

Corrections policy



Acknowledgement of Traditional Custodians



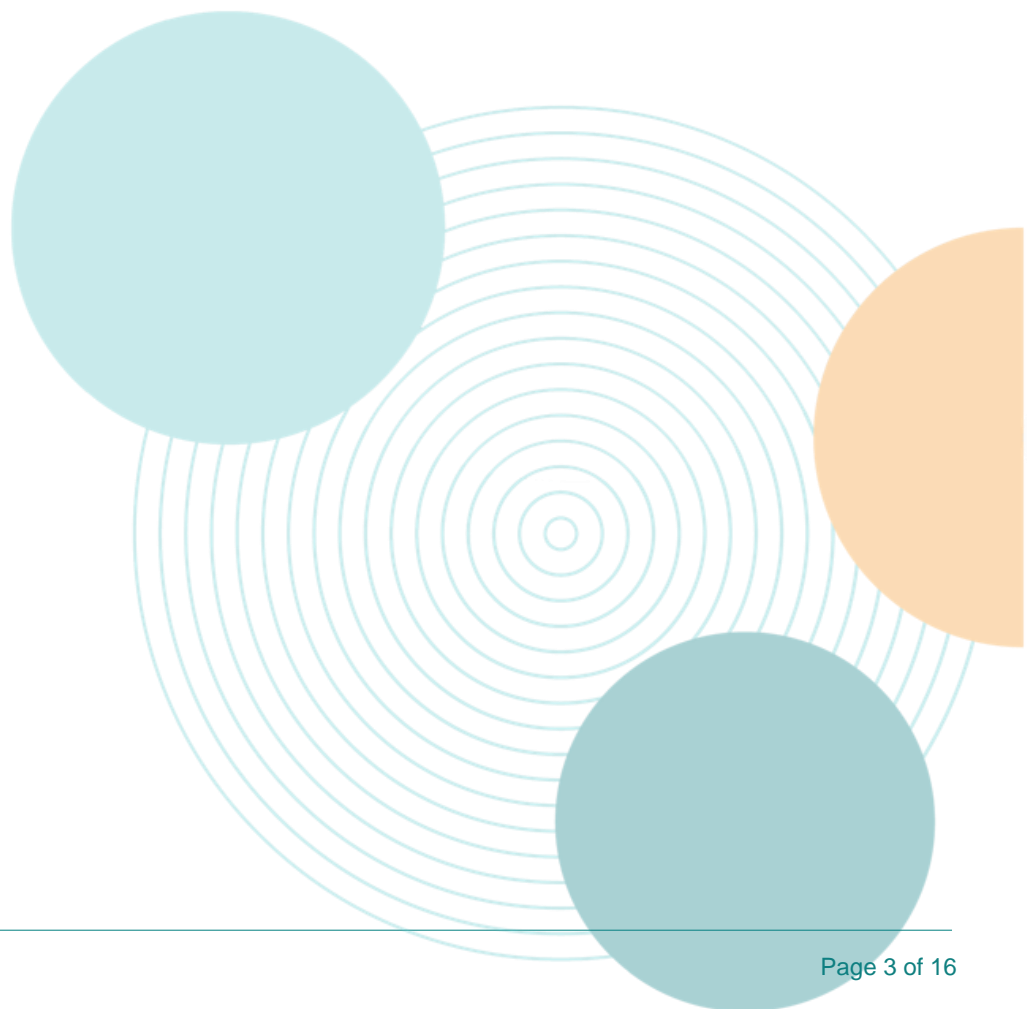
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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1.0 Introduction

The Registry of Births, Deaths and Marriages (RBDM) keeps records of life events in Queensland. It is RBDM's job to make sure these records are accurate.

If a life event record contains an error, RBDM can correct it. Generally, a person must apply to RBDM to correct the life event record and supply evidence showing what was true at the time of the event.

This policy explains how RBDM decides whether to correct a life event record, and the type of evidence a person should supply to support their application.

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.

2.0 Scope

In scope – this policy covers:

- Types of corrections
- Evidence requirements for applying to correct a record
- How RBDM decides whether to approve a correction application.

Out of scope – this policy does not cover:

- Updating a record – see the **Updating Records Policy**
- Adding, remove or replacing a de facto partner on a death registration – see the **Updating Records Policy** and **De Facto Partners Policy**
- Adding, removing, or replacing a parent after a birth has been registered
- Disputes about life events that have not been registered
- Applications to change a person's name – see the **Adult Change of Name Policy** or **Child Change of Name Policy**.

3.0 Circumstances where RBDM can make a correction

The *Births, Deaths and Marriages Registration Act 2023* (BDMR Act) sets out RBDM's power to correct information on a life event record in different situations:

Situations where RBDM <u>must</u> make a correction	
1.	If a Queensland Court or QCAT orders the correction
2.	If the Chief Executive of Corrective Services applies for the correction under section 27(4) or 27AA(4) of the <i>Corrective Services Act 2006</i> or section 43AB(4) or 43ABA(4) of the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>

3.	If the Police Commissioner applies for the correction under section 74A(5) of the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i>
4.	If a coroner’s findings differ from information entered on a register, RBDM must correct the information to reflect the coroner’s findings (subject to section 104(4) of the BDMR Act)
Situations with RBDM <u>may</u> make a correction	
5.	If a person applies to RBDM for a correction to a record to reflect the order of a non-Queensland court (For example, the Federal Circuit and Family Court of Australia)
6.	If a person applies to RBDM for a correction to ensure the information in a record contains the most reliable information available <i>Note: This is the focus of this policy</i>
7.	To reflect a finding made on inquiry under section 108 of the BDMR Act
8.	On RBDM’s own initiative

If a person wishes to correct information on a life event record, they must apply to RBDM for the correction and supply supporting evidence. RBDM then assesses that evidence and decides whether to make the correction based on the most reliable information available.

4.0 Applying to correct a registration

To apply to correct a record, the person applying must submit a [Request a review of a certificate form](#), stating the information they wish to correct.

RBDM will review the request, and respond to the applicant confirming the details, fees, and supporting documents needed.

5.0 Approving a correction

RBDM assesses correction applications by considering the following:

1.	The person applying and their relationship to the life event
2.	The class of information being corrected (see ‘Classes of Registration Information’ below)
3.	The reason why the original registration information is incorrect

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|----|--|
| 4. | The delay in making the correction |
| 5. | The significance of the information |

In considering these factors, it should be noted that RBDM certificates are legally and personally valuable documents, obtained at a cost to the person who acquires it. If registered information is amended or deleted, a person already holding a certificate will need to apply and pay for a replacement certificate containing the corrected information.

As such, the broader consequences of approving a correction are a relevant consideration in deciding whether 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.

5.1 Classes of registration information

The information included on a certificate is set out in ***RBDM's Certificate Information Policy***.

This information can be divided into two 'classes':

Class 1	<p>Proof of the event occurring</p> <p><i>Class 1 information is usually provided by third parties who were professionally involved with the event.</i></p>
Class 2	<p>Information that establishes a person's identity or reflects their legal relationships</p> <p><i>Class 2 information is usually provided by the 'responsible person' on the registration application form.</i></p>

[Attachment 1](#) explains whether the information included on a life event certificate falls into 'Class 1' or 'Class 2'.

Class 1 information

Class 1 information is provided or confirmed 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 certificate, the parties to a marriage, or a spouse or relative of the deceased for a death certificate.

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.

<p>Example 1</p>	<p>A person who was not named on their parent's death certificate by the original informant, claims they were a child of the deceased, and wants to be added to the death certificate.</p> <p>Consider: A person might be added to the certificate if they can demonstrate, via their birth certificate and other circumstantial evidence, that they were a child of the deceased.</p>
<p>Example 2</p>	<p>A deceased's child acts as informant for their mother's death certificate, and originally describes their late mother's place of birth as Melbourne, Australia. However, they later apply to correct the certificate to change their mother's place of birth to Melbourne, United States of America.</p> <p>Consider: An informant would need to be able to supply evidence clearly demonstrating where their parent was born.</p>
<p>Example 3</p>	<p>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.</p>

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.

As examples:

Example 1

A person listed as a former spouse (divorced) on a death certificate applies for the certificate 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.

Example 2

A parent applies to correct the spelling of their name on their child’s birth 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).

5.2 Corrections that will be considered by RBDM

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

Corrections that will be considered

RBDM will consider correcting a certificate in the following circumstances:

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” by providing a copy of a divorce order dated prior to the person’s death.

Corrections that will not be considered

RBDM will not correct a certificate in the following circumstances:

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) Note: Historical information means: <ul style="list-style-type: none">• A birth registered more than 100 years ago• A marriage registered more than 75 years ago• A death registered more than 30 years ago

5.3 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 [Attachment 1](#). Please note that the list is not exhaustive and is provided as a guide.

5.4 Fees

Correction application fees

A fee will be charged on a correction application *unless* the correction relates to:

- A transcription error made by RBDM; or
- Class 1 information provided by a third party professional (for example, incorrect information provided by the doctor on the notice of birth).

Further, *each* correction application incurs a fee. As examples, if:

- a person applies for a correction (and RBDM completes the application) any subsequent application incurs a fee.

- 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 on [RBDM's website](#).

Reissued certificate fees

If RBDM corrects a certificate, existing certificates showing the uncorrected information are cancelled and may be confiscated by the Registrar.

As a result, if the person applying wants a new certificate (following a correction), they will generally be responsible for the cost of the new certificate.

However, the person applying will not be charged a new certificate fee if both:

- They previously ordered a certificate (the new certificate is a replacement), and
- The correction is relates to either a transcription error by RBDM or to amended Class 1 information incorrectly provided by a third-party professional.

6.0 Reviewing the decision of the Registrar

Any person not happy with a decision made by the Registrar can seek a review of the decision by applying to QCAT in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

7.0 Compatibility with human rights

RBDM is committed to upholding, safeguarding, and advancing human rights. Under the *Human Rights Act 2019*, RBDM is required to act and make decisions in a manner that aligns with human rights. When assessing whether a correction should be made to a record, decision-makers must give careful consideration to human rights and ensure compliance with this obligation.

8.0 Commencement and version

Commencement date: 24 June 2024

Version: 2.0

Approved: Registrar-General

Attachment 1: Classification of information and evidence requirements

Section on certificate	Information	Classification	Evidence required
Birth certificate			
Child	Name	Class 2	<ul style="list-style-type: none"> Confirmation of a data entry error, or Current and historic community identification documents.
	Date of birth	Class 1	<ul style="list-style-type: none"> Medical records from the hospital, or Statement from person/s in attendance at birth, or Adoption schedule.
	Place of birth		
	Sex		
Birth order			
Mother/Father/Parent	Name (at date of child's birth)	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document (current at time of event).
	Family name at parent's birth		<ul style="list-style-type: none"> Birth certificate or marriage certificate.
	Occupation		<ul style="list-style-type: none"> Payslip or letter from employer confirming occupation at the time of the event.
	Age		<ul style="list-style-type: none"> Birth certificate, passport, driver licence or identification card.
	Place of birth		<ul style="list-style-type: none"> Birth certificate or passport.
Previous children of either parent	Name	Class 2	<ul style="list-style-type: none"> Birth certificate, Government issued family register or family book or a death certificate if the sibling is deceased.

Section on certificate	Information	Classification	Evidence required
	Age		
Informant	Name	Class 2	<ul style="list-style-type: none"> • Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Residential address		<ul style="list-style-type: none"> • Utility account or rental notice current at time of event.
	Relationship to child		<ul style="list-style-type: none"> • Birth certificate, guardianship or court order.
Death certificate			
Deceased person	Name	Class 2	<ul style="list-style-type: none"> • Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Occupation		<ul style="list-style-type: none"> • Payslip or letter from employer confirming occupation.
	Sex		<ul style="list-style-type: none"> • Birth certificate, recognised details certificate, or sex recognition certificate from another State or Territory.
	Age		<ul style="list-style-type: none"> • Birth certificate, passport, driver licence or identification card.
	Relationship status		<ul style="list-style-type: none"> • Marriage certificate, divorce certificate or decree nisi, no record of divorce or death certificate, or • If the correction relates to a de facto relationship, please refer to <i>RBDM's De Facto Partner Policy</i>.
Parents	Name (at date of death)	Class 2	<ul style="list-style-type: none"> • Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Family name (at parent's birth)		<ul style="list-style-type: none"> • Birth certificate of parent, change of name document of parent or birth certificate of deceased person.

Section on certificate	Information	Classification	Evidence required
	Occupation		<ul style="list-style-type: none"> • Payslip or letter from employer confirming occupation, or death certificate of parent.
Relationships	Type of relationship (marriage, de facto or civil partner)	Class 2	<ul style="list-style-type: none"> • Marriage certificate or civil partnership certificate. • If the correction relates to a de facto relationship, please refer to <i>RBDM's De Facto Partner Policy</i>.
	Partner's name		
	Age of deceased when relationship commenced		
	Location		
Children	Name	Class 2	<ul style="list-style-type: none"> • Birth certificate, passport, driver licence, identification card or change of name document current at time of event. • Birth certificate, passport, driver licence, identification card or death certificate.
	Age (or predeceased)		
Medical	Cause of death	Class 1	<ul style="list-style-type: none"> • An amended medical cause of death certificate, or • Notice from Queensland Coroner's Office.
	Duration of last illness		
	Medical attendant		
Burial or cremation	When and where the burial or cremation occurred	Class 1	<ul style="list-style-type: none"> • Amended notice of disposal from the person in charge of a cemetery or crematorium, or
	Person certifying		

Section on certificate	Information	Classification	Evidence required
	Name and religion of minister		<ul style="list-style-type: none"> A written statement by the funeral director for bodies transferred outside QLD, or Written acknowledgement of the error from the funeral director including the reason for the error on the initial application.
Informant	Name	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Relationship to deceased		<ul style="list-style-type: none"> Birth certificate, marriage certificate, divorce certificate or decree nisi, civil partnership or registered relationship certificate, will or power of attorney. If the correction relates to a de facto relationship, please refer to <i>RBDM's De Facto Partner Policy</i>.
	Address		<ul style="list-style-type: none"> Utility account or rental notice current at time of event.
Marriage certificate			
Where and where married		Class 1	<ul style="list-style-type: none"> A written statement (or statutory declaration) from the celebrant.
Parties to marriage	Name	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Usual residential address		<ul style="list-style-type: none"> Utility account or rental notice current at time of event.
	Place of birth		<ul style="list-style-type: none"> Birth certificate or passport.
	Age		<ul style="list-style-type: none"> Birth certificate, passport, driver licence or identification card.
	Occupation		<ul style="list-style-type: none"> Payslip or letter from employer confirming occupation.

Section on certificate	Information	Classification	Evidence required
	Marital status before the marriage		<ul style="list-style-type: none"> Single status certificate, no Record of Marriage document, divorce decree or death certificate.
Parents	Name	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Occupation		<ul style="list-style-type: none"> Payslip or letter from employer confirming occupation.
Rites used		Class 1	<ul style="list-style-type: none"> A written statement (or statutory declaration) from the celebrant.
Celebrant	Name	Class 1	<ul style="list-style-type: none"> A written statement (or statutory declaration) from the celebrant.
	Authorisation number		
Witnesses	Names	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card, change of name document current at time of event or a statutory declaration from the celebrant.
Civil partnership certificate			
Parties to civil partnership	Name	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
	Usual residential address		<ul style="list-style-type: none"> Utility account or rental notice current at time of event.
	Date of birth		<ul style="list-style-type: none"> Birth certificate, passport, driver licence or identification card.
	Place of birth		<ul style="list-style-type: none"> Birth certificate or passport.

Section on certificate	Information	Classification	Evidence required
	Relationship status		<ul style="list-style-type: none"> Single status certificate, no record of marriage document, divorce certificate, death certificate or confirmation of civil partnership termination.
Parents	Names	Class 2	<ul style="list-style-type: none"> Birth certificate, passport, driver licence, identification card or change of name document current at time of event.
Ceremony details (if applicable)	Date	Class 1	<ul style="list-style-type: none"> A written statement (or statutory declaration) from the civil partnership notary.
	Place		
	Name of civil partnership notary		