **Example 3:** A person has been living under the assumption that their name is spelt a certain way and has that name displayed in several proof of identity documents. Upon realising that the spelling of their name is different from the documented way they used the name throughout their life (e.g. Michael found to be registered as Micheal) this may be considered a correction. **Consider:**

Can the applicant clearly demonstrate the spelling of their name through their life by providing substantial evidence, such as several proof of identity documents in that name.

Any person applying to correct Class 2 information must provide clear evidence in support of the correction, and their interest in the correction must be balanced against the competing interests of the original applicant who registered the event.

- **Example 1:** A person listed as a former spouse (divorced) on a death certificate applies for the register to be corrected to list them as the current spouse (married) at the time of the person's death, attaching their marriage certificate dated ten years earlier. **Consider:** A marriage certificate does not clearly disprove that the couple were not later divorced, as was recorded on the original registration application. The correction should not be approved.

Note: RBDM does not resolve relationship disputes or matters relating to estate management. If the reason for an application for a correction is due to potential estate matters (for instance, to remove a de facto partner from a death registration), RBDM is unable to arbitrate such matters and the applicant should seek legal advice regarding their concerns about property and estate management.

- **Example 2:** A parent applies to correct the spelling of their name on their child's birth registration and certificate, by adding a hyphen to their surname. A certificate has previously been issued to the other parent, and this will be invalidated if the correction is approved. **Consider:** The objective significance to the applicant and the child in having the name corrected, must be balanced against:
 - The loss of value in the current certificate held by the other parent; and
 - The level of responsibility of each party for the original incorrect information (i.e. whether both parents signed the original application, or if it was registered by the other parent alone).

CORRECTIONS THAT WILL BE CONSIDERED BY RBDM

The Registrar retains the ultimate discretion to approve or refuse an application to correct information about a registered event.

CORRECTIONS THAT WILL BE CONSIDERED

1. Incorrect information registered due to an administrative error by RBDM.
2. Incorrect information registered due to a demonstrable spelling or typographical error by the informant/s.
3. Incorrect Class 1 information, supported by the third-party professional/organisation that originally supplied the information.
4. Incorrect Class 2 information, where an application is made accompanied by evidence demonstrating an error in the already registered information.

Example: A person applies to correct a deceased person's marital status from "married" to "divorced", providing a copy of a divorce order dated prior to the person's death.

CORRECTIONS THAT WILL NOT BE CONSIDERED

1. Applications disputing Class 1 information unsupported by the original, notifying person or agency.
2. Applications to correct Historical information (other than a typographical error by RBDM), noting that section 42(4) of the BDMR Act provides that the Registrar need not correct historical information.

Note: Historical information is defined as information in a register that relates to an event that was registered before the prescribed periods:

- for a birth—100 years before the day of the application; or
- for a marriage—75 years before the day of the application; or
- for a death—30 years before the day of the application.

(Schedule 1 BDMR Act and regulation 27 BDMR Regulations)

OTHER WAYS A REGISTER CAN BE CORRECTED

The BDMR Act provides various ways for a person to apply to the court to correct registered information, where RBDM will not consider the application. For example, as it is not RBDM's role to be the decision maker in complex legal disputes, such as parentage disputes, the BDMR Act sets up a framework for these issues to be determined through court proceedings (*section 11, BDMR Act*).

The Registrar can also decide to correct a registration based on the outcomes of a formal inquiry conducted by the Registrar, or to ensure that it contains the most reliable information available (*section 43, BDMR Act*).

SUPPORTING EVIDENCE FOR A CORRECTION

Every application for correction will require supporting evidence. A single document may at times be insufficient for the Registrar to make a requested change. In these instances, RBDM may request more information and if no sufficient additional information is received, the application may be refused.

For a list of documents that may be required for a correction see [Appendix 1](#). Please note that the list is not exhaustive and is provided as a guide.

FEES

CORRECTION APPLICATION FEES

A fee will be charged on a correction application unless:

- the correction is the result of a transcription error made by RBDM; or
- an amendment to Class 1 information incorrectly provided on a life event notice by the third party professional (for example, incorrect information provided by the doctor on the notice of birth).

Further, each correction application incurs a fee. For example:

- if a person applies for a correction (and that correction is carried out) any subsequent application incurs a fee; and
- if corrections are required for two or more separate events (i.e. a death certificate and a marriage certificate), each will attract a fee.

The fee for correcting a life event record can be found here:

<https://www.publications.qld.gov.au/dataset/bdm-scheduled-fees>

REISSUED CERTIFICATE FEES

If a registered event is corrected, existing certificates showing the uncorrected information are cancelled and may be confiscated by the Registrar (*section 53, BDMR Act*).

As a result, if an applicant wants a new certificate (following a correction), they may be responsible for the cost of the new certificate, depending on:

- How recently the previous certificate was issued; and
- Whether the applicant has returned the previous certificate.

However, an applicant will not be charged a new certificate fee if the correction is the result of a transcription error made by RBDM or amended Class 1 information incorrectly provided on a life event notice by a third-party professional.

REVIEW OF A DECISION

Section 49 of the BDMR Act provides that a person who is dissatisfied with a decision of the Registrar may, as provided under the [Queensland Civil and Administrative Tribunal Act 2009](#), apply to QCAT for a review of the decision.

COMPATIBILITY WITH THE *HUMAN RIGHTS ACT 2019* (QLD)

RBDM is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, RBDM has an obligation to act and make decisions in a way that is compatible with human rights and when making a decision, to give proper consideration to human rights. When making a decision about an application, decision-makers must comply with that obligation.

COMMENCEMENT & VERSION

Commencement date:	1 January 2022
Version:	1.0
Approved:	Registrar-General

APPENDIX 1 – CLASSIFICATION OF REGISTRATION INFORMATION

Birth Registration

Information		Classification	Supporting Evidence
Child	Name	Class 2	Confirmation of a data entry error, current and historic community identification documents.
	Date of Birth	Class 1	Medical records from the hospital, statement from person/s in attendance at birth, adoption schedule.
	Place of Birth		
	Sex		
Birth Order			
Mother/Father/Parent	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
	Maiden Name (if applicable)	Class 2	Birth certificate, marriage certificate.
	Place of Birth	Class 2	Birth certificate, passport.
	Age	Class 2	Birth certificate, passport, driver licence, identification card.
	Occupation	Class	Payslip or letter from employer confirming occupation at the time of the event.
Parents' Relationship		Class 2	Marriage certificate, civil partnership certificate.
Siblings		Class 2	Birth certificate, Government issued family register or family book, a death certificate if the sibling is deceased.
Informant	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.

	Residential address	Class 2	Utility account, rental notice current at time of event.
	Relationship to child	Class 2	Birth certificate, guardianship or court order.

Marriage Certificates

Information			Classification	Supporting Evidence
When and where married			Class 1	A written statement (or statutory declaration) from the celebrant.
	Bridegroom/ Partner	Bride/ Partner		
Name and Surname			Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
Marital Status			Class 2	Single status certificate, no Record of Marriage document, divorce decree, death certificate.
Birthplace			Class 2	Birth certificate, passport.
Occupation			Class 2	Payslip or letter from employer confirming occupation at time of event.
Age			Class 2	Birth certificate, passport, driver licence, identification card.
Usual residential address			Class 2	Utility account, rental notice current at time of event.
Father/Parent's name and surname			Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
Mother/Parent's name and maiden surname			Class 2	As above.
Rites used			Class 2	A written statement (or statutory declaration) from the celebrant.

Name of witnesses	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event, a commonwealth statutory declaration from the celebrant.
Name of celebrant and authorisation number	Class 1	A written statement (or statutory declaration) from the celebrant.

Civil Partnership Registration

Information		Classification	Supporting Evidence
	Partner 1	Partner 2	
Surname		Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
First names		Class 2	As above.
Place of residence		Class 2	Utility account, rental notice current at time of event.
Place of Birth		Class 2	Birth certificate, passport.
Date of Birth		Class 2	Birth certificate, passport, driver licence, identification card.
Relationship status		Class 2	Single status certificate, no record of marriage document, divorce certificate, death certificate, confirmation of civil partnership termination.
Father's or Parent's name		Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
Mother's or Parent's name		Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.

Death Registration

Information		Classification	Supporting Evidence
Deceased Person	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
	Place of Birth	Class 2	Birth certificate, passport.
	Date of Death	Class 1	An amended medical cause of death certificate from the medical practitioner; official confirmation from Coroner; or a court order.
	Place of Death	Class 1	As above.
	Age	Class 2	Birth certificate, passport, driver licence, identification card.
	Sex	Class 2	Birth certificate, passport.
	Occupation	Class 2	Payslip or letter from employer confirming occupation at time of event.
	Marital status	Class 2	Marriage certificate, divorce certificate or decree nisi, no record of divorce, death certificate.
Spouse Name		Class 2	Marriage certificate, civil partnership certificate.
Deceased's age at marriage / civil partnership		Class 2	As above.
Place of marriage / civil partnership		Class 2	As above.
Year arrived in Australia, if deceased born overseas		Class 2	Travel documentation or passport confirming entry date into Australia.
Children	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.

	Age or predeceased	Class 2	Birth certificate, passport, driver licence, identification card, death certificate.
Father	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
	Occupation	Class 2	Payslip or letter from employer confirming occupation at time of event, death certificate of parent.
Mother	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
	Maiden name	Class 2	Birth certificate of parent, change of name document of parent, birth certificate of registered individual.
	Occupation	Class 2	Payslip or letter from employer confirming occupation at time of event, death certificate of parent.
Medical information	Cause of death	Class 1	An amended medical cause of death certificate; or notice from Qld Coroners.
	Duration of illness	Class 1	An amended medical cause of death certificate; or notice from Qld Coroners.
	Certifying doctor	Class 1	An amended medical cause of death certificate; or notice from Qld Coroners.
Burial	Date of burial	Class 1	Amended notice of disposal from the person in charge of a cemetery or crematorium
	Place of burial	Class 1	Amended notice of disposal from the person in charge of a cemetery or crematorium where burial/cremation occurred; a written statement by the funeral

			director for bodies transferred outside Qld.
	Certifier	Class 1	Written acknowledgement of the error from the funeral director including the reason for the error on the initial application
	Minister or other person officiating at the burial	Class 1	Written acknowledgement of the error from the funeral director including the reason for the error on the initial application.
	Minister's religion	Class 1	Written acknowledgement of the error from the funeral director including the reason for the error on the initial application.
Informant	Name	Class 2	Birth certificate, passport, driver licence, identification card, change of name document current at time of event.
	Residential address	Class 2	Utility account, rental notice current at time of event.
	Relationship to deceased	Class 2	Birth certificate, marriage certificate, divorce certificate or decree nisi, civil partnership or registered relationship certificate, will, power of attorney.