



QUEENSLAND  
**OMBUDSMAN**  
*Standing for fairness*



# The Indigenous birth registration report



An investigation into the  
under-registration of Indigenous  
births in Queensland.

**June 2018**



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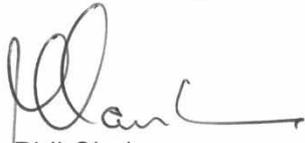
June 2018

The Honourable Curtis Pitt MP  
Speaker  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Speaker

In accordance with s.52 of the *Ombudsman Act 2001*, I hereby furnish to you my report, *The Indigenous birth registration report: An investigation into the under-registration of Indigenous births in Queensland*.

Yours faithfully



Phil Clarke  
Queensland Ombudsman

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## Foreword

This report presents the findings of an investigation into the under-registration of Indigenous births in Queensland, exploring the possible reasons for the situation and recommending solutions to increase the rate of Indigenous birth registration.

I have decided to present this report to the Queensland Parliament because I consider it in the public interest to do so. I have formed this view based on the significant lifelong restrictions to participating in society when a person's birth has not been registered.

In order to gather evidence to inform the report I reviewed an analysis of birth-related data conducted by Queensland Health in 2014 that found Indigenous births were being registered at a significantly lower rate than non-Indigenous births. I conducted interviews with officers from the Department of Justice and Attorney-General's Registry of Births, Deaths and Marriages and other relevant agencies to understand what the current practices are for registering a birth and obtaining a birth certificate, and to gain an insight into where these practices need to be altered to capture all births in Queensland.

This report focuses on the need for coordination between agencies to maximise Indigenous birth registration in Queensland.

I would like to thank those officers from the Department of Justice and Attorney-General, Queensland Health, Cairns and Hinterland Hospital and Health Service, Department of Education, Department of Transport and Main Roads, Department of Child Safety, Youth and Women and the Office of the Public Guardian who assisted with the investigation. I would also like to thank my staff, and particularly acknowledge Principal Investigator Rhiannon Hunter and Senior Investigator Lauren Mateer, for their hard work and professionalism in conducting the investigation and preparing the report.



Phil Clarke  
Queensland Ombudsman

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## Dictionary

Term	Meaning
<b>BDM</b>	Registry of Births, Deaths and Marriages in Queensland, a business unit of the Department of Justice and Attorney-General
<b>BDMR Act</b>	<i>Births, Deaths and Marriages Registration Act 2003</i>
<b>BDMR Regulation</b>	Births, Deaths and Marriages Registration Regulation 2015
<b>BYDC</b>	Brisbane Youth Detention Centre
<b>CHHS</b>	Cairns and Hinterland Hospital and Health Service
<b>CRC</b>	Convention on the Rights of the Child
<b>CYDC</b>	Cleveland Youth Detention Centre
<b>DATSIP</b>	Department of Aboriginal and Torres Strait Islander Partnerships
<b>DCCSDS</b>	Department of Communities, Child Safety and Disability Services
<b>DCSYW</b>	Department of Child Safety, Youth and Women
<b>DET</b>	Department of Education and Training
<b>DoE</b>	Department of Education
<b>DHS</b>	Australian Department of Human Services
<b>DJAG</b>	Department of Justice and Attorney-General
<b>DTMR</b>	Department of Transport and Main Roads
<b>HHSs</b>	Hospital and Health Services
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IDLP</b>	Indigenous Driver Licensing Program
<b>Indigenous</b>	The Office uses the term Indigenous when referring to descendants of the traditional inhabitants of Queensland of both Aboriginal and Torres Strait Islander descent.
<b>NCD</b>	Newborn Child Declaration
<b>OPG</b>	Office of the Public Guardian
<b>Parent Pack</b>	A pack of information and forms provided to new parents by hospitals
<b>PDC</b>	The Perinatal Data Collection collects information on all births in Queensland. The collection provides a basic source of information for research into obstetric and neonatal care and assists with the planning of Queensland's health services and the monitoring of neonatal morbidity and congenital anomalies.
<b>QH</b>	Queensland Health
<b>Registrar-General</b>	The Queensland Registrar-General of Births, Deaths and Marriages. This person is responsible for the registration of all Queensland births and the issue of birth certificates under the <i>Births, Deaths and Marriages Registration Act 2003</i> .
<b>SSB</b>	Statistical Services Branch of Queensland Health
<b>YJS</b>	Youth Justice Services

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## Executive summary

Birth registration establishes a person's legal identity. It is a precursor to obtaining a birth certificate which is a key identity document that allows an individual to fully participate in modern society. Without birth registration a person is effectively 'legally invisible' and can suffer significant disadvantage as a result.

In Queensland parents are legally required to register their child's birth. However, studies have shown that not all Queensland births are registered. The issue of under-registration of births in Queensland was first raised with the Office by a community organisation during a regional visit.

An analysis of birth-related data conducted by Queensland Health (QH) in 2014 found that, in Queensland, Indigenous births were being registered at a significantly lower rate than non-Indigenous births. That is, approximately 15-18% of births to Indigenous mothers were not registered compared with an under-registration rate of 1.8% for births to non-Indigenous mothers.

As Queensland is the state with the second largest Indigenous population in Australia, and given the social disadvantage that may be experienced by a person whose birth is not registered, I decided it was in the public interest to investigate what factors may contribute to the lower birth registration rates of Indigenous Queenslanders.

Given the difficulties in identifying individuals directly impacted by not having their birth registered, the investigation drew on information provided by representatives from community organisations and state government agencies that work closely with Indigenous Queenslanders.

The Department of Justice and Attorney-General's Registry of Births, Deaths and Marriages (BDM) is the agency with primary responsibility for maintaining the register of births in Queensland. The investigation also included other relevant Queensland Government agencies such as QH, the Cairns and Hinterland Hospital and Health Service, the Department of Education, the Department of Transport and Main Roads, the Department of Child Safety, Youth and Women and the Office of the Public Guardian.

The investigation identified a number of issues inherent in BDM's birth registration and certification processes which may be contributing to the lower rates of Indigenous births in Queensland, including:

- the fees and penalties associated with late birth registration
- a clear perception that there is a cost involved in registering a birth
- the fee for a birth certificate and the absence of a fee waiver policy
- the shift to online birth registration, particularly for remote Indigenous people as it requires computer literacy as well as access to a computer, the internet and a printer
- methods of interacting with Indigenous clients that may not be culturally appropriate.

A review of the *Births, Deaths and Marriages Registration Act 2003* is currently underway, which provides an opportune time for these practices to be reviewed.

While BDM has made some efforts to engage with Indigenous communities through its community engagement activities to increase awareness of the benefits of birth registration, the success of its efforts was clearly inadequate.

The investigation found that the current level of coordination between Queensland Government agencies is inadequate, particularly given the potential for agencies other than BDM to play a key role in encouraging and facilitating birth registration and certification.

The Queensland Government has demonstrated its commitment to improving opportunities for Indigenous Queenslanders including through its support for whole-of-

government strategies such as *Closing the Gap* and *Moving Ahead*. While an increase in the rates of Indigenous birth registration in Queensland would undoubtedly make a positive contribution to these strategies, there are no current targets to address the significant under-registration of births.

Ultimately, the investigation determined that better coordination between Queensland Government agencies would have the greatest impact on Indigenous birth registration rates in Queensland. Specifically, I have recommended that a cross-agency strategy aimed at increasing Indigenous birth registration to the same level as non-Indigenous births be developed.

I am encouraged by the level of support and willingness shown by the responsible agencies consulted as part of this investigation to actively participate in such a strategy.

## **Opinions**

### **Opinion 1**

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Indigenous births are registered at a significantly lower rate than non-Indigenous births in Queensland. BDM has taken inefficient action aimed at increasing the rate of Indigenous birth registration to remedy this disparity.

This is administrative action that is unreasonable and improperly discriminatory for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Opinion 2**

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Despite knowing that rates of Indigenous birth registration are significantly lower than rates of non-Indigenous birth registration, BDM has made no attempt to monitor rates of Indigenous birth registration or examine the current extent of the disparity.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Opinion 3**

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BDM's action in not charging the birth registration fee or pursuing the penalty is inconsistent with the purpose of the fee and penalty in the BDMR Act and Regulation to encourage timely birth registration.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Opinion 4**

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BDM's current online process for applying to register a birth is presented in such a way that it creates a clear perception that there is a cost associated with registering a birth, when the cost is to obtain a birth certificate.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Opinion 5**

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Despite waiving birth certificate fees in various circumstances, BDM does not have any policy or guidance on the circumstances which justify the waiver of these fees.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Opinion 6**

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Despite being aware of the lower rates of Indigenous birth registration, BDM fails to consider the potential impact of its practice of registering births online on Indigenous birth registration rates.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

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**Opinion 7**

BDM's primary reliance on written communication about birth registration may not be consistent with best practice for contact with Indigenous Queenslanders living in regional and remote areas. These communication failures may be contributing to the under-registration of Indigenous births in rural and remote Queensland.

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**Opinion 8**

BDM's current birth registration process fails to consider the cultural practices of Indigenous Queenslanders. This may mean that the birth registration process is less accessible to Indigenous Queenslanders than non-Indigenous Queenslanders.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

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**Opinion 9**

Despite being aware of the widely variable practices in hospitals in distributing information to new parents about birth registration, BDM has failed to work with hospitals to ensure that consistent and appropriate messages are provided to new parents about the birth registration process and the importance of birth registration.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

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**Opinion 10**

BDM's community engagement activities, particularly those conducted in remote Indigenous communities, make an important contribution towards achieving higher rates of birth registration for Indigenous Queenslanders.

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**Opinion 11**

BDM has failed to adequately coordinate between Queensland Government agencies to facilitate birth registration and access to a birth certificate for Indigenous Queenslanders.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

## Recommendations

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**Recommendation 1**

The Director-General of DJAG:

- (a) review the ongoing need for the late birth registration fee and penalty for failing to register a birth within 60 days, as prescribed in the BDMR Act and Regulation
- (b) consider the appropriate amount for such fees and penalties, if any
- (c) advise the Attorney-General of his views of any changes that are needed to the fees and penalties for birth registration in the BDMR Act and Regulation
- (d) review the appropriateness of the communication method and wording for public communication by BDM about birth registration fees and penalties.

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**Recommendation 2**

The Director-General of DJAG review BDM processes to make clear the distinction between:

- (a) the process of registering a birth in Queensland, which is free
- (b) the process of obtaining a birth certificate in Queensland, which has an associated cost.

### **Recommendation 3**

The Director-General of DJAG develop a fee waiver policy and associated processes for BDM which set out:

- (a) the circumstances in which birth certificate fees will be waived
- (b) the factors which will guide decision-making on fee waiver requests
- (c) the appropriate process for requesting fee waivers.

This fee waiver policy and any associated processes should be made publicly available.

### **Recommendation 4**

The Director-General of DJAG ensure that BDM promotes and maintains processes for birth registration applications that do not impede access for Indigenous Queenslanders in regional and remote areas.

### **Recommendation 5**

The Director-General of DJAG:

- (a) conduct research and liaise with Indigenous groups to establish the most effective methods of communicating with Indigenous Queenslanders living in regional and remote areas
- (b) ensure these methods are implemented in BDM's birth registration and birth certification processes.

### **Recommendation 6**

The Director-General of DJAG review BDM's processes for birth registration to identify and remove barriers that may impede Indigenous Queenslanders from accessing the birth registration framework. Identification of such barriers should include liaison with Indigenous groups.

### **Recommendation 7**

The Director-General of DJAG review all communication and information channels about birth registration and birth certification used by BDM to ensure suitability to target audiences.

### **Recommendation 8**

The Director-General of DJAG ensure that BDM's community engagement activities continue to be appropriately prioritised and resourced as a contribution towards achieving higher rates of birth registration for Indigenous Queenslanders.

### **Recommendation 9**

The Director-General of DJAG consult with all relevant Queensland Government agencies to develop an integrated, cross-agency strategy focused on increasing the rate of Indigenous birth registration to equal the rate of non-Indigenous birth registration in Queensland. The Director-General of DJAG should consult with Indigenous communities in the development of this strategy.

This strategy should:

- (a) confirm the current rate of Indigenous birth registration compared with the rate of non-Indigenous birth registration by using relevant agency data
- (b) establish progressive targets for the increase of Indigenous birth registration rates
- (c) establish timeframes within which these targets are to be achieved
- (d) establish a strategy to achieve these targets by the designated timeframes
- (e) establish the roles and responsibilities of each agency in contributing to achieving the targets and implementing the strategy
- (f) establish information sharing, communication and coordination protocols between agencies to implement the strategy
- (g) publicly report on progress against the targets and timeframes in the strategy.

The strategy itself should also be made publicly available.

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## Chapter 1: Introduction

Birth registration in Queensland establishes a person's legal identity by recording their birth details with the State's Registry of Births, Deaths and Marriages (BDM). Documentation of this birth record is provided in the form of a birth certificate, which is a primary form of identification that is used to access vital services. Without a birth certificate a person can face difficulties:

- enrolling in school
- getting a driver licence
- joining sporting clubs
- gaining employment
- opening a bank account
- accessing government benefits
- applying for private and public housing.

In Queensland, the requirements for birth registration are set out in the *Births, Deaths and Marriages Registration Act 2003* (the BDMR Act). The BDMR Act requires a parent to register each birth that occurs in Queensland with the Registrar-General of BDM.<sup>1</sup>

Section 40 of the BDMR Act requires the Registrar-General to maintain a register of all births that occur in Queensland (the birth register). The birth register contains information about births registered in Queensland such as the child's name, gender, place of birth and parents. Since 2012 there has been an average of 63,000 births in Queensland recorded by BDM each year.<sup>2</sup>

It is the parents' responsibility to apply to have their child's birth registered with BDM, but not all parents do so.

Not having their birth registered with BDM has consequences for both the individual whose birth is not registered, and the State of Queensland in terms of identity verification, employment, national statistics and program delivery.<sup>3</sup>

The issue of under-registration of births in Queensland was first raised with the Office by a community organisation during a regional visit. The Office then conducted research to explore this issue further.

### 1.1 Birth registration rates in Queensland

The most recent study of Queensland's birth registration rates is a 2014 analysis conducted by Queensland Health (QH) entitled *An estimate of the extent of under-registration of births in Queensland* (the QH analysis) (Appendix B).<sup>4</sup> The QH analysis compared data from QH's Perinatal Data Collection (PDC) (discussed further in Chapter 4) with BDM's birth registration records between 1 July 2010 and 30 June 2012 to identify and analyse any discrepancies between the two datasets.

The number of births recorded by QH in its PDC should equal the number of births recorded on the birth register, if the requirement to register all births that occur in Queensland is being met. However, the QH analysis found that a total of 2.7% of PDC records could not be linked to birth registration data, indicating that these births had not been registered with BDM.<sup>5</sup>

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<sup>1</sup> Section 6(1), Births, Deaths and Marriages Registration Act.

<sup>2</sup> Life event statistics, Data about Births, Deaths and Marriages in Queensland, 4 January 2017, viewed 22 September 2017, <https://www.qld.gov.au/law/births-deaths-marriages-and-divorces/data/life-event-statistics>.

<sup>3</sup> Question on Notice, No.1867, Attorney-General and Minister for Justice and Minister for Training and Skills (Hon Yvette D'Ath MP).

<sup>4</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014.

<sup>5</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014, p.6.

This proportion of under-registration is not alarmingly high when viewed in isolation. I note that it is roughly comparable with the rate of under-registration reported in Victoria in 2011.<sup>6</sup>

However, further analysis by QH showed that this 2.7% rate of under-registration in Queensland is not equally distributed among subpopulation groups. In particular, significant differences were noted between the rates of registration of Indigenous and non-Indigenous births in Queensland. That is, approximately 15-18% of births to Indigenous mothers were not registered with BDM compared with an under-registration rate of 1.8% for births to non-Indigenous mothers.

As Queensland has the second largest Indigenous population in Australia (186,482 or 4% of Queensland residents)<sup>7</sup> and given the social disadvantage that may be experienced by a person whose birth is not registered, I decided it was in the public interest to investigate the birth registration processes in Queensland to identify any administrative actions that may be impacting on Indigenous birth registration rates.

In response to the proposed report, the Director-General of the Department of Justice and Attorney-General (DJAG) advised:

It would be appropriate to include a reference to the timeframes associated with the under-registration measure (for example, 2.7% of Perinatal Data Collection (PDC) records were not able to be matched to a birth registration as at DD.MM.2014). The addition of this information acknowledges that it is possible for those unmatched births to be registered at a later date. In fact it is likely that where there is a lag in registration, that lag may go well beyond the four years of the QH study as a parent is unlikely to have to present their child's birth certificate to access services before primary school enrolment. Current data after five years on birth registration rates is as follows:

	<b>Children born to Non-Indigenous Mothers</b>	<b>Children born to Indigenous Mothers</b>
Registered within 60 Days of DOB	87%	58%
Registered within 1 Year of DOB	95%	74%
Registered within 5 Years of DOB	98%	90%

I note the Director-General of DJAG's response and acknowledge the increase in birth registration rates over the first five years. However, despite these statistics, community organisations working with vulnerable and Indigenous people consistently reported to investigators that it was common for their clients to lack birth registration or a birth certificate and suffer disadvantage as a result.

## 1.2 Investigation and jurisdiction

As the Queensland Ombudsman I am able to consider whether the administrative action of an agency is unreasonable or improperly discriminatory<sup>8</sup> or is in accordance with a rule of law or a provision of an Act or a practice that is or may be improperly discriminatory in

<sup>6</sup> For example, 3.56% of Victorian births were not registered in 2011. Victorian Law Reform Commission, *Birth registration and birth certificates – a community law reform project, Consultation Paper*, Victorian Law Reform Commission, Victoria (2012) viewed 13 October 2017, [http://www.lawreform.vic.gov.au/sites/default/files/Birth%20registration%20and%20birth%20certificates\\_Consultation%20paper.pdf](http://www.lawreform.vic.gov.au/sites/default/files/Birth%20registration%20and%20birth%20certificates_Consultation%20paper.pdf) p.8.

<sup>7</sup> Queensland Counts, Census 2016 Snapshot, Queensland Government Statistician's Office, Queensland Treasury, 27 June 2017, viewed 22 September 2017, <http://www.qgso.qld.gov.au/products/reports/qld-counts-c16/qld-counts-c16.pdf>.

<sup>8</sup> Section 49(2)(b), Ombudsman Act.

the particular circumstances.<sup>9</sup> I therefore considered that this Office was the appropriate entity to conduct an investigation into this issue.

BDM is the entity responsible for the administration of the birth registration and birth certification process in Queensland. BDM sits within DJAG which is a state government department. I therefore have jurisdiction to investigate this matter.

I am empowered to investigate the administrative actions of Queensland public sector agencies. Administrative action includes the failure to make a decision or to do an act.<sup>10</sup>

For further information about my jurisdiction and investigative powers please refer to Appendix A.

### **The investigation**

On 6 May 2016, I wrote to the Director-General of DJAG and advised him that I had decided to conduct an investigation in accordance with s.18(1)(b) of the *Ombudsman Act 2001* (Ombudsman Act). The principal objectives of the investigation were to determine:

- whether Queensland's birth registration process is reasonable and accessible to the public
- whether the current birth registration process is having a direct or indirect discriminatory effect on Indigenous persons born in Queensland
- whether relevant Queensland Government agencies are coordinating appropriately to facilitate the birth registration process.

As part of the investigation, investigators from this Office:

- interviewed the Registrar-General of BDM and the BDM Community Liaison Officer
- interviewed representatives from other state government agencies that either play a role in the birth registration process, provide a service to Queenslanders that requires identification documentation or which use BDM birth data to provide a particular service. These other agencies included:
  - QH
  - Hospital and Health Services (HHSs)
  - the Department of Education and Training (DET)
  - the Department of Transport and Main Roads (DTMR)
  - the Department of Communities, Child Safety and Disability Services (DCCSDS)
  - Youth Justice Services (YJS)
  - the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP)
- analysed relevant documentation and data received from BDM and other state government agencies
- consulted with representatives of 10 community organisations that provide support services to vulnerable members of the community including Indigenous people.

The following Machinery of Government changes came into effect during the course of the investigation:

- DET became the Department of Education (DoE).
- DCCSDS was split into two new departments. The Child Safety portfolio, relevant to this investigation, was placed within the newly formed Department of Child Safety, Youth and Women (DCSYW).
- YJS was moved from DJAG to the newly formed DCSYW.

This report will refer to the current names of relevant departments.

<sup>9</sup> Section 49(2)(c), Ombudsman Act.

<sup>10</sup> Section 7(1)(b), Ombudsman Act.

The investigation focused on the under-registration of Indigenous births established by the 2014 QH analysis. In considering the discrepancy between Indigenous and non-Indigenous rates of birth registration, the investigation focused on whether there were any barriers in BDM's practices and processes which might be having a negative impact on the birth registration rates of Indigenous Queenslanders, and which may therefore be unreasonable administrative action under the Ombudsman Act. It also considered the potential for greater collaboration between government agencies to improve rates of Indigenous birth registration and certification across Queensland.

In gathering information, it was apparent that it would be difficult to identify and interview individuals directly impacted by not having their birth registered, as these individuals are in one sense largely 'invisible' to the state. The investigation therefore drew on information gathered from representatives of community organisations and state government agencies that work with Indigenous Queenslanders. These representatives either had encountered barriers in the birth registration and certification process on behalf of their clients, or had feedback from community members about the barriers involved in the registration and certification process. Lengthy discussions were also held with the Registrar-General and BDM's Community Liaison Officer to better understand BDM processes.

The analysis in this report also drew on established research in an attempt to understand some of the factors that may be contributing to the discrepancy in birth registration rates between Indigenous and non-Indigenous Queenslanders.

Finally, it is important to note that the investigation and this report focus on the registration of births in Queensland. A person born in another Australian state or territory, or overseas, is entitled to identity documentation from that place that confirms the birth and their legal identity. While the other Australian states and territories have substantially similar frameworks to the Queensland birth registration framework, as a necessary consequence of this Office's jurisdiction this report will only discuss the framework for birth registration in Queensland and its impacts on those born in Queensland.

It should be noted that throughout this report I often refer to the importance of 'birth registration'. However, the practical impact on people's lives is not the process of birth registration, but the ability to obtain a birth certificate. A birth certificate is a key identity document required to access a significant number of government services. While some services are able to be accessed through alternative processes of identity verification, this can be more time consuming and challenging for an individual.

This report will first discuss the importance of birth registration and birth certification including the impact of non-registration on the individual and the state (Chapter 2).

Chapter 3 will then discuss the extent of under-registration of Indigenous births compared with non-Indigenous births.

Chapter 4 outlines the current birth registration process and other birth-related data collections in Queensland.

Chapters 5 to 7 will then consider the administrative practices of BDM that may be contributing to this under-registration and lack of birth certification. Key issues included fees and penalties (Chapter 5), BDM's practices and processes (Chapter 6) and access and awareness (Chapter 7).

Chapter 8 identifies the current lack of coordination between government agencies in promoting and facilitating access to birth registration and certification processes.

Chapter 9 proposes a cross-agency strategy to increase Indigenous birth registration rates in Queensland.

Chapter 10 then provides a summary of the concerns expressed in this report.

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## Chapter 2: The importance of birth registration and birth certification

Birth registration, or the formal recording of a person's birth details, name and family of origin, is a human right recognised in international law. The *International Covenant on Civil and Political Rights* (ICCPR)<sup>11</sup> states that:

Every child shall be registered immediately after birth and shall have a name.

The *Convention on the Rights of the Child* (CRC)<sup>12</sup> similarly recognises the importance of birth registration:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Birth registration is seen as a fundamental human right from which other human rights flow, with a birth certificate described as '... the key document to unlocking all the rights and privileges of citizenship'.<sup>13</sup> A 2014 report by the Office of the United Nations High Commissioner for Human Rights states:<sup>14</sup>

The fulfilment of the right to be registered at birth is closely linked to the realisation of many other rights. Birth registration establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights. As such, it is a fundamental means of protecting the human rights of the individual.

Both the ICCPR and the CRC have been ratified by Australia. Each state and territory has a framework for the registration of births which allows the issuing of a certificate of registration (commonly called a 'birth certificate').

A birth certificate is a primary form of identification that is used to access vital services within Australian society. It is the key document that establishes both legal identity and age, and is generally used as a foundation document to enable a person to access other forms of identity documentation. BDM's brochure (see Appendix D) promoting birth registration states that 'registration is the first official record of your baby's legal identity and the [birth] certificate unlocks a world of opportunities'.

A person born in Queensland whose birth is not registered with BDM is unable to get a birth certificate. This lack of a birth certificate has consequences both for the individual and for Queensland.

### 2.1 Impacts on the individual

It is plain that not having their birth registered, and consequently not having access to a birth certificate, has impacts on an individual.

Given the higher rates of non-registration experienced by children born to Indigenous mothers, and particularly those living in remote areas, investigators met with

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<sup>11</sup> International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 24(2).

<sup>12</sup> Convention on the Rights of a Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 7.

<sup>13</sup> M Castan and P Gerber 'Registering the births of Indigenous Australians in Victoria' in M Castan and P Gerber (eds), *Proof of Birth*, Future Leaders, Sydney, 2015, p.45.

<sup>14</sup> Human Rights Council, Twenty-seventh session, Birth registration and the right of everyone to recognition everywhere as a person before the law, Report of the Office of the United Nations High Commissioner for Human Rights, 17 June 2014.

representatives from a number of community organisations operating in the North Queensland and Far North Queensland areas.<sup>15</sup> These organisations reported having Indigenous clients whose births were not registered and consequently did not have a birth certificate, or who were unable to access a birth certificate due to lack of identification.

Representatives from these organisations told investigators that their clients are often unable to access basic government services as a result of their birth not being registered, or as a result of not having access to a birth certificate. Some of the issues reported as arising from clients not having access to personal identification included:

- **School enrolment:** Community organisations reported that some clients had been denied school enrolment due to lack of a birth certificate.<sup>16</sup>
- **Sporting club membership:** Investigators were told that sporting club membership was often used as a tool to assist community engagement and prevent antisocial behaviour.<sup>17</sup> Sporting clubs generally require participants to provide a birth certificate for insurance purposes and to ensure that players are placed with the correct age group.
- **Driver licences:** Community organisations advised that some of their clients had faced difficulties obtaining a driver licence due to a lack of a birth certificate.<sup>18</sup>
- **Financial services:** Community organisations advised of the difficulties faced by their clients when attempting to open a bank account or obtain a tax file number without proof of identity.<sup>19</sup> This has the potential to inhibit employment opportunities, and could significantly inhibit a person's financial freedom.<sup>20</sup>
- **Government benefits:** It can be difficult for an adult without a birth certificate to obtain Centrelink benefits later in life, such as the Age Pension. A representative from DATSIP<sup>21</sup> and BDM's Community Liaison Officer<sup>22</sup> both advised that they often work together to assist ageing clients to have enough information to be registered, obtain a birth certificate and apply for these types of entitlements.
- **Public or private housing:** A community legal organisation told investigators that clients, many of whom are Indigenous, struggle to successfully apply for housing in the absence of photographic identification. This lack of identification often stemmed from their birth not being registered and the application for birth registration further delayed the process for a homeless person being granted housing.<sup>23</sup>

I note that in 2013, the Victorian Law Reform Commission's report into Birth Registration and Birth Certification found that similar issues were encountered by those in Victoria whose births were not registered or who did not have access to their birth certificates.<sup>24</sup>

While many government services accept forms of primary identification other than a birth certificate, such as a driver licence or passport, a person is often unable to easily access these forms of identification without a birth certificate.

It is therefore apparent that a person will come into contact with a range of government services through their lifetime where their lack of birth registration or inability to access a birth certificate is identifiable. I am of the view that these 'touchpoints' may be an

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<sup>15</sup> Discussion with community organisations on 25 July 2016.

<sup>16</sup> Discussion with community organisations on 26 July 2016.

<sup>17</sup> Discussion with community organisations on 25 July 2016.

<sup>18</sup> Discussion with community organisations on 26 July 2016.

<sup>19</sup> Discussions with community organisations on 25 July 2016 and 26 July 2016.

<sup>20</sup> Discussion with community organisations on 25 July 2016.

<sup>21</sup> Manager, Community and Personal Histories Branch, DATSIP, Audio of interview, 14 June 2016, 07.20.

<sup>22</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 1.00.00.

<sup>23</sup> Discussion with community legal organisation on 4 October 2016.

<sup>24</sup> Victorian Law Reform Commission, *Birth registration and birth certificates report* (2013) XI, 2.

opportunity for government agencies, other than BDM, to encourage or facilitate the birth registration process. I will discuss this further in Chapter 8.

Another aspect of society that requires verification of identity is entry onto the electoral roll and the resulting ability to vote. Although not specifically identified by community organisations as a consequence of a lack of birth registration, investigators confirmed that in order to enrol to vote a person must provide the Australian Electoral Commission with evidence of their identity. A birth certificate or passport (which requires a birth certificate to obtain) is the preferred method of proving identity. While the Australian Electoral Commission will accept other forms of identification,<sup>25</sup> any preference for a birth certificate as proof of identity may act as a barrier for some people when attempting to enrol to vote and may therefore prevent them from fully participating in Australian society.

The above impacts of course apply equally to Indigenous and non-Indigenous Queenslanders. However, the impacts on Indigenous Queenslanders as a group are arguably of more concern as the under-registration of Indigenous births is higher than that of non-Indigenous births. It is well established that there is a gap between Indigenous and non-Indigenous Australians in outcomes of child mortality, life expectancy, education, literacy, numeracy and employment.<sup>26</sup> The presence of barriers to easily accessing the above services due to a lack of birth registration or birth certification will, at best, perpetuate and, at worst, exacerbate issues faced by a group of people statistically vulnerable to disadvantage in our society.

Queensland has demonstrated its commitment to improving outcomes for Indigenous Queenslanders through various agreements and strategies, including the Australian Government's *Closing the Gap* initiatives of which the Queensland Government is a signatory,<sup>27</sup> and various other Queensland Government initiatives dedicated to improving outcomes for Indigenous Queenslanders. Therefore, any processes which may perpetuate Indigenous disadvantage needs to be closely examined.

## 2.2 Legal invisibility

The above discussion notes the practical disadvantages for an individual without birth registration. However, a more abstract but no less important impact is that a person whose birth is not registered in Queensland is unable to be identified by the State. A project of the Castan Centre for Human Rights Law in conjunction with Monash Indigenous Centre, Monash University and the Centre for Health and Society, University of Melbourne aimed at closing the gap on Indigenous birth registration noted that:

Significant numbers of Indigenous Australians are unable to prove who they are.

...

This can make such people legally invisible,<sup>28</sup> preventing them from enjoying all the rights of citizenship that most of us take for granted.

This 'legal invisibility' may stem from either a lack of birth registration or an inability to satisfy the identity requirements to obtain a birth certificate.<sup>29</sup>

<sup>25</sup> Australian Electoral Commission, Enrol to Vote, 25 August 2017, viewed 22 September 2017, <http://www.aec.gov.au/enrol/>.

<sup>26</sup> Department of the Prime Minister and Cabinet, *Closing the Gap Prime Minister's Report 2017*, viewed 20 October 2017, <http://closingthegap.pmc.gov.au/>.

<sup>27</sup> Close the Gap: Indigenous Health Campaign, Australian Human Rights Commission, 7 May 2017, viewed 22 September 2017, <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/close-gap-Indigenous-health#> Close the Gap reports.

<sup>28</sup> Castan Centre for Human Rights Law and University of Melbourne, Melbourne, 2017, viewed 22 September 2017, Closing the Gap on Indigenous Birth Registration, [http://indigenusbirthreg.org/Indigenous\\_Birth\\_Registration/The\\_Research\\_Project.html](http://indigenusbirthreg.org/Indigenous_Birth_Registration/The_Research_Project.html).

<sup>29</sup> Castan Centre for Human Rights Law and University of Melbourne, Melbourne, 2017, viewed 22 September 2017, Closing the Gap on Indigenous Birth Registration, [http://indigenusbirthreg.org/Indigenous\\_Birth\\_Registration/The\\_Research\\_Project.html](http://indigenusbirthreg.org/Indigenous_Birth_Registration/The_Research_Project.html).

Again, the political and community interest in initiatives such as *Closing the Gap* would suggest that any Queensland Government agency processes or procedures that resulted in or contributed to 'legal invisibility' of Indigenous persons would not be accepted.

## 2.3 Impacts on Queensland

Discussions with representatives from state government agencies showed a range of views regarding whether the non-registration of births has specific and measurable implications for the State of Queensland.

The Australian Government uses population statistics produced by the Australian Bureau of Statistics (ABS) to inform the distribution of funds to state, territory and local governments.<sup>30</sup> However, Queensland Treasury officers advised investigators that inaccurate birth registration data has minimal impact on the funding provided to the State of Queensland by the Australian Government as ABS calculates its population data based on a variety of data sources and not solely on data provided by BDM.

Nevertheless, in response to a Question on Notice on 13 October 2016, the Attorney-General and Minister for Justice and Minister for Training and Skills, the Hon Yvette D'Ath MP, said that the under-registration and late registration of Indigenous births has:

... real consequences for the individual concerned and for the State in terms of identity verification, employment and national statistics and service delivery.<sup>31</sup>

Further, BDM's birth registration brochure states that birth registration:

... helps the government get Queensland ready for your child's future by ensuring infrastructure, health and education programs are provided to areas where they are most needed.<sup>32</sup>

If a significant number of births are not being registered in a particular area, the published statements by the Attorney-General and BDM indicate that this may impact government service delivery, including by limiting the ability for the government to accurately identify community need for schools and health services in certain areas.

This is particularly concerning as the QH analysis shows that the rates of under-registration of Indigenous births increase with remoteness and is significantly higher for Indigenous births.<sup>33</sup> Without accurate birth registration data, the Queensland Government may have difficulty appropriately identifying and meeting the needs of these isolated and already vulnerable communities.

## 2.4 Birth registration and birth certification

Difficulties may also arise when a person applies for a birth certificate later in life even if their birth was registered. Applications for birth certificates later than the time of birth registration require the applicant to provide clear proof of identity.

In Queensland, the categories of accepted identity documents to obtain a birth certificate from BDM later in life are illustrated in Table 1 below. An applicant must submit either:

- one from each category
- two from Community ID and one from the home address evidence categories.

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<sup>30</sup> Australian Bureau of Statistics, Population FAQs, 2016, viewed 02 February 2017, <http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Population+FAQs>.

<sup>31</sup> Question on Notice, No.1867, Attorney-General and Minister for Justice and Minister for Training and Skills (Hon Yvette D'Ath MP).

<sup>32</sup> BDM brochure, 'Register your baby's birth online', provided in Australian Government Parent Pack.

<sup>33</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014.

**Table 1: Categories of ID accepted as part of birth certificate application**

Type of ID (category)		
Personal ID	Community ID	Home address evidence
<ul style="list-style-type: none"> <li>• Australian photo driver licence</li> <li>• Australian passport</li> <li>• Overseas passport</li> <li>• Adult Proof of Age card (formerly 18+ card)</li> </ul>	<ul style="list-style-type: none"> <li>• Medicare card</li> <li>• Concession or Healthcare card</li> <li>• Student ID</li> <li>• School or other educational report, less than 12 months old</li> <li>• Salary advice or payslip</li> <li>• Private Health Provider ID card</li> <li>• Defence Force or Police Service photo ID card</li> <li>• Australian Firearms licence</li> <li>• Document of identity issued by the Passport Office</li> <li>• Naturalisation, citizenship or immigration certificate</li> <li>• Full birth certificate</li> <li>• Security guard/crowd control licence</li> <li>• Government employee photo ID card</li> <li>• Blue card</li> </ul>	<ul style="list-style-type: none"> <li>• Recent utility account (gas, electricity, home phone, etc)</li> <li>• Rent/lease agreement</li> <li>• Rates notice</li> <li>• Registration or driver licence renewal notice</li> <li>• Recent official correspondence from Government service providers (not from this agency)</li> <li>• Electoral enrolment document</li> <li>• Insurance policy notice</li> </ul>

While there appears to be a broad range of identity documents accepted by BDM, a birth certificate is often the primary document required to obtain these other forms of identity including many items in the 'community ID' category.

Calabro (2013) noted the 'vicious cycle' in the New South Wales (NSW) birth certification process whereby a birth certificate will only be issued later in life if the person is able to present the necessary identification, which can only be obtained by having a birth certificate in the first place.<sup>34</sup>

Chapters 8 and 9 of this report emphasise the need for better coordination between government agencies in promoting and facilitating the birth registration process.

<sup>34</sup> A Calabro, 'Registering the births of Indigenous Australians: Has New South Wales got it right?', *UNSW Law Journal*, vol. 36(3) 2013, p.814.

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## Chapter 3: Indigenous birth registration rates

The QH analysis endeavoured to provide a detailed analysis of birth registration rates in Queensland by comparing perinatal data from QH's PDC (discussed further in Chapter 4) and birth registration records from BDM between 1 July 2010 and 30 June 2012. While the number of births recorded within the PDC system should theoretically equal the number of births registered with BDM, this was not the case.

The QH analysis found that 2.7% of PDC records could not be matched to a birth registration which indicates these births were not registered. However, a more concerning finding of the QH analysis was that Indigenous births were being registered at a significantly lower rate when compared with non-Indigenous births. The QH analysis identified that approximately 15-18% of births to Indigenous mothers were not registered with BDM compared with 1.8% for non-Indigenous births (Table 2).

**Table 2: Under-registration of births by Indigenous status of mother, Queensland 2010-11 to 2011-12<sup>35</sup>**

Indigenous status	Linked to BDM birth registration data			TOTALS
	No	Yes	Total	% of births unlinked
Aboriginal	971	4,586	5,557	17.5
Torres Strait Islander	178	950	1,128	15.8
Both Aboriginal and Torres Strait Islander	122	669	791	15.4
Non-Indigenous	2,108	114,980	117,088	1.8
Not stated	1	19	20	5.0
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,584</b>	<b>2.7</b>

In response to the proposed report, the Director-General of DJAG advised:

It should be noted that the BDM were not afforded an opportunity to review or provide comment on the QH paper prior to its public release and to date have not been able to obtain the OH Master Linkage File (OH MLF) to conduct their own data matching or quality assessments. Accordingly, the Department was not able to interrogate the data further.

I note the Director-General of DJAG's response.

The QH analysis also identified that remoteness is a factor influencing birth registration, with high rates of under-registration of births to Indigenous mothers living in remote and very remote geographical areas, as demonstrated in Table 3. However, while remoteness had a significant effect on the rates of under-registration of births to Indigenous mothers, it only had a minor effect on the registration of births to non-Indigenous mothers.<sup>36</sup>

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<sup>35</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014, p.7.

<sup>36</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014, p.6.

**Table 3: Under-registration of births by ARIA+<sup>37</sup> and Indigenous status of the mother, births to Queensland resident mothers only, Queensland 2010-11 to 2011-12<sup>38</sup>**

ARIA+, Queensland residents	Not linked to BDM birth registration data	
	Indigenous (%)	Non-Indigenous (%)
Major city	10.9	1.6
Inner regional	13.1	2.3
Outer regional	17.6	1.8
Remote	23.4	1.6
Very remote	27.1	1.6
<b>Total</b>	<b>16.9</b>	<b>1.8</b>

The QH analysis also found that a proportionately higher number of children born to Indigenous mothers in Queensland are not registered immediately after birth. ABS data shows that in 2009 the average delay in birth registration for Indigenous births was 11.2 months, while non-Indigenous births were registered in an average of 2.5 months.<sup>39</sup>

Taken together, the data indicates that children born to Indigenous mothers were significantly less likely to have their births registered with BDM, either close in time to their birth or at all. Children born to Indigenous mothers in remote or very remote areas were even less likely to be registered (23.4% to 27.1% compared with 1.6% for non-Indigenous births), although the rates of under-registration of Indigenous children born in major city areas (10.9%) was still significantly higher than for non-Indigenous children (1.6%).

The disparity between rates of registration for Indigenous and non-Indigenous births raises concerns of an unintended, yet potentially discriminatory effect inherent in Queensland's birth registration process.

I am firmly of the view that any such discriminatory effect is an unintended one. The investigation did not establish that there has been any deliberate, purposeful or intended action that has resulted in higher rates of Indigenous births not being registered.

#### **Opinion 1**

Indigenous births are registered at a significantly lower rate than non-Indigenous births in Queensland. BDM has taken inefficient action aimed at increasing the rate of Indigenous birth registration to remedy this disparity.

This is administrative action that is unreasonable and improperly discriminatory for the purposes of s.49(2)(b) of the Ombudsman Act.

In response to proposed opinion 1, the Director-General of DJAG advised:

The Department and the RBDM accept that there is significant work to do to respond to the issues discussed in the paper. However, the opinion suggests that there is no strategy in place to address the under-registration of Aboriginal and Torres Strait Islander births when in fact chapter 7 and opinion 10 of your report refer to a specific strategy implemented by the RBDM to improve birth registration rates for this group.

The RBDM also monitor birth registration rates in communities across Queensland to inform the community liaison strategy referred to in chapter 7.

<sup>37</sup> ARIA+ (Accessibility/Remoteness Index of Australia), developed by the Australian Bureau of Statistics, is widely used within the Australian community and has become recognised as a nationally consistent measure of geographic remoteness.

<sup>38</sup> Queensland Health, Health Statistics Branch, *An estimate of the extent of under-registration of births in Queensland*, 2014, p.7.

<sup>39</sup> ABS, 3301.0, Births, Australia, 2009 (3 November 2010).

While I acknowledge there is more work to be done, I would suggest that the wording of this opinion be reviewed to acknowledge these initiatives.

I note the Director-General of DJAG's response. In particular I note BDM's community engagement activities and its community visiting program. However, these community engagement activities are general and not specifically targeted at increasing Indigenous birth registration rates. These activities are designed to capture areas of high under-registration which happen to include remote Indigenous communities. I am not convinced that these activities are sufficiently targeted at increasing Indigenous birth registration rates in Queensland.

I also note that BDM was unable to provide this Office with data demonstrating any impact on the disparity between Indigenous and non-Indigenous birth registration rates in Queensland as a result of these activities. The implementation of any strategy must be measured to ensure it is achieving its intent.

However, acknowledging the Director-General of DJAG's comments, I amended proposed opinion 1 to state that BDM has taken inefficient action aimed at increasing the rate of Indigenous birth registration.

The QH analysis was made publicly available but did not make any suggestions or recommendations for addressing these discrepancies, possibly because the responsibility for birth registration lies with DJAG, of which BDM is a business unit.

During an interview with investigators, the Registrar-General demonstrated a clear awareness of the QH analysis published in 2014, including the significant gap between Indigenous and non-Indigenous birth registration rates. However, despite the QH analysis being based on data from 2010 to 2012, the Registrar-General was not able to advise of a more current analysis. This is despite the fact that BDM has both the data and the ability to undertake such an analysis.

## **Opinion 2**

Despite knowing that rates of Indigenous birth registration are significantly lower than rates of non-Indigenous birth registration, BDM has made no attempt to monitor rates of Indigenous birth registration or examine the current extent of the disparity.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

The recommendations made throughout this report seek to 'bridge the gap' between the registration rates of Indigenous and non-Indigenous births in Queensland and remove any discriminatory effect, albeit unintended, in Queensland's birth registration framework.

In response to the proposed report, the Director-General of DJAG advised:

... RBDM leverage birth notice information to inform RBDM's Community Engagement activities. It is this data which leads to the selection of priority areas to be serviced under RBDM's partnership with the Non-Government Organisation, Pathfinders. In 2017, this partnership saw over 3000 certificates issued to Aboriginal and Torres Strait Islander clients at no cost and resulted in 600 new births being registered in areas of high under-registration rates.

I note the Director-General of DJAG's response and current efforts to address the issue of under-registration of Indigenous births in Queensland. However, these efforts fall short of the necessary analysis required to underpin a comprehensive strategy to improve Indigenous birth registration and certification.

In response to the proposed report, the Director-General of QH advised:

The cultural sensitivities associated with deceased persons in Indigenous communities need to be considered. These are a factor in relation to stillbirths/neonatal deaths in these communities and the lack of registration of those births.

It is likely that the number of births reported to the PDC will exceed those registered by BDM for a number of reasons. For example:

- BDM has previously advised that it does not routinely follow up non-registrations for stillbirths. Mothers who have a stillbirth may return to their community and may never complete any paperwork required for registration of birth or death of these babies. The SSB's [Statistical Services Branch] PDC reports on these births and deaths.
- BDM advice to the Queensland Clinical Guidelines Program has been that if a baby dies in utero at less than 20 weeks gestation or 400 grams weight but is delivered at more than 20 weeks or 400 grams, a birth registration is not required. However, reporting to the PDC is required. In 2015-16, there were 47 instances of the death of a fetus being recorded in the PDC but not being registered with BDM due to this difference in reporting requirements.

I note the Director-General of QH's response. However, the reasons described above would not account for the entire disparity between Indigenous and non-Indigenous birth registration rates.

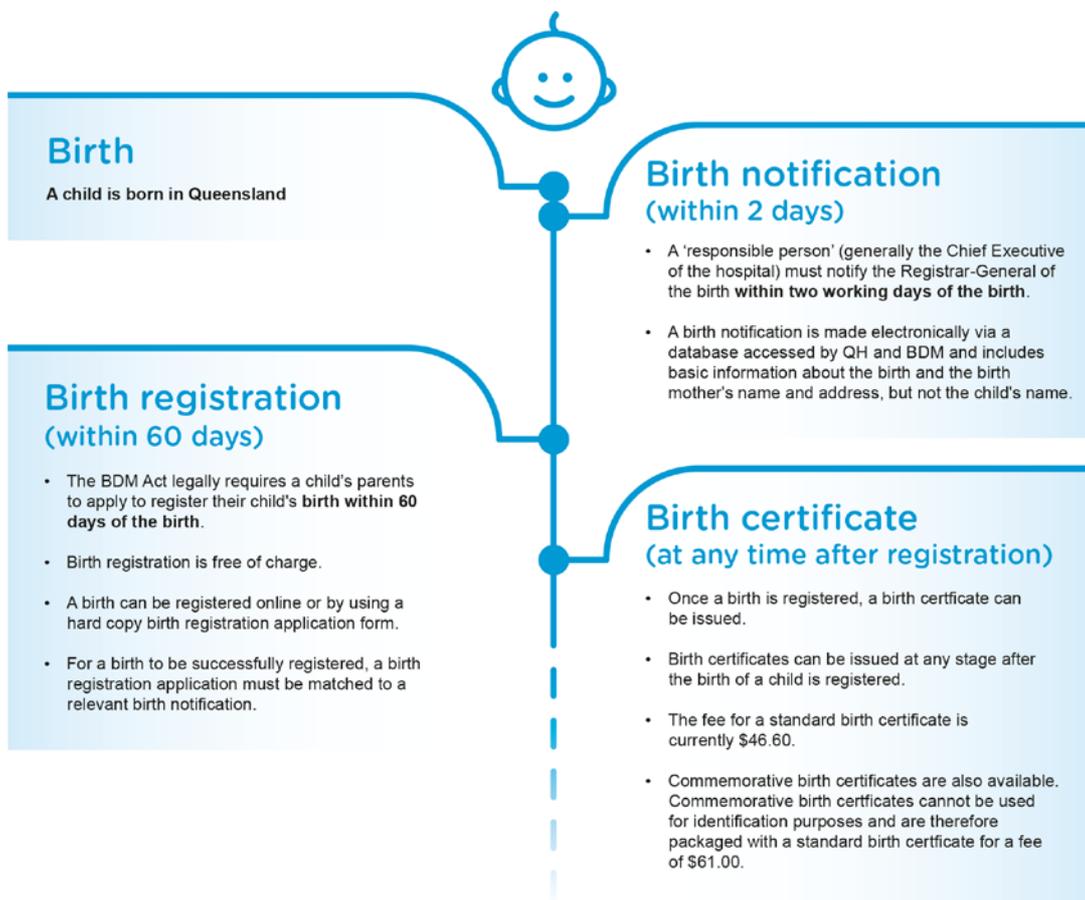
## Chapter 4: Collection of birth-related data

Although central to this investigation, the Queensland framework for birth registration and birth certification, managed by BDM, is only one of the ways in which information related to a birth of a child is collected. This chapter will discuss the different data collections and the overlap between them.

### 4.1 Birth registration and certification process

The Queensland framework for birth registration and birth certification is set out in the BDMR Act and the Births, Deaths and Marriages Registration Regulation 2015 (the BDMR Regulation). The process to register a birth and obtain a birth certificate is illustrated in Figure 1 below.

Figure 1: Process for birth registration and birth certification in Queensland



The process of registering a birth therefore involves the collection and matching of two sets of data:

1. The birth notification data from the responsible person present at the baby's birth (usually a doctor or midwife)
2. The birth registration application from the parents.

If both sets of data are not received, and are therefore not able to be matched, a birth cannot be registered.

## Birth notifications

A birth notification to BDM includes the following information:

- date and place of birth
- child's gender
- order of birth if there was more than one child born
- mother's name and address
- mother's Indigenous status.<sup>40</sup>

The information required in a birth notification is not prescribed in legislation. Rather, BDM negotiated with QH to determine what information will be provided.<sup>41</sup>

Under the BDMR Act, a 'responsible person'<sup>42</sup> is required to submit the birth notification to BDM.<sup>43</sup> For births that occur in Queensland hospitals, QH developed a database through which the hospitals can submit birth notifications to BDM.

## Birth registration applications

The BDMR Act requires a child's parents to apply to register their child's birth within 60 days of the birth.<sup>44</sup> A birth registration application is made by the parents on the prescribed hard copy form, or by using the online birth registration application process. The mandatory information required to register a birth is set out in Schedule 1, Part 1 of the BDMR Regulation and includes:

- the full name and gender of the child
- the child's date and place of birth
- the order of birth if there was more than one child born
- for both the birth mother and another parent (if applicable), their full name, place of birth, age at the date of the birth, date of birth and occupation
- each applicant's name, residential address and relationship to the child
- names and age of any other children of the relationship
- if relevant, details about the marriage of the parents.

BDM also gathers some information in the birth registration application that is not prescribed in Schedule 1, Part 1 of the BDMR Regulation including:

- the usual occupation of the child's mother and father
- the Indigenous status of the child's mother and father.

Once a birth is registered, a birth certificate can be issued for a fee.<sup>45</sup> The fee for a standard birth certificate is currently \$46.60.<sup>46</sup>

## 4.2 Other birth-related data

Two other sets of data are gathered by QH and the Australian Government Department of Human Services (DHS) following the birth of a child in Queensland.

<sup>40</sup> Information sourced from D Mackie, Director-General, Department of Justice and Attorney-General, Letter, 18 July 2016, Attachment 8, p.8; D John, Registrar-General, BDM, Audio of interview, 23 September 2016, 2:50.

<sup>41</sup> Registrar-General, BDM, Audio A of interview, 23 September 2016, 2:50.

<sup>42</sup> A responsible person is defined in the BDMR Act and where the birth occurs in a hospital, the 'responsible person' is the person in charge of the hospital. The appropriate responsible person will depend on the circumstances of the birth and who was present at the time. Section 5(2), Births, Deaths and Marriages Registration Act.

<sup>43</sup> Section 5(1), Births, Deaths and Marriages Registration Act.

<sup>44</sup> Section 8, Births, Deaths and Marriages Registration Act.

<sup>45</sup> Section 44(1)(a) Births, Deaths, Marriages Registration Act.

<sup>46</sup> Schedule 3, regulation 9(a), Births, Deaths and Marriages Registration Regulation.

#### 4.2.1 Perinatal Data Collection by Queensland Health

The PDC is designed to gather health data for all births that occur in Queensland in accordance with the *Public Health Act 2005* (Public Health Act).<sup>47</sup> The PDC is maintained by the Health Statistics Branch of QH and contains information on obstetric, delivery and perinatal outcomes for all births in Queensland. It provides a source of information for monitoring and analysing obstetric and perinatal patterns and outcomes and assists with the planning of obstetric and perinatal health services.<sup>48</sup>

For every Queensland birth, including births in a non-hospital setting, a PDC form must be completed and provided to the Director-General of QH within 35 days of the birth.<sup>49</sup> This obligation is distinct and in addition to the obligation to notify the Registrar of BDM of the birth of a child (the birth notification described above).

The PDC gathers extensive health information about the birth mother and the child, including:<sup>50</sup>

- the birth mother's full name, date of birth and usual place of residence
- the birth mother's Indigenous status
- the date and place of delivery
- the child's gender, birthweight and length
- the child's birth status (born alive or stillborn)
- the child's order of birth if there was more than one child born
- the child's Indigenous status.

This information is not transmitted to BDM or shared with other agencies. This issue will be discussed further in Chapter 8.

#### 4.2.2 Centrelink/Medicare registration

DHS collects information from parents after the birth of their child in order to issue a Medicare card and payment of any applicable parenting benefits (such as family tax benefits or parenting payments).

This information is collected through the completion of the Newborn Child Declaration form (NCD form) which is a four page hard copy application provided to parents in hospitals after the birth of their child.

The NCD form gathers information about the parents and child, including:

- the birth mother's full name, date of birth and Medicare card number
- the names, dates of birth and Medicare details of the informants (typically the child's parents)
- the baby's name, date of birth and gender
- the baby's birth status (born alive or stillborn)
- the baby's Indigenous status (optional).

A doctor or midwife must sign the Proof of Birth declaration on the last page, which DHS relies on as proof of the child's birth. While the NCD form contains a declaration that the parents have registered or intend to register the child's birth, DHS does not require a copy of the child's birth certificate. The Registrar-General told investigators that DHS does not verify birth data with BDM.<sup>51</sup>

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<sup>47</sup> This includes all live births and all stillbirths of at least 400g birth weight or 20 weeks gestation. Section 215, Public Health Act.

<sup>48</sup> Section 216, Public Health Act.

<sup>49</sup> Section 217, Public Health Act.

<sup>50</sup> Queensland Health, *Queensland Perinatal Data Collection MR63D Form*, 2017-18.

<sup>51</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 15:30.

### 4.3 Overlap of birth-related data

The above discussion shows that there is significant overlap in the information collected by at least three government agencies following the birth of a child. This overlap is depicted in Table 4 on the following page.

The significant overlap in the data collected by various government agencies raises questions about whether there might be a way in which the information can be better shared between the agencies to both facilitate birth registration and to reduce the demands on new parents who are required to provide the same information across numerous government forms and to various departments. I will discuss this further in Chapter 8.

**Table 4: Data gathered by various government agencies following the birth of a child**

Data gathered by various government agencies following the birth of a child in Queensland	Queensland government			Australian government
	BDM	QH <sup>1</sup>		Department of Human Services <sup>2</sup>
	Birth registration	Birth notification	Perinatal data	Newborn Child Declaration
<b>Child's details</b>				
First names	✓			✓
Surname	✓			✓
<b>Birth details</b>				
Date of birth	✓	✓	✓	✓
Place of birth	✓	✓	✓	✓
Sex	✓	✓	✓	✓
Birth weight	✓		✓	
If multiple birth, state order	✓	✓	✓	✓
Was the child born alive	✓	✓	✓	✓
If no, gestation period	✓		✓	
First names of person present at birth	✓			✓
Surname of person present at birth	✓			✓
Current residential address of person present at birth	✓			
<b>Mother's details<sup>3</sup></b>				
First names	✓	✓	✓	✓
Surname	✓	✓	✓	✓
Maiden surname	✓			✓
Date of birth	✓		✓	✓
Age	✓			
Place of birth	✓		✓	
Current residential address	✓	✓	✓	✓ (postal)
Usual occupation	✓			
Indigenous status	✓	✓	✓	
<b>Father's or parent's details<sup>4</sup></b>				
First names	✓			✓
Surname	✓			✓
Date of birth	✓			✓
Age	✓			
Place of birth	✓			
Current residential address	✓			
Usual occupation	✓			
Indigenous status	✓			
<b>Marriage or registered relationship of child's parents (at time of birth)</b>				
Date of marriage or registration of relationship	✓			
Place of marriage or registered relationship	✓			
<b>Previous children of this relationship</b>				
First names	✓			
Date of birth	✓			
Order of birth	✓			
Stillborn	✓			
Deceased	✓			
<b>Declaration</b>				
Declaration of parents confirming accuracy of information provided	✓			✓

<sup>1</sup> QH developed the database for submission of birth notifications in public hospitals, which accounts for the majority of Queensland births.

<sup>2</sup> The Australian Government's Department of Human Services is out of my jurisdiction as Queensland Ombudsman. Therefore I am unable to form any opinions about DHS or make any recommendations to DHS's Chief Executive.

<sup>3</sup> The Newborn Child Declaration gathers details of the applicant which can be the child's birth mother or biological father or another person.

<sup>4</sup> The Newborn Child Declaration gathers details of the applicant's partner which can be the child's birth mother or biological father or another person.

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## Chapter 5: Fees and penalties

There are a number of fees and penalties associated with birth registration and birth certification:

- a \$4.95 fee for late registration of a birth (i.e. more than 60 days after the birth)<sup>52</sup>
- a \$2,523 penalty for failing to register a birth within 60 days<sup>53</sup>
- a \$46.60 fee to obtain a birth certificate.<sup>54</sup>

The investigation considered whether these fees and penalties may be operating as a barrier to birth registration and certification for Indigenous Queenslanders.

### 5.1 Fees and penalties for late registration of a birth

The BDMR Act does not prescribe a fee to register a birth in Queensland within 60 days of the child's birth. I note that this is in keeping with a framework aimed at encouraging birth registration.

However, unlike other Australian states and territories,<sup>55</sup> BDM is able to charge a fee of \$4.95 for a birth registration application received more than 60 days after the birth.<sup>56</sup>

In addition to the late registration fee, it is also an offence to fail to register a birth within the 60 day timeframe. A fine of a maximum 20 penalty units (approximately \$2,523) applies to this offence.<sup>57</sup> It does not appear that this penalty is discussed on the Queensland Government website or the hard copy birth registration application form (Appendix C).

At interview, the Registrar-General advised investigators that he has never charged the late birth registration fee.<sup>58</sup> While he was aware that at one point the Magistrates Court Registries were charging the late fee when receiving late birth registration applications, he advised that he had issued a directive to cease this practice.<sup>59</sup>

The Registrar-General was also unaware of any prosecutions in Queensland for failure to register a birth within the prescribed timeframe.<sup>60</sup>

Most community organisations consulted as part of this investigation did not raise the fees and penalties associated with birth registration as a barrier to their clients. This may be because, as the Registrar-General advised, the late fee is rarely charged and the offence is not prosecuted.

Fees and penalties are typically designed to encourage compliance. However, if they are never charged, the only practical effect is likely to be to discourage potential late applicants. The Registrar-General was of the view that an ability to impose late fees and penalties may act as a disincentive to registering a birth outside the 60 day timeframe and that he would prefer to receive a late birth registration than none at all.<sup>61</sup>

The Registrar-General did not advise of any justification for a late fee on administrative burden or cost recovery grounds.

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<sup>52</sup> Schedule 3, regulation 1(d), Births, Deaths and Marriages Registration Regulation.

<sup>53</sup> Section 8, Births, Deaths and Marriages Registration Act.

<sup>54</sup> Schedule 3, regulation 9(a), Births, Deaths and Marriages Registration Regulation.

<sup>55</sup> Victorian Law Reform Commission, *Birth registration and birth certificates report* (2013), 152.

<sup>56</sup> Schedule 3, regulation 1(d), Births, Deaths and Marriages Registration Regulation.

<sup>57</sup> Section 8, Births, Deaths and Marriages Registration Act.

<sup>58</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1.11.04.

<sup>59</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1.11.17.

<sup>60</sup> Registrar-General, BDM, Telephone discussion, 10 October 2017.

<sup>61</sup> Registrar-General, BDM, Audio of interview, 1 April 2016.

Despite the Registrar-General's comments and position concerning the late fee, the Queensland Government website ([www.qld.gov.au](http://www.qld.gov.au)) states:

There is no fee to register your baby if it is registered within 60 days. A late registration fee of \$4.95 applies for a birth registration application form received after 60 days from your baby's birth.

Given the Registrar-General's view, it is worth considering whether the late fee and penalty for birth registration are necessary and the appropriate level for any such fees and penalties. Further consideration may also need to be given to the communication around these fees and penalties to ensure that they are not operating as a barrier to delayed birth registration.

### **Opinion 3**

BDM's action in not charging the birth registration fee or pursuing the penalty is inconsistent with the purpose of the fee and penalty in the BDMR Act and Regulation to encourage timely birth registration.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Recommendation 1**

The Director-General of DJAG:

- (a) review the ongoing need for the late birth registration fee and penalty for failing to register a birth within 60 days, as prescribed in the BDMR Act and Regulation
- (b) consider the appropriate amount for such fees and penalties, if any
- (c) advise the Attorney-General of his views of any changes that are needed to the fees and penalties for birth registration in the BDMR Act and Regulation
- (d) review the appropriateness of the communication method and wording for public communication by BDM about birth registration fees and penalties.

In response to proposed recommendation 1, the Director-General of DJAG advised:

While the Department agrees with proposed Recommendation 1, you may wish to reword this section of the report to reflect that a review of the *Births, Deaths and Marriages Registration Act 2003* is currently being undertaken. The first discussion paper, *Registering life events: Recognising sex and gender diversity and same-sex families*, has been released. A further two discussion papers are planned for release and the department expects that they will be released April/May 2018. The issue of fees associated with late registration and the applicability of penalties is one of a number of items to be considered in these discussion papers.

I note the Director-General of DJAG's comments and note the review of the BDMR Act that is currently underway. I encourage the Director-General of DJAG to consider Recommendation 1 as part of this review.

## **5.2 Link between birth certificate fees and birth registration**

As noted in Chapter 2 of this report, while registration of a birth is mandatory, it is the possession of a birth certificate that has significant practical benefits by enabling access to various government services. While birth registration is free, a standard birth certificate

costs \$46.60 in Queensland.<sup>62</sup> Commemorative birth certificates are available in various designs;<sup>63</sup> however, these are not able to be used as proof of identity.

As birth registration by itself has little practical benefit, the cost of a birth certificate is therefore very relevant to whether individuals are able to access government services, even if their births are registered.

This is particularly the case given the overlap in the way these two processes function.

In the birth registration process, particularly online, the distinction between the free birth registration process and the priced birth certificate process is not clear. The same form is used for both processes which gives the impression that both processes incur a cost.

This overlap is particularly noticeable in the online form, which asks for a credit card as part of the combined birth registration and birth certification process. It is not immediately clear that a credit card payment is not required to register a birth. The steps to register a birth are outlined on the Queensland Government website, as follows:

**Fill in the register a birth and apply for a certificate application form**

You should use this application form to register a child or children born in Queensland—including stillborn children—carried in the womb for 20 weeks or weighing 400 grams or more.

It can take up to 20 minutes to complete this application form.

1. Answer the questions below.
2. Review your details.
3. Pay for your birth certificate (by Visa or Mastercard).
4. Finish your application.

Take care filling out this form because if you make a mistake you will need to pay to correct the registration information.

To a casual observer, the use of a credit card appears mandatory to submitting a birth registration application. Having the birth certificate process included as part of the birth registration process appears to imply that there is a cost associated with registering a birth, which may act to discourage those experiencing financial hardship from registering their child's birth at all.

During an interview with investigators the Registrar-General acknowledged that birth registration and birth certification are often spoken about 'interchangeably,' and that quite often the certification cost is incorrectly seen as a barrier to registration.<sup>64</sup> The Registrar-General advised investigators that he had previously spoken at DHS's Indigenous Services Forum in Canberra which is comprised of the most senior representatives from DHS's Indigenous services from across the country. The Registrar-General asked the attendees of this forum how much they thought birth registration cost and the vast majority of them thought there was a cost associated with registering a birth.<sup>65</sup>

In my view, there is a clear perception throughout the birth registration application process that there is a cost involved in registering a birth. There needs to be a clear distinction between the free process of registering a birth and the cost associated with obtaining a birth certificate.

<sup>62</sup> Schedule 3, regulation 9(a), Births, Deaths and Marriages Registration Regulation.

<sup>63</sup> Registry of Births, Deaths, Marriages, Queensland, 1 June 2017, <https://www.qld.gov.au/law/births-deaths-marriages-and-divorces/birth-death-and-marriage-certificates/birth-certificates>.

<sup>64</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 03:50.

<sup>65</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1:26:53.

#### **Opinion 4**

BDM's current online process for applying to register a birth is presented in such a way that it creates a clear perception that there is a cost associated with registering a birth, when the cost is to obtain a birth certificate.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

#### **Recommendation 2**

The Director-General of DJAG review BDM processes to make clear the distinction between:

- (a) the process of registering a birth in Queensland, which is free
- (b) the process of obtaining a birth certificate in Queensland, which has an associated cost

In response to proposed recommendation 2, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 2. The RBDM has reviewed the online process and agree that the information is presented in a way which could imply that there is a cost associated with registering a birth. The RBDM will review the online content to reinforce that registering a birth is free and obtaining a birth certificate has an associated cost.

I note the Director-General of DJAG's response.

### **5.3 Cost of a birth certificate**

While the possession of a birth certificate is the step of most practical benefit for an individual, it would be to a child's benefit that their birth be registered at the time of birth even if a birth certificate was not able to be obtained at that time. This is because it is easier to obtain a birth certificate later in life if a person's birth is already registered.

However, merely separating the birth registration and birth certification processes may not resolve the impacts faced by individuals if they are still unable to meet the cost of obtaining a birth certificate.

Community organisations consistently advised investigators that the fee for a birth certificate was a significant barrier for many of their clients.<sup>66</sup> Some community organisations reported that they were using their already limited funding to pay for clients' birth certificates to ensure that clients can fully participate in society.<sup>67</sup>

The Registrar-General advised investigators that the fee for a birth certificate was seldom waived.<sup>68</sup> BDM's Community Liaison Officer told investigators that when people enquire about fee waivers she typically refers them to external agencies that have been known to fund birth certificates.<sup>69</sup>

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<sup>66</sup> Discussions with community organisations on 25 July 2016 and 26 July 2016.

<sup>67</sup> Discussion with community organisations on 25 July 2016.

<sup>68</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1.17.00.

<sup>69</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 36:00.

It should be noted that BDM does waive fees for birth certificates if these certificates are issued as part of their community visiting program (discussed further in Chapter 7). BDM has also waived birth certificate fees after natural disasters and fees had also been waived where a request was received from a Member of Parliament or social worker.<sup>70</sup>

BDM does not have any formal, documented policy or process for waiving fees for birth certificates, even for reasons of financial hardship. When asked whether BDM would consider creating and publishing a fee waiver policy, the Registrar-General expressed a firm view that releasing a policy of this nature 'is likely to cause more trouble than it's worth'<sup>71</sup> in terms of the cost associated with verifying eligibility criteria such as financial hardship.<sup>72</sup> He also said:

... the more you put out there, the more people have to question ... the more comprehensive you make things, the more you exclude people ... and the more that turns into inquiries, complaints and otherwise.<sup>73</sup>

I note that Victoria's BDM has a dedicated Koori Access Fund which can waive a standard birth certificate fee for Indigenous Victorians who can demonstrate financial hardship.<sup>74</sup> The Registrar-General was of the view that such a fund would have no benefit in Queensland as the under-registration of births is not an Indigenous issue but rather has to do with 'remoteness and socioeconomics'.<sup>75</sup>

Whether to have a fund in Queensland to assist Indigenous Queenslanders with meeting the cost of obtaining birth certificates is ultimately a policy issue for government to consider. However, I note that the statistics on under-registration of births demonstrate a stark difference between the registration rates for children born to Indigenous and non-Indigenous mothers. While there is also some impact for regional/remote Queenslanders and for other vulnerable groups, such as young mothers, the data clearly shows that the highest proportion of non-registered births is in the Indigenous community, regardless of remoteness. As mentioned above, community organisations spoken to as part of this investigation consistently identified the birth certificate fee as a barrier for their Indigenous clients to obtain a certificate.

A mature process for managing birth registration would recognise that financial hardship is faced by some Queenslanders. Indigenous Queenslanders face more barriers to participation in Queensland's economy and labour market than non-Indigenous Queenslanders, compounding the prevalence of financial hardship.<sup>76</sup> A policy that sets out the circumstances in which fees can be waived and the factors relevant to decision-making would ensure consistency in decisions.

### Opinion 5

Despite waiving birth certificate fees in various circumstances, BDM does not have any policy or guidance on the circumstances which justify the waiver of these fees.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

<sup>70</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1.17.00.

<sup>71</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 1.21.44.

<sup>72</sup> Registrar-General, BDM, Audio of interview, 23 September 2016, 1.19.53.

<sup>73</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 1.21.59.

<sup>74</sup> Culturally-Sensitive Services, Births, Deaths and Marriages Victoria, 2 October 2017, viewed 22 September 2017, <https://www.bdm.vic.gov.au/koori-services/culturally-sensitive-services>.

<sup>75</sup> Registrar-General, BDM, Audio of interview, 23 September 2016 1.22.45.

<sup>76</sup> Queensland Financial Inclusion Plan, Department of Communities, Child Safety and Disability Services, 2016, viewed on 10 January 2018, <https://www.communities.qld.gov.au/resources/communityservices/community/queensland-financial-inclusion-plan.pdf>.

**Recommendation 3**

The Director-General of DJAG develop a fee waiver policy and associated processes for BDM which set out:

- (a) the circumstances in which birth certificate fees will be waived
- (b) the factors which will guide decision-making on fee waiver requests
- (c) the appropriate process for requesting fee waivers.

This fee waiver policy and any associated processes should be made publicly available.

In response to proposed recommendation 3, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 3. The RBDM is currently piloting a formal policy and process for waiving fees and will implement the policy following a review of the outcomes of this project.

I note the Director-General of DJAG's response.

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## Chapter 6: BDM policies and processes

While the BDMR Act sets out the framework for birth registration and birth certification, the specific processes have been developed and implemented by BDM. The investigation therefore considered whether BDM policies and processes may be contributing to the lower rates of birth registration among Indigenous Queenslanders.

In addition to reviewing BDM policies and processes, extensive discussions were held with the Registrar-General and Community Liaison Officer of BDM. Information was also sought from community organisations about their Indigenous clients' dealings with BDM in relation to birth registration.

The investigation identified a number of BDM policies and processes which may be impacting on timely birth registration by Indigenous Queenslanders.

I note that I am only able to say that these policies and practices *may* be impacting on birth registration rates. As noted in Chapter 1, it would be difficult to identify and interview parents who did not register the births of their children at the time of their birth to identify the contributing factors. Further, given the current birth registration framework makes it an offence to fail to register a birth, individuals may be less likely to report their failure to register a birth.

### 6.1 Online birth registration application process

In September 2015, BDM introduced an online process of birth registration. The online birth registration application is available at <https://www.qld.gov.au/law/births-deaths-marriages-and-divorces/birth-registration-and-adoption-records/register-a-birth/>.

In order to lodge an application to register a birth online, a person must be eligible to sign the registration form electronically. To do this, a person must be the parent of the child being registered and be able to verify their identity with two forms of personal identification, such as an Australian driver licence and Medicare card. In addition, to sign electronically both parents of the child must be married, in a civil partnership or cohabitating at the time of conception. If the parents do not meet the above criteria to lodge electronically they are instructed to print out the registration form, sign it before a qualified witness, and submit the form to BDM either in person or by post. The Registrar-General advised that an application remains incomplete until the signed forms are received by BDM.<sup>77</sup>

At interview, the Registrar-General described the approach to push online registration as 'aggressive'<sup>78</sup> and noted that upwards of 70% of births were now being registered online.<sup>79</sup> To encourage people to use online birth registration, BDM has ceased providing hard copy birth registration forms to hospitals to be included in the hard copy 'parent pack' provided to new parents after the birth of their child.

There is nothing inherently wrong with Queensland Government agencies moving towards the online delivery of services. In many cases, this is efficient and can increase accessibility. However, government agencies need to be mindful if the way they deliver their services operates to exclude members of the community from accessing a service, potentially having a discriminatory effect on particular groups of people. This risk becomes particularly apparent where BDM is aware of a known disparity between birth registration rates of Indigenous and non-Indigenous persons.

The Registrar-General was asked if taking an aggressive approach to online registration might create further barriers for Indigenous Queenslanders, who already have

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<sup>77</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 09.13.

<sup>78</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 15.50.

<sup>79</sup> Registrar-General, File note of telephone conversation, 18 August 2017.

significantly lower rates of birth registration than non-Indigenous Queenslanders. He expressed the view that it is not possible to design a perfect system, and noted that the move to an online system simplified the system for a majority of Queenslanders.<sup>80</sup> He also noted that this shift to online registration had allowed him to redirect resources into following up incomplete birth registration applications.<sup>81</sup> The Registrar-General further stated that he had received anecdotal evidence that the internet is widely accessible in remote communities and across the state and that a lot of people in remote communities are using smartphones.<sup>82</sup>

In contrast, investigators were consistently told by community groups and the Aboriginal and Torres Strait Islander liaison officer at one HHS that the move to an online birth registration application process (and the shift away from providing hard copy birth registration forms in hospital) had created additional barriers for Indigenous people.<sup>83</sup>

When asked at interview about the online process, BDM's Community Liaison Officer said that in her experience the online application form 'doesn't work' for people living in remote Indigenous communities because of the limited access to computers and the internet and the lack of personal identification necessary to lodge the application online.<sup>84</sup>

While it is possible to attend a local Magistrates Court to get a hard copy of a birth registration application and lodge it, investigators were advised by one community organisation that travel within the 60 day timeframe post-birth had been difficult for individuals who lived remotely, were reliant on public transport or were caring for other children as well as a newborn.<sup>85</sup> Printing a hard copy birth registration application from the Queensland Government website ([www.qld.gov.au](http://www.qld.gov.au)) not only requires computer literacy, but also a computer, internet access and a printer.

I note that the 2016 Census data reported that 30% of Aboriginal or Torres Strait Islanders households do not have internet access.<sup>86</sup> Even completing the online birth registration process may require printing, scanning or postage of the form and attachments in addition to accessing the information online.

The issue of the availability of internet access and possession of computer literacy may also be a separate issue to the ability or willingness to access online government processes.

These issues are not unique to Queensland. While the Victorian Law Reform Commission report into Victoria's framework for birth registration did encourage Victoria's Registry of Births, Deaths and Marriages to explore the possibility of offering online registration of births, it also noted that 'services should continue to be available in non-electronic forms for those who are not computer-literate or may not have access to the internet'.<sup>87</sup>

BDM introduced its online birth registration system in September 2015. The data demonstrating the disproportionate under-registration of Indigenous births dates back to 2012, which obviously pre-dates the shift towards online registration. Without more current data, it is difficult to draw any firm conclusions about what impact the online birth registration process has had on Indigenous birth registration rates. However, the

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<sup>80</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 17.00.

<sup>81</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 11.08.

<sup>82</sup> Registrar-General, BDM, Audio A of interview, 23 September 2016, 18.19.

<sup>83</sup> Discussions with community organisations on 25 July 2016 and 22 April 2017; Liaison Officer, Cairns and Hinterland Health Service, Audio of interview, 25 July 2016 7:30.

<sup>84</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 1.03.00.

<sup>85</sup> Discussion with community organisations on 25 July 2016.

<sup>86</sup> Specifically, 16,842 of the 54,946 households recorded in the 2016 Census as having a resident who identifies as Aboriginal or Torres Strait Islander had no member of the household access the internet from the dwelling. Australian Bureau of Statistics, 2016 Census of Population and Housing, Queensland Aboriginal and Torres Strait Islander Peoples Profile, downloaded on 20 October 2017, [http://www.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/communityprofile/3?opendocument](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/communityprofile/3?opendocument).

<sup>87</sup> Victorian Law Reform Commission, *Birth registration and birth certificates report* (2013), p.117.

consistent reports from people who work with Indigenous clients who live in regional or remote areas indicate that this move towards online registration has had a detrimental impact on their clients' capacity to register a birth.

As BDM has not carried out any further analysis of the rates of under-registration, it is unable to reasonably assess and manage the impact of its online birth registration processes.

#### **Opinion 6**

Despite being aware of the lower rates of Indigenous birth registration, BDM fails to consider the potential impact of its practice of registering births online on Indigenous birth registration rates.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

#### **Recommendation 4**

The Director-General of DJAG ensure that BDM promotes and maintains processes for birth registration applications that do not impede access for Indigenous Queenslanders in regional and remote areas.

In response to proposed recommendation 4, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 4. Birth registration data from 2017 indicates that 51% of Aboriginal and Torres Strait Islander mothers registered their child using the online capability. However, the RBDM accepts the need to maintain hard copy birth registrations particularly for Queenslanders in regional and remote areas. The RBDM will continue to work with hospitals to build awareness in this regard.

I note the Director-General of DJAG's response.

## **6.2 Communication with clients**

BDM functions are largely centred on responding to applications or notifications about births, deaths and marriages. However, BDM may actively seek information from new parents in three main circumstances:

1. If a birth registration application is not received from the parents within 60 days of a birth notification being made.

As noted in Chapter 4, BDM is required to be notified of a birth by a responsible person (such as the person in charge in a hospital) within two working days of a child being born.<sup>88</sup> The Registrar-General advised investigators that if a birth registration application is not received within 60 days of the birth occurring, BDM's practice is to send a letter to the mother's usual place of residence as recorded in the birth notification in an attempt to prompt a birth registration application. He reported that this practice was 'moderately'<sup>89</sup> successful and 'doesn't do us much good' in improving birth registration rates.<sup>90</sup>

<sup>88</sup> Section 5(2) Births, Deaths and Marriages Registration Act.

<sup>89</sup> Registrar-General, BDM, Audio A of interview, 23 September 2016, 16.22.

<sup>90</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 16.38.

2. If a birth registration application submitted by a new parent cannot be matched to a birth notification (a non-matching application).

At interview, the Registrar-General advised investigators that if a birth registration application cannot be matched to a birth notification then BDM will attempt to liaise further with the relevant hospital or parents to clarify the information provided.

3. If a birth registration application submitted by a new parent does not contain sufficient information, personal identification is not provided or is otherwise incomplete.

Where a birth registration application form is received but does not contain sufficient information, the birth registration is recorded as 'incomplete'. In response to an information request from this Office, the Director-General of DJAG advised that a number of applications remained 'incomplete' for some time and that BDM was looking at completing follow up activities to reduce these records. The Registrar-General reported that the process of following up information with parents in this respect was 'a bit hit and miss'.<sup>91</sup>

Several community organisations advised investigators they have encountered instances where client applications for birth registration were placed on hold by BDM without further communication with their clients to address any defects in the information provided.<sup>92</sup>

BDM's communication with parents has previously been based on letters sent to the address recorded in the birth notification or included in the birth registration application. The Registrar-General acknowledged that the practice of sending letters to parents in order to follow up late birth registrations had only had 'moderate' success.<sup>93</sup>

More recently, and since the commencement of this investigation, BDM has started following up incomplete online birth registration applications using any available email or SMS contact details from an online application. The Registrar-General advised that the new process is to send an email advising of the incomplete application and then an SMS referring the person to their email. The Registrar-General said that BDM considered this trial to be extremely successful, however noted that a number of birth registrations remained incomplete at the end of each month.<sup>94</sup>

I note that this process only applies to online applications which have been commenced but remain incomplete because they did not meet the criteria to sign digitally and therefore have to print and sign a birth registration statement to finalise the registration.<sup>95</sup>

When asked by investigators if BDM had considered calling parents, the Registrar-General said that contact by telephone was not his preferred method as it was more costly than SMS.<sup>96</sup>

Overall the Registrar-General acknowledged that the current practices of communicating with parents have not been particularly successful due to limited contact details being provided to BDM by QH.<sup>97</sup>

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<sup>91</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 48.33.

<sup>92</sup> Discussions with community organisations on 25 July 2016 and 26 July 2016.

<sup>93</sup> Registrar-General, BDM, Audio A of interview, 23 September 2016, 16.25.

<sup>94</sup> Registrar-General, BDM, Email, 12 October 2017.

<sup>95</sup> Registrar-General, BDM, Email, 12 October 2017.

<sup>96</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 43.14.

<sup>97</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 16.38; Registrar-General, File note of telephone conversation, 18 August 2017.

In response to the proposed report, the Director-General of DJAG advised:

The Registrar-General advises that his office is currently in discussions with Queensland Health to obtain mobile phone and email details as part of the hospital notification.

I note the Director-General of DJAG's response.

In my view, the use of written correspondence (either by letter or email) as the primary method of communication regarding birth registration applications may be inadequate to meet the needs of Indigenous Queenslanders.

In February 2016, the Australian Department of Prime Minister and Cabinet published guidance on communicating with Indigenous audiences which recommends using audio or verbal communication wherever possible when communicating with Indigenous people in remote communities.<sup>98</sup> The Australian Department of Finance also conducted qualitative research in 2014 on media consumption and communication preferences of Indigenous audiences and found that 'online and technology-based channels (e.g. SMS) are likely to have lower usage among ... those living in remote and very remote locations'.<sup>99</sup>

Further, BDM's Community Liaison Officer told investigators that providing a face-to-face service during BDM's community visiting program was empowering for Indigenous people who found the birth registration process overwhelming.<sup>100</sup>

In my view, it is unreasonable for BDM to rely on written communication as the sole method of communicating with all clients, particularly in light of the known under-registration of Indigenous births and contemporary communications policy and practice.

There are clear benefits, established by research, in communicating with Indigenous people verbally rather than in writing. I strongly encourage BDM to consider this when engaging with its Indigenous clients.

### Opinion 7

BDM's primary reliance on written communication about birth registration may not be consistent with best practice for contact with Indigenous Queenslanders living in regional and remote areas. These communication failures may be contributing to the under-registration of Indigenous births in rural and remote Queensland.

### Recommendation 5

The Director-General of DJAG:

- (a) conduct research and liaise with Indigenous groups to establish the most effective methods of communicating with Indigenous Queenslanders living in regional and remote areas
- (b) ensure these methods are implemented in BDM's birth registration and birth certification processes.

<sup>98</sup> Australian Department of Prime Minister and Cabinet, *Communicating with Aboriginal and Torres Strait Islander Audiences* (23 February 2016), viewed on 12 October 2017, <https://www.pmc.gov.au/resource-centre/indigenous-affairs/communicating-aboriginal-and-torres-strait-islander-audiences>.

<sup>99</sup> Australian Department of Finance, *Media consumption and communication preferences of Aboriginal and Torres Strait Islander audiences – Quantitative research* (2014), p.12.

<sup>100</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 48.00.

In response to proposed recommendation 5, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 5. The RBDM will undertake research and consult with Aboriginal and Torres Strait Islander groups to ascertain the most effective methods of communicating.

I note the Director-General of DJAG's response.

### 6.3 Culturally appropriate processes

The investigation identified aspects of BDM's processes which may not be a 'good fit' with Indigenous culture. I note in her examination of the NSW birth registration framework, Calabro (2013) states:

The current rules-based framework allows the regime to be administered consistently and provides certainty for the Registry. However, it is not always appropriate for certain groups of regulated individuals, such as Indigenous Australians.<sup>101</sup>

Community organisations told investigators that these processes were contributing to the under-registration of Indigenous births.

Two main aspects of BDM's processes were of interest in the investigation:

#### 1. The shift towards online birth registration

The most obvious way in which BDM's processes may not be culturally appropriate is the shift to online registration as the primary way of registering births in Queensland. The possible practical barriers have been discussed at section 6.1 above. However, there are also cultural considerations around the appropriateness of using forms and complex bureaucratic processes without the opportunity for face-to-face contact. As discussed in section 6.2, there is greater value in face-to-face or verbal engagement with Indigenous people, particularly when attempting to explain and encourage compliance with bureaucratic processes.

Calabro (2013) emphasises the importance of 'acknowledging the experiences of Indigenous people in dealing with government services and the history of disadvantage that has been compounded by social policies'.<sup>102</sup> She also identified that feelings of helplessness, shame and alienation from services may contribute to the undervaluing of birth registration and birth certificates in Indigenous communities.<sup>103</sup>

Further, Gerber (2010) found that there could also be problems with literacy and English language skills, a distrust of authority, a lack of confidence to handle official business, and strong feelings of shame stopping Indigenous people from asking for necessary assistance. These findings were supported by evidence received from community groups, the BDM Community Liaison Officer and the ATSI Liaison Officer at CHHHS.

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<sup>101</sup> A Calabro, 'Registering the births of Indigenous Australians: Has New South Wales got it right?', *UNSW Law Journal*, vol. 36(3), 2013, p.834.

<sup>102</sup> A Calabro, 'Registering the births of Indigenous Australians: Has New South Wales got it right?', *UNSW Law Journal*, vol. 36(3), 2013, p.814.

<sup>103</sup> A Calabro, 'Registering the births of Indigenous Australians: Has New South Wales got it right?', *UNSW Law Journal*, vol. 36(3), 2013, p.814.

## 2. Cultural adoption

A second way in which BDM's processes may not be culturally appropriate lies in the fact that the BDMR Act places responsibility for registering a birth on the child's parents.<sup>104</sup> The BDMR Act provides that the Registrar-General may accept a birth registration application signed by a third party only in exceptional circumstances, such as the Registrar-General being satisfied that both parents are unable or unlikely to apply to register the birth and the person making the application knows the relevant facts.<sup>105</sup>

During the investigation, community organisations,<sup>106</sup> the Liaison Officer at CHHHS<sup>107</sup> and BDM's own Community Liaison Officer<sup>108</sup> reported to investigators that the customary practice of 'cultural adoption' in Indigenous communities can create obstacles when attempting to register a child's birth or obtain a birth certificate for the child.<sup>109</sup>

The BDM Community Liaison Officer advised that BDM is unable to register a child's carers as the parents in the absence of a legal adoption recognised under Queensland law.<sup>110</sup> Any attempts by a third party to register a child's birth will not match the information on the birth notification, which is required for the birth to be placed on the register.

However, at interview, BDM's Community Liaison Officer did describe a process where a person other than a birth parent is able to apply to register a birth or obtain a copy of a child's birth certificate as an 'informant'. She advised that these processes have evolved over time and information about these processes is not publicly available. To be informed of these processes the Community Liaison Officer said that a person would need to contact her.<sup>111</sup> I note, however, that all publicly available BDM information indicates that only the birth parents can register a child's birth and the Community Liaison Officer's details are not available online.

It is important to note that the matters identified in this investigation are merely starting points to the discussion and have not been the subject of consultation with Indigenous communities.

I am of the view that a commitment to addressing the under-registration of Indigenous births in Queensland will require consultation with the Indigenous community and relevant community organisations, to:

1. adjust some BDM processes to ensure they are culturally appropriate, or
2. create additional or separate processes that address any cultural differences, which are known to the relevant communities and about which information is made publicly available.

<sup>104</sup> Section 8(1) Births, Deaths and Marriages Registration Act.

<sup>105</sup> Section 8(2)(b) Births, Deaths and Marriages Registration Act.

<sup>106</sup> Discussion with community organisations on 25 July 2016.

<sup>107</sup> Liaison Officer, Cairns and Hinterland Health Service, Audio of interview, 25 July 2016, 22:00.

<sup>108</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 49:30.

<sup>109</sup> The Australian Law Reform Commission, *Recognition of Aboriginal Customary Laws* (Report 31), 12 June 1986 defines customary adoption and writes, '... in Aboriginal communities the extended family plays a very important role in child care arrangements. It is common for a member of a child's extended family, often a grandmother, to look after a child or children for periods of time where the parents are unable to do so for one reason or another. Sometimes these arrangements may extend for longer periods of time, to the point where the child might be identified as permanently in the custody of the person(s) looking after him or her and thus regarded as having been adopted. But it would not usually be correct to describe such placements as 'adoptions', since there is no severing of the parent-child relationship but rather a long term arrangement for substitute care. If an equivalent must be found in the State child welfare systems it would be fostering rather than adoption. In the Torres Strait Islands, on the other hand, there is a distinct practice of customary adoption, involving the permanent placement of children with members of the extended family. The new custodians of the child are thereafter regarded by the community as its parents.'

<sup>110</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 49:00.

<sup>111</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 55:00.

I note that BDM does have some processes that are specifically tailored towards Indigenous communities. However, community groups spoken with as part of this investigation were unaware about those processes unless they had previously had dealings with BDM's Community Liaison Officer. The groups who know about the Community Liaison Officer at BDM tended to have a more positive view of the accessibility of BDM for their clients than those who did not.

**Opinion 8**

BDM's current birth registration process fails to consider the cultural practices of Indigenous Queenslanders. This may mean that the birth registration process is less accessible to Indigenous Queenslanders than non-Indigenous Queenslanders.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

**Recommendation 6**

The Director-General of DJAG review BDM's processes for birth registration to identify and remove barriers that may impede Indigenous Queenslanders from accessing the birth registration framework. Identification of such barriers should include liaison with Indigenous groups.

In response to proposed recommendation 6, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 6. The RBDM will consult with Aboriginal and Torres Strait Islander stakeholders to identify and address barriers to birth registration and to build cultural capability within the organisation.

I note the Director-General of DJAG's response.

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## Chapter 7: Awareness and engagement

It has been suggested that the current framework for birth registration in various Australian states is framed more around compliance and compulsion, rather than around the benefits of birth registration.<sup>112</sup>

The investigation considered whether current BDM processes and practices promote awareness of the importance of birth registration, and whether current community engagement processes are adequate and useful to address the identified, significant under-registration of Indigenous births.

### 7.1 Awareness of birth registration benefits

The significant benefits of registering a birth, including the ability to obtain a birth certificate which provides access to a range of services, have been discussed in Chapter 2.

However, it appears that the process of birth registration is viewed by many Queenslanders (including both Indigenous and non-Indigenous) as a matter of government administration and not of great importance to their day-to-day lives. A number of reports and projects aimed at increasing Indigenous birth registration rates cited a lack of awareness about the importance of birth registration as one of the major contributory factors to the lower rates of Indigenous birth registration. In particular, the Victorian Law Reform Commission's (VLRC) 2013 report on birth registration and birth certification in Victoria identified the critical importance of promoting the benefits of obtaining a birth certificate.<sup>113</sup>

The investigation established that there is wide variation in BDM's actions in promoting awareness of the benefits of birth registration, and specifically in the quality and quantity of the information provided to new parents while in hospital about the birth registration process.

The Queensland Government website ([www.qld.gov.au](http://www.qld.gov.au)) states in relation to birth registration:

You have to register the birth of your child with us within 60 days if it was born in Queensland.

The birth has to be registered before you can get the birth certificate. You may need your child's birth certificate when you are applying for:

- entry to day care, preschool, primary or secondary schools
- an Australian passport
- other government services.

One action that has previously been taken by BDM to promote the timely registration of births is providing hospitals with a brochure (see Appendix D) about birth registration and birth certificates for inclusion in the Parent Pack, which is provided by hospitals to new parents. The Parent Pack contains a number of other forms including the NCD form which is used to claim various welfare payments<sup>114</sup> and to enrol for Medicare.

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<sup>112</sup> M Castan and P Gerber, 'Registering the births of Indigenous Australian's in Victoria', in M Castan and P Gerber (eds), *Proof of Birth*, Future Leaders, Sydney, 2015, pp.42-43 states: "It has been established already that birth registration and birth certificates are fundamental human rights. Yet these rights are not reflected in the Australian legislative regimes. The statutory regimes in the states and territories are framed around the obligation of the parent to complete registration of the birth, or risk being fined, rather than focusing on the rights of children to have their birth registered and a birth certificate issued. This approach to birth registration means that the message being sent to parents is 'register your child, or else', rather than 'your child has a right to a birth certificate and getting one will benefit them later in life'.

<sup>113</sup> Victorian Law Reform Commission, *Birth registration and birth certificates report* (2013), p.114.

<sup>114</sup> These payments include Family Tax Benefit, Parental Leave Pay, and Dad and Partner Pay.

BDM's brochure does outline some of the benefits of birth registration:

Registration is the first official record of your baby's legal identity and the certificate unlocks a world of opportunities.

Your child needs a birth certificate to:

- access health and other government services
- enrol at a school
- join a sporting team
- get a tax file number
- get a driver licence
- get a passport.

However, investigators identified that the brochure may not be used consistently in hospitals across the state. To obtain a view about what happened in practice, CHHHS was selected to provide information for the investigation because it has a high proportion of Indigenous births, including mothers from remote areas.

A representative from CHHHS provided investigators with a Parent Pack which includes BDM's brochure. However, the Registrar-General told investigators that he was aware of inconsistent practices in hospitals when notifying parents of the obligation to register their child's birth. The Registrar-General told investigators that he was aware that some hospitals have substituted the brochure with a sticker that simply directed parents to the online birth registration process and gave no other information.<sup>115</sup>

Further, a Liaison Officer from CHHHS advised investigators that the level of information and support provided to new parents has changed significantly since she commenced with QH.<sup>116</sup> This seemed to coincide with the introduction of the online registration process. New parents are now given a brochure instead of the hard copy birth registration application form and staff at the CHHHS reported being directed not to use hospital computers to assist new mothers attempting to complete the online birth application form.<sup>117</sup>

Overall, it is apparent that the quality and quantity of information provided to new parents about the importance of birth registration and the process of registration and certification may vary widely. However, it does not appear that BDM has taken any steps to ensure a consistent message is communicated to new parents.

It may be that other changes in society and lifestyle are also impacting on the ability to emphasise the importance of birth registration in hospitals. In an ABC interview Dr Paula Gerber, an Associate Professor and Deputy Director of the Castan Centre for Human Rights Law at Monash University, said the shortened period in hospital, following a birth, plays a part. She stated:

In hospitals, mums no longer stay for any length of time and get assistance with these issues and when they leave they get reams of paperwork ... not the simplest of forms to complete, and they can get lost or damaged.<sup>118</sup>

At an interview, the Registrar-General acknowledged that it is difficult to emphasise the importance and relative priority of birth registration when considered alongside other newborn enrolments (Medicare and Centrelink) that deliver parents more immediate benefits. This issue is relevant to all newborn registrations.

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<sup>115</sup> Registrar-General, BDM, Audio A of interview, 23 September 2016, 28:32.

<sup>116</sup> Liaison Officer, Cairns and Hinterland Health Service, Audio of interview, 25 July 2016, 06:41.

<sup>117</sup> Liaison Officer, Cairns and Hinterland Health Service, Audio of interview, 25 July 2016, 15:30.

<sup>118</sup> Dr Paula Gerber, as quoted on ABC Radio's, Bush Telegraph, *Many thousands of Australian children have no 'official' identity*, 9 June 2014, viewed 22 September 2017, <http://www.abc.net.au/radionational/programs/bushtelegraph/births/5508610>.

I acknowledge this challenge. However, there may be steps that BDM can take to ensure consistency in the content and delivery of key information about the birth registration process. Such steps may include:

- consistency in the quality and delivery of information in the hospital Parent Pack
- partnering with community organisations already working with target communities to circulate information about birth registration rates in those communities
- partnering with HHSs to ensure the benefits of birth registration are promoted and adequate assistance is provided to new parents to register their child's birth. This will be discussed further in Chapter 8.

There may also be options to work with DHS to amend the NCD form, which already asks a question regarding the parents' intention to register a birth. It seems possible that the content of this question could be altered to further promote birth registration (although I acknowledge that this may require consultation with similar agencies in other states and territories).

### **Opinion 9**

Despite being aware of the widely variable practices in hospitals in distributing information to new parents about birth registration, BDM has failed to work with hospitals to ensure that consistent and appropriate messages are provided to new parents about the birth registration process and the importance of birth registration.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

### **Recommendation 7**

The Director-General of DJAG review all communication and information channels about birth registration and birth certification used by BDM to ensure suitability to target audiences.

The extent to which HHSs could play a role in raising awareness about the importance of birth registration and facilitating the process is discussed further in Section 8.1 of this report.

## **7.2 BDM's community engagement**

BDM appears to be taking some steps in Indigenous communities to increase birth registration rates. In an effort to raise regional birth registration statistics, BDM commenced a trial of community visits in August 2015.<sup>119</sup> The program is coordinated by BDM's Community Liaison Officer and involves annual visits to the 20 communities across the state with the lowest rates of birth registration, as identified by BDM.

Initially this program was funded through initiatives such as BDM's sale of National Rugby League themed commemorative birth certificates.<sup>120</sup> However, the Registrar-General advised investigators that the Australian Government has since provided additional funding which BDM has invested in its community visiting program.<sup>121</sup>

As a part of the community visiting program, the Community Liaison Officer attends a regional area and provides face-to-face assistance to members of the community to complete birth registration applications and apply for birth certificates. Fees are waived for late birth registrations and birth certificate applications received during the visits and

<sup>119</sup> Director-General, Department of Justice and Attorney-General, Letter, 18 July 2016, p.6.

<sup>120</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 26.00.

<sup>121</sup> File note of telephone conversation, 18 August 2017.

for a short period after to encourage people to register their births. The Registrar-General stated that in the 2016-17 financial year BDM issued 3,000 free birth certificates and registered 600 births as a result of the community visiting program.<sup>122</sup>

The BDM Community Liaison Officer reported that in her experience the visits bring a lot of relief to people who never had a birth certificate.<sup>123</sup> She advised that many of the clients she encounters while visiting a community have difficulty reading and writing and that providing a face-to-face service empowers people to complete the relevant forms.<sup>124</sup> Concerns initially expressed to investigators by the Registrar-General about the costs and benefits of this visiting program appear to have been offset by the additional funding and the outcomes of the program.

I see value in such outreach activities in the situation where Indigenous births are under-registered in Queensland. However, I acknowledge that stand-alone community visits may not be the only, or the best, method of increasing Indigenous birth registration. Closer coordination with other government agencies may also be of value in this regard (discussed further in Chapters 8 and 9).

I also note that, if adequate steps are taken to encourage and facilitate the registration of Indigenous births at the time of birth, then the usefulness of community visit programs may wane over time.

### 7.3 BDM's Community Liaison Officer

In addition to coordinating the community visiting program, the BDM Community Liaison Officer is responsible for:

- liaising with external government and non-government agencies
- dealing with complex registration cases
- providing internal guidance to BDM officers.

Community groups provided positive feedback to investigators about the assistance provided by the Community Liaison Officer and, in general, those community groups who knew about the Community Liaison Officer had a far more positive view on the accessibility of BDM than those who did not.

The Community Liaison Officer is a critical resource employed by BDM towards promoting birth registration of Indigenous people. I am of the view that the community visiting program and other community engagement activities should remain part of BDM's program, with a particular target to increase Indigenous birth registration rates.

Additional partnerships with other organisations and government agencies may further enhance this critical engagement role and allow BDM to draw on community outreach practices already occurring in other government organisations. Chapter 8 will discuss the current level of coordination between government agencies and Chapter 9 proposes a more integrated, cross-agency approach to birth registration.

#### **Opinion 10**

BDM's community engagement activities, particularly those conducted in remote Indigenous communities, make an important contribution towards achieving higher rates of birth registration for Indigenous Queenslanders.

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<sup>122</sup> Registrar-General, Email, 12 October 2017.

<sup>123</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 27:00.

<sup>124</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 48:00.

**Recommendation 8**

The Director-General of DJAG ensure that BDM's community engagement activities continue to be appropriately prioritised and resourced as a contribution towards achieving higher rates of birth registration for Indigenous Queenslanders.

In response to proposed recommendation 8, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 8. The RBDM is committed to continuing its community engagement activities.

I note the Director-General of DJAG's response.

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## Chapter 8: Coordination between agencies

Investigators interviewed representatives from a number of key government agencies to explore what role, if any, each had in regard to birth registration. Consequently, the investigation identified a lack of coordination between government agencies, including BDM, resulting in missed opportunities to increase Indigenous birth registration.

This chapter will highlight some of these missed opportunities for consideration in the broader discussion about an integrated, cross-agency strategy to increase Indigenous birth registration.

### 8.1 Queensland Health and Hospital and Health Services

QH and HHSs are well placed to facilitate the birth registration process given the face-to-face contact with new parents and the collection of birth-related data. However, the assistance they currently provide is minimal. Specifically, this investigation identified concerns in relation to:

- the overlap of information gathered by QH, HHSs and BDM
- the lack of support provided to new parents to register their child's birth.

#### 8.1.1 Information shared with BDM by QH/HHSs

I have already noted in Chapter 4 of this report the significant overlap in birth-related information gathered by BDM, QH and DHS.

Staff within Queensland hospitals collect detailed information about births which occur in a hospital setting:

- some information is communicated to QH for the PDC pursuant to the Public Health Act
- some information is communicated to BDM as part of the birth notification process under the BDMR Act
- a 'Proof of Birth' declaration is given to parents to enable them to claim entitlements from DHS via the Newborn Child Declaration form.

#### Birth notification process and Perinatal Data Collection

The information currently provided by 'responsible persons' to BDM as part of the birth notification process is scant, consisting of the date of birth, location of birth of the child, gender and the mother's name, address and Indigenous status. I note that the exact information required has been negotiated between BDM and QH, and is not set out in any legislation. This leaves open the possibility that more, or different, information could be shared through the existing mechanism if both agencies agreed.

Separate to the information communicated to BDM via a birth notification, the information held by QH as part of the PDC is far more detailed and is substantially more than is currently provided to the Registrar-General. It is also a significant portion of what is required to register a birth under Schedule 1, Part 1 of the BDMR Regulation.

At interview, the Registrar-General identified key pieces of information held by QH that could assist BDM to facilitate birth registration, including more contact details for the parents such as the mother's email and telephone number. The Registrar-General told investigators that provision of this information would allow BDM to more comprehensively follow up birth registration applications. Further, BDM's Community Liaison Officer advised investigators that the Indigenous status of the child's father would also be of benefit in planning community engagement activities as the Indigenous status of a child's mother alone is not necessarily reflective of a child's Indigenous status.<sup>125</sup>

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<sup>125</sup> Community Liaison Officer, BDM, Audio of interview, 5 August 2016, 1:22:00.

When asked whether the information might be better shared with BDM to facilitate birth registration, the Director-General of QH told the Office that:

... perinatal data collected pursuant to the Public Health Act 2005 are subject to the confidentiality provisions of that Act.<sup>126</sup>

I note, however, that the Public Health Act does allow the sharing of information between government agencies in certain instances, such as where they have the consent of the relevant person<sup>127</sup> or where it is in the public interest.<sup>128</sup> Therefore, I do not accept arguments that one government department is entirely prohibited from sharing information with another government department, particularly where the sharing of this information would be in the public interest and the information is clearly relevant to the functions of the other agency. It is also possible for the Director-General of QH to seek any legislative amendment considered necessary to share this information.

The Registrar-General reported that BDM had previously been in discussions with the Statistical Services Branch (formerly the Health Statistics Branch) of QH about extending the range of data provided as part of the birth notification process. However, he advised that QH had been unable to implement a sharing of this information as the IT system designed by QH had to be amended to include the additional information. He also noted that progress had stalled recently because of other IT developments occurring within QH.<sup>129</sup>

In my view, the sharing of additional information at the birth notification stage would greatly facilitate the birth registration process, particularly if it limited the duplication of information that parents have to provide to government agencies after the birth of their child and enabled the Registrar-General to establish a more comprehensive birth record while awaiting confirmation of the child's name and familial history (if deemed relevant).

Additional information provided beyond that which is already given to BDM may have the specific immediate benefit of enabling BDM to identify and contact parents who do not register their child's birth within the required 60 day timeframe.

In response to the proposed report, the Director-General of QH advised:

Section 5 of the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act) provides that, for each child born in Queensland, a responsible person must give a notice to the registrar in the approved form. A 'responsible person' is defined as a person in charge of a hospital where a child is born, a doctor or midwife present at the birth or, in limited circumstances, other persons present at a birth. If the Registrar-General of Births, Deaths and Marriages (BDM) wishes to receive additional information from Queensland Health to assist it in data-matching for birth registrations, the Registrar-General can gazette an approved form for birth notifications under the BDMR Act. Queensland Health believes this would be an appropriate mechanism for assisting the Registrar-General to receive additional information from Queensland Health and other 'responsible persons'. The Department's view is that the existing birth notification process is the most appropriate vehicle to ensure that the BDM receives the information required for the subsequent registration of births.

The Statistical Services Branch (SSB) (formerly Health Statistics Branch) in Queensland Health has provided significant support to BDM to assist it in identifying births occurring in Queensland for many years. SSB has proactively committed substantial resources to that work, as under-registration of Indigenous births in particular has long been recognised as a significant issue. SSB developed the notification system to allow for electronic submission of birth notifications by hospitals to BDM. SSB has advised BDM that it is technically possible to modify the state wide public hospital HBCIS system to capture the additional data (mother's telephone number and email address) sought by BDM for birth notifications. However, SSB

<sup>126</sup> Deputy Director-General, Clinical Excellence Division, Queensland Health, Letter 8 June 2016 p.1.

<sup>127</sup> Section 222, Public Health Act.

<sup>128</sup> Section 223, Public Health Act.

<sup>129</sup> Registrar-General, BDM, File note of telephone call, 10 October 2017.

was advised on several occasions that BDM was not in a position to proceed with the enhancements. As a result, the HBCIS enhancement has not been progressed.

The Director-General of QH further noted:

Although a significant proportion of births occur in Queensland's public hospitals, one quarter occurs in private hospitals or outside hospitals, including home-births. Any response to this issue requires coordination and cooperation with the health system beyond Queensland Health.

I note the Director-General of QH's response. I am encouraged by the willingness of QH's SSB to modify the state wide public hospital HBCIS system to provide BDM with the desired data.

I acknowledge that a number of births occur outside Queensland public hospital settings. Any modification of the information required by BDM as part of a birth notification will apply to all responsible persons present at a birth in both public and private settings in Queensland.

### **The need for a specific birth registration application**

While under the current legislative framework it is clearly intended to be the responsibility of parents to register their child's birth, it seems clear that the information already collected by government agencies could be better shared to streamline the birth registration process, reduce the extent of duplication of information required to be provided by new parents to different government agencies and reduce the information required to be provided by parents to BDM as part of the birth registration application itself.

One question which is apparent on reviewing the information held by QH as part of the PDC is whether there is in fact a need for a separate birth registration application to be made by parents. Specifically, I note that the PDC information contains just about every piece of data necessary to facilitate a birth registration, other than:

- the child's name
- the details of the father
- the details of the parents' marriage (if applicable)
- any other children of the relationship
- a statutory declaration.

Some of this information would be relatively easy to obtain from a mother in hospital.

The latter information about marriage and other children appears to serve a purpose in identifying individuals and linking them to show familial relationships, but seems to be less relevant to the individual child obtaining birth registration and a birth certificate. Nevertheless, I note that this information is currently required by Schedule 1 of the BDMR Regulation.

I question whether a framework where partial, temporary or even full birth registration is achieved using information provided by QH/HHSs or by DHS to BDM following the birth of a child would be possible.

Such an approach, while appealing in its simplicity, would substantially alter the current birth registration process, requiring both legislative amendment and significant policy changes. The investigation did not consider in detail what an alternative model of birth registration could look like, nor the costs and other implications of such a model. However, the issues identified and discussed in this report lend weight to the usefulness of exploring this issue further.

In response to the proposed report, the Director-General of QH advised:

Queensland Health does not support the use of the Perinatal Data Collection (PDC) for the purpose of registering births. The PDC contains confidential, sensitive and personal health information which is not necessarily relevant to birth registrations. The purpose of the PDC is to underpin the ongoing improvement in the health of mothers and babies in Queensland, and it is important that it maintains its clinical focus. A clinical data collection should not diminish the important role and responsibilities of parents in the registration process.

I note the Director-General of QH's response. I acknowledge the confidential, sensitive and private nature of the information contained within the PDC. I do not propose that all the information contained within the PDC be provided to BDM but rather select details relevant to the registration of a birth. More information provided to BDM by an agency would alleviate the administrative burden placed on new parents by reducing the amount of information required in a birth registration application.

I acknowledge that this may be better achieved through expansion of data provided as part of the birth notification process.

### 8.1.2 Contact with mothers and babies

Hospitals are uniquely placed to support new parents in registering their child's birth. However, investigators were advised by CHHHS staff that Cairns Base Hospital had stopped providing support to mothers to complete and lodge birth registration applications while they were in hospital after having a baby.<sup>130</sup>

Officers from CHHHS advised investigators that they used to support mothers to complete and lodge birth registration applications, however, this practice had ceased for a number of reasons, including that:

- mothers are spending a shorter time in hospital after giving birth so there is insufficient time for parents to complete the forms during the hospital stay
- patient numbers have increased and hospitals lack the staffing resources to support new parents to register a birth
- hospital staff have been directed not to use hospital computers to help patients complete online forms for other agencies, including birth registrations.

The vast majority of children in Queensland are born in a hospital setting, and after a birth the mother and child can remain in hospital for hours, days or even weeks. After a mother leaves hospital with their child, the mother and child will often attend a hospital or allied health service for follow up checks and vaccinations.

In my view, both the hospital setting and the structured process of health checks and follow-ups provides a clear opportunity for hospitals and health care providers to promote and facilitate the birth registration process.

I note that hospitals already provide a Parent Pack to parents and hospital staff already take on a role of explaining key information following a birth. Whether an additional explanation of the benefits of birth registration, and assistance to complete the two page form if the mother required it, would be a significant additional impost so as to render it impractical is a matter which would require discussion.

Given the number of HHSs and hospitals in Queensland and the scope of this investigation, I did not seek to discuss the practicalities of such assistance with the Chief Executives of the various HHSs. In my view, this is an appropriate part of the liaison between BDM, QH and HHSs. Further discussion about the purpose, nature and extent of

<sup>130</sup> Liaison Officer, Cairns and Hinterland Health Service, Audio of interview, 25 July 2016.

possible assistance would obviously be required, as well as how to identify which parents may need additional support to register their child's birth.

I refer to recommendation 7 which encourages a review of communication and information about birth registration and birth certificates. This should include better coordination and liaison between BDM and HHSs in providing a consistent message to new parents about birth registration.

In response to the proposed report, the Chief Executive of CHHHS advised:

The CHHHS concurs with the comments in regards to the awareness of birth registration benefits.

- CHHHS birthing facilities provide all new mothers with a Parent Pack which contains the BDM brochure on how to register your baby's birth online.
- At Cairns Hospital the importance of registering a baby's birth is reinforced during the perinatal period; with the midwives explaining the contents of the Parent Pack prior to discharge.
- Cairns Hospital provides paper birth registration forms and a self-addressed envelope to BDM where a woman indicates she is unable to access the internet. There have not been any reports escalated to the Nursing/Midwifery Director where women have been denied access or help to complete the forms whether online or paper as an inpatient or after discharge.
- It is agreed that QH birthing facilities are well placed to facilitate the birth registration process, however when all processes are well followed as outlined above it must be acknowledged that the clinician has limited influence over parents registering their baby.

If there is a requirement in the future to increase assistance provided by the HHS, this will require consideration by Queensland Health more broadly and any resource implications.

I note the processes outlined above employed by CHHHS birthing facilities and Cairns Hospital. However, I wish to note that a lack of reports escalated to the Nursing/Midwifery Director about women having been denied access or help to complete paper based or online forms is not necessarily an indication that this is not occurring.

CHHHS staff who work closely with patients stated that they are no longer able to provide support to new mothers to complete forms from other agencies, including birth registration applications.

## 8.2 Australian Department of Human Services

The Registrar-General raised concerns about the amount of duplication between the information parents gave to government agencies including DHS and BDM after the birth of a child.<sup>131</sup> He was of the view that birth registration rates would benefit most from DHS sharing data with BDM.<sup>132</sup>

When asked if it was possible for DHS to provide information to BDM, the Registrar-General stated that it was not a current practice and he believed that Commonwealth privacy legislation may cause issues.<sup>133</sup> However, the Registrar-General did advise that BDM has discussed information sharing with the Australian Government's Digital Transformation Office which is leading the Australian Government's online strategy.

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<sup>131</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 21:30.

<sup>132</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 20:30.

<sup>133</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 13:00.

The Registrar-General acknowledged that this would likely be a 'long journey'.<sup>134</sup>

When asked if it was possible for DHS to provide information to BDM, the Registrar-General noted that recently he has become aware that DHS has encouraged health staff to assist patients with the Medicare forms. He is of the view that DHS may be more inclined to share information with BDM since the *Closing the Gap* Committee Chair wrote to a number of government agencies requesting they work collaboratively with State Registries of Births, Deaths and Marriages.

DHS is an Australian Government agency which is not within my jurisdiction. However, I encourage BDM to continue its liaison with DHS to facilitate better information sharing and a more streamlined and efficient service for Queenslanders.

### 8.3 Queensland Department of Education

School enrolment may be one of the first times a child engages with a Queensland Government agency other than for the provision of health services.

Statistics provided by the Director-General of DJAG show that the overall rate of under-registration of births slowly decreases over the first five years after birth.<sup>135</sup> For example, for births occurring in the 2010-11 financial year, 7.6% of birth notifications were not able to be matched to a birth registration. However, five years later, for this same cohort of children, only 5.1% of birth notification records were unable to be matched to a birth registration.

Under the *Education (General Provisions) Act 2006* (the Education Act), a child who is of compulsory school age<sup>136</sup> must be enrolled in school.<sup>137</sup> Therefore, the extent to which birth registration catches up with a child by age five may, at least in part, be attributed to a child becoming enrolled in formal schooling. While these statistics relate to the overall rate of birth registrations and not specifically to Indigenous births, enrolment in school is undoubtedly an excellent opportunity to ensure a child's birth is registered and the child has access to a birth certificate.

During the investigation, investigators spoke with community organisations which reported their Indigenous clients as having been denied school enrolment due to lack of a birth certificate.<sup>138</sup>

Community groups also told investigators that enrolment in state schools without a birth certificate was an ongoing problem for some of their school aged clients.<sup>139</sup>

This was consistent with evidence received from representatives of DoE. At interview, the Acting Executive Director of Governance, Projects and Administration, State Schools, DoE and the Assistant Director-General, Indigenous Education, DoE were both aware that some school principals had a practice of not enrolling students where a parent was unable to produce a birth certificate.<sup>140</sup> However, they also both advised that it was not DoE's policy to do so and that children could be enrolled with other forms of identification such as a statutory declaration or even without any documentation in certain circumstances.<sup>141</sup>

<sup>134</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 20:30.

<sup>135</sup> Director-General, Department of Justice and Attorney-General, Letter, 18 July 2016, p.5.

<sup>136</sup> Section 9 (1) Education (General Provisions) Act. A child is of compulsory school age if they are at least 6 years and 6 months old, and less than 16 years.

<sup>137</sup> Section 176, Education (General Provisions) Act.

<sup>138</sup> Discussions with community organisations on 25 July 2016 and 26 July 2016.

<sup>139</sup> Discussions with community organisations on 25 July 2016 and 26 July 2016.

<sup>140</sup> Assistant Director-General, State Schools, Indigenous Education, DET, Audio of interview, 21 July 2016, 27:30.

<sup>141</sup> A/Executive Director, Governance, Projects and Administration, State Schools Operations, DET, Audio of interview, 12 April 2016, 12:30.

Chapter 8 of the Education Act deals with school enrolments and requires that an application for enrolment be in the approved form and accompanied by satisfactory evidence that the applicant is eligible to apply for the enrolment.<sup>142</sup> While the Education Act does not specifically require a person prove their identity with a birth certificate, the DoE approved enrolment form states that:

Enrolment may not be approved without enrolling staff sighting the prospective student's birth certificate. An alternative to birth certificate will be considered where it is not possible to obtain a birth certificate (e.g. prospective student born in country without birth registration system. Passport or visa documents will suffice). This does not include failure to register a birth or reluctance to order a birth certificate.<sup>143</sup>

A birth certificate may be similarly sought for enrolment in catholic and independent primary schools, whose enrolment practices are not within the jurisdiction of DoE.

Any situations where a child is denied enrolment due to a lack of a birth certificate would be particularly concerning given Indigenous children already have a lower level of participation in formal education than non-Indigenous children (85% for Indigenous children compared with 92.2% for non-Indigenous children).<sup>144</sup> As Indigenous children are also less likely than non-Indigenous children to hold a birth certificate, schools need to be cautious so that declining school enrolment for an Indigenous child for not having a birth certificate does not exacerbate these already lower participation rates.

The extent of this issue is unclear. At interview, a DoE representative advised investigators that the electronic DoE OneSchool System used by schools to enrol students requires schools to acknowledge whether a birth certificate was sighted upon enrolment.<sup>145</sup> Data provided by DoE shows that birth certificates were not recorded as being seen in 12-13% of Queensland state school enrolments over 2014-2016, suggesting that some schools are willing to enrol students without birth certificates.

Both representatives of DoE and the Registrar-General BDM advised investigators that there would be benefit in DoE being able to access BDM's birth registry system to verify a child's identity. This would both allow schools to verify a child's age to ensure that they are old enough to enrol in school, and assist BDM to identify children whose births were not registered and to facilitate their registration.

The Registrar-General advised investigators that BDM had previously engaged with DoE's central office and offered to give DoE access to its birth registration database in order to confirm the identity and age of a child who failed to provide a birth certificate at enrolment. In return, BDM asked that if DoE identified that a birth was not registered, the school:

- provide assistance to parents to register the birth, or
- provide BDM with the parent's contact details so BDM could follow up the child's birth registration.<sup>146</sup>

However, the Registrar-General told investigators that DoE had declined to provide this assistance with birth registrations as this was considered to be the work of another agency.<sup>147</sup>

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<sup>142</sup> Section 155 (1)(c)(i) Education (General Provisions) Act.

<sup>143</sup> Department of Education and Training, Application for student enrolment form, version 5.17, 1 September 2017, viewed 22 September 2017, <http://ppr.det.qld.gov.au/education/management/Pages/Enrolment-in-State-Primary,-Secondary-and-Special-Schools.aspx>.

<sup>144</sup> Department of Education and Training, Queensland, 14 October 2016, viewed 22 September 2017, <http://education.qld.gov.au/schools/statistics/student-attendance.html>.

<sup>145</sup> A/Executive Director, Governance, Projects and Administration, State Schools Operations, DET, Audio of interview, 12 April 2016, 6:30.

<sup>146</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 21:28.

<sup>147</sup> Registrar-General, BDM, Audio of interview, 1 April 2016, 29:30.

At interview another DoE representative advised investigators that while DoE does not currently use BDM to verify information regarding a child's age, in his opinion it would not pose a significant burden for remote schools to identify if a child did not have a birth certificate or was not registered and facilitate the registration or certification process through BDM.<sup>148</sup> He noted that regional schools often acted as a point of contact between parents and government agencies.<sup>149</sup>

In response to the proposed report, the Director-General of DoE advised:

I am pleased to advise that throughout 2017, the department has been collaborating closely with the Department of Justice and Attorney-General (DJAG) to allow several state schools in North Queensland to access the Birth, Deaths and Marriages (BDM) online data matching service. This service allows the schools to verify details about a child and parent necessary for the school enrolment process.

...

This pilot is due to end in March 2018 and will be evaluated to inform any further roll-out of this service.

I note the Director-General of DoE's response and look forward to the outcome of this pilot.

I question why the school enrolment process is not an opportune time for agencies to identify children whose births have not been registered and provide their parents with assistance to progress a birth registration. It is also an opportune time to ensure that all children have access to a birth certificate as a key form of identity documentation.

The form of assistance given to parents to register the births of their children is a matter appropriately left to DoE and BDM to negotiate, and it may be appropriate for schools to provide different levels of assistance depending on circumstances such as the remoteness of the region or the vulnerability of the family. The fact that DoE and BDM are yet to reach agreement on this issue despite negotiating for a number of years represents a lost opportunity for these agencies to both streamline the school enrolment process and enhance rates of birth registration in Queensland.

## 8.4 Queensland Department of Child Safety, Youth and Women

DCSYW reported that Indigenous children are over-represented across all stages of the child protection system.<sup>150</sup> 'During 2015-16 ... Indigenous children were 7 times as likely as non-Indigenous children to have received child protection services'.<sup>151</sup>

The Office of the Public Guardian (OPG), within DJAG, has a community visitor program which advocates for children in out-of-home care. Representatives of the OPG told investigators that they regularly encounter children in out-of-home care who are struggling to join sporting clubs or enrol in school due to their lack of a birth certificate. In these instances, investigators were told that the community visitor will contact the relevant Child Safety Office to request that a birth certificate be obtained.

<sup>148</sup> Assistant Director-General, State Schools, Indigenous Education, DET, Audio of interview, 21 July 2016, 15:45.

<sup>149</sup> Assistant Director-General, State Schools, Indigenous Education, DET, Audio of interview, 21 July 2016, 19:00.

<sup>150</sup> Department of Communities, Child Safety and Disability Services, Queensland, 6 July 2017, viewed 22 September 2017, <https://www.communities.qld.gov.au/childsafety/foster-kinship-care/aboriginal-torres-strait-islanders>.

<sup>151</sup> Australian Institution of Health and Welfare, Child Protection Australia 2015-16, Child Welfare Series No.66, 2017, p.27.

In response to the proposed report, the Director-General of DCSYW advised:

Data Management Services (DMS) statistics do not support the comments of the OPG. In 2017, 1649 birth certificate requests were processed. Thus far for 2018, 357 birth certificate requests have been processed. Of the 1649 requests in 2017, 273 births were not registered and 46 had no record.

Child Safety (CS) staff within the Department of Child Safety, Youth and Women (DCSYW) are acutely aware of the importance of a birth certificate and they are actively pursued with the assistance of parents.

I note the data provided by the Director-General of DCSYW. Despite the data, officers from OPG's community visitor program reported regular encounters with young people who lack a birth certificate.

In response to a request for information, DCSYW's Data Management Services provided investigators with a copy of the Memorandum of Understanding (MOU) between BDM and DCSYW which facilitates:

- the exchange of and access to information held on a BDM register
- the provision of registration information and certificates.

The Director-General of DCSYW advised that the MOU is currently under review and should be finalised shortly.<sup>152</sup>

DCSYW officers from the Data Management Services team also advised investigators that there have been preliminary discussions with BDM about accessing birth certificates via an online portal, and discussions are continuing with BDM.

In response to the proposed report, the Director-General of DCSYW advised:

The DCSYW looks forward to continuing to work with the Department of Justice and Attorney-General (DJAG) and the Registrar of Births, Deaths and Marriages (BDM) on this proposal.

I note the Director-General of DCSYW's response.

It appears that there is already some successful coordination between BDM and DCSYW, which is to the benefit of the children who encounter the child safety system in Queensland.

I encourage both agencies to continue working together to streamline the process for DCSYW to apply to register births and obtain birth certificates for children in its care or guardianship.

## 8.5 Queensland Department of Transport and Main Roads

In order to obtain a driver licence, or register a vehicle, a person must provide evidence of their identity. They can do this in a variety of ways including by showing a current driver licence or adult proof of age card or three original evidence of identity documents including a 'category A document' such as a birth certificate, passport, or citizenship document.<sup>153</sup>

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<sup>152</sup> Director-General of Department of Child Safety, Youth and Women's response to the proposed report, p.2.

<sup>153</sup> Department of Transport and Main Roads, Queensland, Evidence of Identity, 2016, viewed 2 February 2017, <https://www.qld.gov.au/transport/licensing/driver-licensing/identity>.

DTMR's Indigenous Driver Licensing Program (IDLP) has a mobile driver licensing unit, the Indigenous Driver Licensing Unit (IDLU), based in Cairns, which takes licensing services to remote areas. The unit provides driver licence testing, driver licence renewals and Adult Proof of Age cards. By increasing licence ownership, the IDLP aims to reduce incarceration rates for licensing offences, reduce road trauma and improve access to employment, education, health, social and cultural activities.<sup>154</sup> At interview, a representative from the IDLP advised investigators that they generally visit 20 Indigenous communities in far north Queensland twice a year, including Cape York, the Gulf and the Torres Strait Islands.

DTMR also has a process where an Indigenous person can use a Customer Identity Declaration form to verify their identity and obtain a licence without a birth certificate. The Customer Identity Declaration form has particular prominence in its community visit program and is available online.

If the IDLP and BDM happen to be visiting the same community at the same time, they attempt to work in collaboration with one another. On these occasions, if a person presents at the DTMR counter seeking a driver licence but does not have a birth certificate, DTMR directs the person to the BDM counter. BDM registers the person's birth, if they are not already registered, and assists the person to obtain a birth certificate. The birth certificate generally takes four weeks to arrive so BDM completes a 'Birth Certificate Registration form' which includes a registration number which DTMR then accepts as verification of the person's identity.

While this arrangement appears to be a sound solution to ensuring Indigenous access to a driver licence is not impeded due to a lack of birth registration, at interview the Registrar-General advised investigators that BDM is not always made aware of the IDLP's community visits.<sup>155</sup> Further, these liaison arrangements do not appear to extend to normal DTMR service centres.

It is likely that BDM's ability to increase birth registration rates in Indigenous communities would be enhanced by maintaining a close liaison with DTMR, and specifically with the IDLP. Given the frequency of visits by the IDLP to remote Indigenous communities, it is well placed to connect clients requiring a birth certificate with BDM.

I encourage the Director-General of DJAG to facilitate a close relationship between BDM and the IDLP team to ensure that BDM is aware of IDLP's community visits. I also consider there would be benefits in BDM exploring ways that DTMR could share data to facilitate both the driver licensing process and the birth registration and birth certification processes.

Finally, I note that the Registrar-General expressed his concern to investigators that the 'work around' processes such as the Customer Identity Declaration Form could entrench low birth registration rates by removing the need for a birth certificate to obtain a driver licence.<sup>156</sup> While I acknowledge this concern, this is a matter that the Registrar-General may need to consider in his liaison with other agencies.

In response to the proposed report, the Director-General of DTMR advised:

In the early years of delivering the program [the IDLP], it was recognised that a service partnership with Births, Deaths and Marriages (BDM) was integral to ensuring the value and validity of services provided to remote Indigenous communities.

<sup>154</sup> Department of Transport and Main Roads, Indigenous Driver Licensing Program, 2016, viewed 2 February 2017, <http://www.tmr.qld.gov.au/Community-and-environment/Indigenous-programs/Indigenous-driver-licensing-program.aspx>.

<sup>155</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 1.00.58.

<sup>156</sup> Registrar-General, BDM, Audio B of interview, 23 September 2016, 1.00.00.

... On occasion, BDM and IDLU community visits were coordinated to occur simultaneously. The positive outcomes achieved for both agencies on these occasions were noted and, for the majority of 2017, a BDM representative continued to accompany IDLU on remote community visits.

...

I further understand the coordinated services of BDM and IDLU have provided the opportunity for increased registration of births and issue of compliant licence and identification products in remote Indigenous communities. It is hoped that synchronised service delivery can be continued into the future.

IDLU's yearly roster of community visits is shared with BDM to facilitate coordinated activities across remote communities.

... information collected by IDLU suggests the provisions offered by the identity declaration may circumnavigate the birth registration process.

To reduce the circumnavigation of the birth registration process and EOI [evidence of identity] requirements, it is recommended that a cooperative approach, between BDM and IDLU, continues within remote communities.

While TMR looks forward to working with and supporting other relevant Queensland Government agencies to facilitate the birth registration process, from a whole-of-government perspective, it does seem resource-intensive for BDM to send a representative with IDLU to visit remote communities. The provision of training and access to the BDM system for IDLU staff may be a more efficient outcome, with TMR acting as an agent on BDM's behalf.

I note the Director-General of DTMR's response and encourage greater collaboration between the IDLU and BDM when conducting community visits. I also acknowledge the Director-General of DTMR's suggestion for a less resource-intensive approach in facilitating birth registration. I encourage exploration of the most efficient and effective method of service delivery that best achieves the objective of both agencies.

## 8.6 Queensland Youth Justice Services

A high proportion of young offenders in Queensland's youth justice system are Indigenous.<sup>157</sup> As at March 2018 of a total youth detention population of 212, 156 detainees were Indigenous.<sup>158</sup>

This provides an unfortunate touch-point that BDM may be able to leverage to increase birth registration rates among vulnerable young people, while facilitating access to a birth certificate to allow full participation in society once a person is released from detention.

A birth certificate may assist young people to access vital services upon their transition back into the community.<sup>159</sup> Access to identity documents necessary to obtain a driver licence may also reduce the risk of young people further offending through unlicensed driving. Therefore, in my view there is an obligation on agencies involved in working with young offenders to ensure they have a birth certificate.

In response to the proposed report, the Director-General of DCSYW advised:

The DCSYW agrees that a number of detainees do not have a birth certificate and that possession of this form of identification is desirable to support transition back into the community.

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<sup>157</sup> Australian Bureau of Statistics, Corrective Services, Australia, March quarter 2017, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0?OpenDocument>.

<sup>158</sup> Director-General of Department of Child Safety, Youth and Women's response to the proposed report, p.2.

<sup>159</sup> BYDC Transitional Officers, DET, Audio of interview, 16 September 2016, 23:00.

While there is no formal obligation on Youth Justice (YJ) services to provide documentation, YJ has a strong interest in ensuring a detainee successfully transitions back into the community and to reduce offending behaviour. YJ looks forward to working further on this issue with the DJAG and BDM.

I note the Director-General of DCSYW's response.

During the investigation, investigators spoke with officers at Brisbane Youth Detention Centre (BYDC) and Cleveland Youth Detention Centre (CYDC) to determine how birth registration and certification matters are handled at these centres. It became apparent that practices vary between the centres.

Part of the role of the youth detention centres is to help young people transition back into the community. Transition officers at each centre provide each young person with a 'transition pack' which contains important documentation to help young people to engage with services and employment when they return to the community. Depending on their role in a centre, transition officers may be employed by either DJAG or DoE. Investigators spoke with both DJAG and DoE officers about internal processes at BYDC and CYDC.<sup>160</sup>

Representatives from CYDC advised that if a young person presents at the centre without a birth certificate, and one is not held by the YJS centre or family, they obtain permission from the family to apply for a certificate on their behalf, funded by DoE.<sup>161</sup> This approach is not currently being taken at BYDC, which liaises with YJS centres to obtain a birth certificate on behalf of a young person.<sup>162</sup> It was also noted that some young people were only engaged with these services for short periods of time and may have left prior to a birth certificate being received. In those cases the BYDC staff members were unaware if the birth certificate was obtained by YJS for the young person.<sup>163</sup>

The Director-General of DCSYW advised:

It is possible that different approaches are taken across the two detention centres in regard to obtaining a birth certificate for young people.

I note the Director-General of DCSYW's response. I encourage the Director-General of DCSYW to establish best practice in obtaining birth certificates for young people and apply this practice to both youth detention centres in Queensland.

The 'workaround' situation at CYDC involved one government agency (DoE) expending its budget to purchase an item from another government agency (DJAG) on behalf of disadvantaged clients. The absurdity of this 'workaround' was even more apparent if you consider that at the time of this investigation, YJS was a business unit of DJAG and was having another Queensland Government department (DoE) pay the costs of obtaining a birth certificate to BDM, another DJAG business unit. It seems likely that a more appropriate framework can be put in place to waive fees for birth certificates in certain circumstances where the certificate is being requested in the performance of the agency's functions and in order to provide support to its own vulnerable clients. While I acknowledge YJS is now a part of a different department, I still question the practice of Queensland Government agencies charging other Queensland Government agencies for a service on behalf of a vulnerable client.

<sup>160</sup> BYDC Transitional Officers, DET, Audio of interview, 16 September 2016; CYDC Transitional Officers, DET, Audio of interview, 29 August 2016.

<sup>161</sup> CYDC Transitional Officers, DET, Audio of interview, 29 August 2016, 4:03.

<sup>162</sup> BYDC Transitional Officers, DET, Audio of interview, 16 September 2016, 11:45.

<sup>163</sup> BYDC Transitional Officers, DET, Audio of interview, 16 September 2016, 45:00.

In response to the proposed report, the Director-General of DCSYW advised:

DoE staff work within YDCs [Youth Detention centres] to support young people in their transition back into the community. In this role, it is possible that DoE staff may obtain a copy of a birth certificate for a young person. If so, this may mean it is not necessary for YJ to obtain an additional copy.

...

The DCSYW looks forward to continuing to work with DJAG and BDM on this issue to identify opportunities to improve access to birth certificates for young people in detention in Queensland.

I note the Director-General of DCSYW's response and encourage exploration of the most efficient and cost effective means of obtaining birth certificates for young people in detention in Queensland.

In my view, BDM should liaise with YJS to determine the most efficient method of facilitating birth registration and/or obtaining a birth certificate for young persons in youth detention. This liaison should be aimed at achieving the outcome that all young people released from detention have their births registered and have access to a birth certificate.

I further encourage BDM to explore any options for waiving birth certificate fees for applications being made by, and funded by, its own or other government agencies.

## 8.7 Conclusion

Proof of identity is fundamental to full participation in society today, particularly when accessing government services. A birth certificate is a primary form of identification and is usually required to access other forms of primary identification such as a driver licence or a passport.

From discussions with some key Queensland Government agencies it became apparent that most agencies play a minimal role in promoting and facilitating the birth registration process or providing assistance to obtain a birth certificate, despite requiring a birth certificate to access their services. For the agencies that have made some attempt to facilitate the birth registration process or provide assistance to obtain a birth certificate, there is a lack of coordination between these agencies and BDM.

It is clear that an integrated and coordinated approach to birth registration and certification is needed. I am of the view that this approach will have the most significant and sustainable impact on Indigenous birth registration rates in Queensland which I will discuss further in Chapter 9.

### **Opinion 11**

BDM has failed to adequately coordinate between Queensland Government agencies to facilitate birth registration and access to a birth certificate for Indigenous Queenslanders.

This is administrative action that is unreasonable for the purposes of s.49(2)(b) of the Ombudsman Act.

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## Chapter 9: Cross-agency strategy

While changes to BDM's internal birth registration and birth certification policies and processes may rectify some of the barriers for Indigenous Queenslanders, I question whether BDM alone can achieve the significant changes necessary to bring these rates in line with non-Indigenous birth registration. I am of the view that any significant improvement in Queensland's Indigenous birth registration rate can only come from an integrated, cross-agency approach.

The Queensland Government has clearly demonstrated its commitment to improving outcomes for Indigenous Queenslanders through various agreements and strategies.

### Closing the Gap

In 2008, the Queensland Government, as part of the Council of Australian Governments (COAG), was party to the *National Indigenous Reform Agreement (Closing the Gap)* which sets out an integrated intergovernmental reform strategy intended to reduce Indigenous disadvantage by closing the gap in life expectancy, health, education and employment outcomes between Indigenous and non-Indigenous Australians.<sup>164</sup>

*Closing the Gap* is a long term framework which includes the following key targets:

- close the life expectancy gap within a generation (by 2031)
- halve the gap in mortality rates for Indigenous children under five within a decade (by 2018)
- ensuring that 95% of all Indigenous four-year-olds are enrolled in early childhood education (by 2025)
- close the gap between Indigenous and non-Indigenous school attendance within five years (by 2018)
- halve the gap for Indigenous students in reading, writing and numeracy within a decade (by 2018)
- halve the gap for Indigenous people aged 20-24 in Year 12 attainment or equivalent attainment rates by 2020
- halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade (by 2018).<sup>165</sup>

*Closing the Gap* acknowledges that improving opportunities and life outcomes for Indigenous Australians requires intensive and sustained effort from all levels of government, as well as the private and not-for-profit sectors, communities and individuals.<sup>166</sup>

### Moving Ahead

*Moving Ahead* is a whole-of-government strategy to improve economic participation outcomes for Indigenous Queenslanders.<sup>167</sup> This strategy recognises the significant social and economic benefits in improving economic participation outcomes for Indigenous Queenslanders that extend to individuals, families, communities, businesses and government, including:

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<sup>164</sup> M Furner MP, Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships, Queensland Committed to Closing the Gap, 15 February 2017, viewed on 18 December 2017, <http://statements.qld.gov.au/Statement/2017/2/15/queensland-committed-to-closing-the-gap>.

<sup>165</sup> Department of Aboriginal and Torres Strait Islander Partnerships, *Closing the Gap*, 6 July 2017, viewed on 18 December 2017, <https://www.datsip.qld.gov.au/programs-initiatives/closing-gap>.

<sup>166</sup> Department of Aboriginal and Torres Strait Islander Partnerships, *Closing the Gap*, 6 July 2017, viewed on 18 December 2017, <https://www.datsip.qld.gov.au/programs-initiatives/closing-gap>.

<sup>167</sup> Department of Aboriginal and Torres Strait Islander Partnerships, *Moving Ahead Strategy*, Introduction - A strategic approach to increasing the participation of Aboriginal people and Torres Strait Islander people in Queensland's economy, 6 July 2017, viewed on 18 December 2017, <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/moving-ahead-strategy/introduction>.

- enhanced economic outcomes, including lower expenditure on government services (health, justice, public housing and social services), and increased taxation revenue
- a larger pool of workers, and a better trained and more qualified workforce
- higher personal and household incomes, improved satisfaction and better social cohesion
- some level of safety net against future episodes of disadvantage.<sup>168</sup>

One priority of this strategy is to overcome barriers that prevent an Indigenous person from fully participating in the economy, such as removing barriers that impede access to housing, obtaining a driver licence and accessing education and training resources.<sup>169</sup>

There are clear parallels between the barriers identified in these strategies and those identified in this investigation. Impeded access to education, housing, a driver licence and employment can all stem from a lack of birth registration or certification. Despite this, BDM does not have any published strategic goals to increase Indigenous birth registration.

I am of the view that a targeted, cross-agency strategy to increase Indigenous birth registration would assist the Queensland Government in achieving the targets and priorities of these other strategies. A cross-agency strategy to increase Indigenous birth registration would also be wholly consistent with these other strategies aimed at removing Indigenous disadvantage.

In response to the proposed report, the Director-General of DCSYW advised:

You may also be interested to know that in 2017, the 'Our Way' generational strategy for Aboriginal and Torres Strait Islander children and families was developed in a partnership with Family Matters and the Queensland Government, and outlines a framework for transformational change that will occur over the next 20 years to ensure all Aboriginal and Torres Strait Islander children and young people in Queensland grow up safe and cared for in family, community and culture. This strategy builds on current child safety reform efforts and works together with other state and national strategies and initiatives such as *Moving Ahead and Closing the Gap*.

I note the Director-General of DCSYW's response.

## 9.1 Establishing a cross-agency strategy to increase Indigenous birth registration

Strategies such as *Closing the Gap* and *Moving Ahead* clearly recognise the importance of an integrated, cross-agency approach to overcoming Indigenous disadvantage. In my view, the same approach is required to address the disparity between Indigenous and non-Indigenous birth registration rates in Queensland.

This investigation identified a current lack of coordination between Queensland Government agencies around birth registration, which has been discussed in Chapter 8.

The Registrar-General advised investigators of a number of attempts by BDM to coordinate with other Queensland Government agencies in regard to birth registration

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<sup>168</sup> Department of Aboriginal and Torres Strait Islander Partnerships, *Moving Ahead Strategy, Case for Change*, 6 July 2017, viewed on 18 December 2017, <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/moving-ahead-strategy/case-change>.

<sup>169</sup> Department of Aboriginal and Torres Strait Islander Partnerships, *Moving Ahead Strategy, Priority 5: Overcome barriers and realise opportunities to completion*, 6 July 2017, viewed on 18 December 2017, <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/moving-ahead-strategy/priority-5-overcome-barriers-realise-opportunities-completion>.

without success. Other Queensland Government agencies do not appear to acknowledge the importance of birth registration and in some instances, attempt to circumvent the process entirely. I have already formed an opinion about the lack of coordination between government agencies in Chapter 8 (Opinion 11).

I am of the view that there should be an integrated, cross-agency strategy focused on:

1. ensuring that all Queenslanders have their births registered and have unimpeded access to a birth certificate
2. ensuring that rates of Indigenous birth registration are increased to equal the birth registration rates of non-Indigenous Queenslanders.

This integrated, cross-agency strategy should:

- confirm the current rate of Indigenous birth registration compared with the rate of non-Indigenous birth registration by using relevant agency data
- establish targets for the increase of Indigenous birth registration rates
- establish timeframes within which these targets are to be achieved
- establish a strategy to achieve these targets by the designated timeframes
- establish the roles and responsibilities of each agency in contributing to achieving the targets and implementing the strategy
- establish information sharing, communication and coordination protocols between agencies to implement the strategy
- publicly report on progress against the targets and timeframes in the strategy.

The strategy should ensure the process of developing a cross-agency strategy involves exploration of the flaws in the current approach between government agencies and identification of opportunities for better coordination, as identified in Chapter 8 of this report.

Once birth registration rates in Queensland are similar for both Indigenous and non-Indigenous Queenslanders, the government will be better able to measure the success of other government initiatives focused on outcomes for Indigenous people such as *Closing the Gap* and *Moving Ahead*. Increased registration of Indigenous births may even contribute to achieving the targets and priorities of these initiatives.

## 9.2 Measuring success

After establishing targets and developing strategies to achieve these targets, there must be a mechanism for measuring the success of these strategies. Of course, the real measure of success will be the registration of Indigenous births at the same rate as non-Indigenous births.

As noted in Chapter 3, the Registrar-General demonstrated a clear awareness of the QH analysis published in 2014, including the significant gap between Indigenous and non-Indigenous birth registration rates. However, the Registrar-General was not able to advise of any more recent analysis despite the fact that BDM has both the data and the ability to undertake such an analysis.

This is particularly concerning given the significant shift in BDM processes with the introduction of the online birth registration process in 2015. There is no information to suggest that BDM has attempted to measure the impact of these new processes on rates of birth registration of Indigenous Queenslanders.

A clear measure of Indigenous birth registration rates in Queensland will become critically important in tracking the success of an integrated, cross-agency strategy aimed at increasing Indigenous birth registration.

In my view, DJAG is best placed to take responsibility for measuring rates of Indigenous birth registration by using BDM's data and/or data from other government agencies, as agreed in the integrated, cross-agency strategy. This analysis should occur annually, at a minimum, and be made publicly available.

**Recommendation 9**

The Director-General of DJAG consult with all relevant Queensland Government agencies to develop an integrated, cross-agency strategy focused on increasing the rate of Indigenous birth registration to equal the rate of non-Indigenous birth registration in Queensland. The Director-General of DJAG should consult with Indigenous communities in the development of this strategy.

This strategy should:

- (a) confirm the current rate of Indigenous birth registration compared with the rate of non-Indigenous birth registration by using relevant agency data
- (b) establish progressive targets for the increase of Indigenous birth registration rates
- (c) establish timeframes within which these targets are to be achieved
- (d) establish a strategy to achieve these targets by the designated timeframes
- (e) establish the roles and responsibilities of each agency in contributing to achieving the targets and implementing the strategy
- (f) establish information sharing, communication and coordination protocols between agencies to implement the strategy
- (g) publicly report on progress against the targets and timeframes in the strategy.

The strategy itself should also be made publicly available.

In response to proposed recommendation 9, the Director-General of DJAG advised:

The Department agrees with proposed Recommendation 9. The RBDM will develop a strategy and report for public release.

In response to proposed recommendation 9, the Director-General of QH advised:

I support the report's recommendation that the Director General, Department of Justice and Attorney-General should lead discussions between key Queensland Government agencies with a view to developing an integrated, cross-agency strategy focussed on ensuring all Queenslanders have their births registered and that rates of Indigenous birth registration are in line with birth registration rates of non-Indigenous Queenslanders.

In response to the proposed report, the Public Guardian advised:

I appreciate the focus of this investigation and the need to increase the rates of Aboriginal and Torres Strait Islander birth registration. Following careful consideration of the report and proposed opinions and recommendations contained within, I have no further comment.

In response to proposed recommendation 9, the Director-General of DoE advised:

With respect to Recommendation 9 of the proposed report, the department would be pleased to engage in consultation led by DJAG regarding the development of an integrated cross-agency strategy focused on increasing the rate of Indigenous birth registration.

In response to the proposed report, the Director-General of DCSYW advised:

I support an integrated and coordinated approach to improving the rate of birth registration and improving accessing birth records. I am committed to working collaboratively with other agencies to improve outcomes, particularly for Aboriginal and Torres Strait Islander young people.

...

Both Child Safety and Youth Justice Services within DCSYW actively work with BDM to regularly obtain copies of birth certificates for young people.

The DCSYW looks forward to continuing to work with DJAG and BDM on this issue to identify opportunities to improve access to birth certificates for young people involved in the child protection and youth justice systems in Queensland.

I note all agency responses and am encouraged by the level of support for greater collaboration between key agencies to increase Indigenous birth registration rates in Queensland.

---

## **Chapter 10: Conclusion**

Not registering a birth and the resulting absence of a birth certificate can have negative consequences for an individual. Without a birth certificate it is difficult for an individual to fully participate in society. The under-registration of births also has negative consequences for governments.

This investigation considered the significant disparity between the rates of birth registration for Indigenous and non-Indigenous births in Queensland and a lack of commitment by BDM to seek to address this issue.

Discussions with community organisations and government agencies identified a number of barriers in BDM's birth registration and birth certification processes that must be overcome to give equal emphasis to Indigenous and non-Indigenous Queenslanders.

While internal process changes are required within BDM, I am of the view that the most significant impact on Indigenous birth registration rates will come from an integrated, cross-agency strategy to encourage all responsible agencies, with an interest in supporting Indigenous Queenslanders to participate equally and fully in society and the economy, to cooperate in streamlining and maximising access to these services. There is currently limited cooperation between Queensland Government agencies in relation to birth registration and this is undoubtedly having an impact on the accessibility of birth registration and birth certification processes for Indigenous Queenslanders.

It is ultimately for all responsible agencies to take up this challenge and ensure that Indigenous Queenslanders have equal access to birth registration and birth certificates resulting in full and easy participation in Queensland society.

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## **Appendix A: Jurisdiction and procedural fairness**

### **Ombudsman jurisdiction**

The Ombudsman is an officer of the Queensland Parliament empowered to deal with complaints about the administrative actions of Queensland government departments, public authorities and local governments. As council is an 'agency' for the purposes of the *Ombudsman Act 2001*, it follows that I may investigate its administrative actions.

Under the Ombudsman Act, I have authority to:

- investigate the administrative actions of agencies on complaint or on my own initiative (without a specific complaint)
- make recommendations to an agency being investigated about ways of rectifying the effects of its maladministration and improving its practices and procedures
- consider the administrative practices of agencies generally and make recommendations, or provide information or other assistance to improve practices and procedures.

The Ombudsman Act outlines the matters about which the Ombudsman may form an opinion before making a recommendation to the principal officer of an agency. These include whether the administrative actions investigated are contrary to law, unreasonable, unjust or otherwise wrong.

Although the Ombudsman is not bound by the rules of evidence, the question of the sufficiency of information to support an opinion of the Ombudsman requires some assessment of weight and reliability. The standard of proof applicable in civil proceedings is proof on the balance of probabilities. This essentially means that, to prove an allegation, the evidence must establish that it is more probable than not that the allegation is true. Although the civil standard of proof does not strictly apply in administrative decision-making (including the forming of opinions by the Ombudsman), it provides useful guidance.

### **'Unreasonableness' in the context of an Ombudsman investigation**

In expressing an opinion under the Ombudsman Act that an agency's administrative actions or decisions are 'unreasonable', I am applying its popular, or dictionary, meaning. I am not applying the doctrine of legal unreasonableness applied by the Courts when judicially reviewing administrative action.

### **Procedural fairness**

The terms 'procedural fairness' and 'natural justice' are often used interchangeably within the context of administrative decision-making. The rules of procedural fairness have been developed to ensure that decision-making is both fair and reasonable.

The Ombudsman must also comply with these rules when conducting an investigation. Further, the Ombudsman Act provides that, if at any time during the course of an investigation it appears to the Ombudsman that there may be grounds for making a report that may affect or concern an agency, the principal officer of that agency must be given an opportunity to comment on the subject matter of the investigation before the final report is made. A proposed report has been prepared to satisfy this requirement.

Section 55(2) of the Ombudsman Act provides that I must not make adverse comment about a person in a report unless I give that person an opportunity to make submissions about the proposed adverse comment. The person's defence must be fairly stated in the report if the Ombudsman still proposes to make the comment.

I did not make any comments in this proposed report which could be considered adverse to any person.

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# Appendix B: An estimate of the extent of under-registration of births in Queensland

## Health Statistics Branch

Analysis prepared by the Statistical Analysis and Linkage Team

## An estimate of the extent of under-registration of births in Queensland

*Analysis Prepared by: Taku Endo, Junko van Schalkwijk and Rachael Wills*

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Date Prepared: October 2014

Version: 1.1

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## 1 Introduction / Background to Problem

The Queensland Perinatal Data Collection (PDC) contains data on all births in Queensland, and is maintained by the Health Statistics Branch, Queensland Health. The collection contains information on obstetric, delivery and perinatal outcomes, and is the major source used to report perinatal statistics for the Queensland population. While the number of births collected within the system should theoretically equal the number of births registered with Births, Deaths and Marriages (BDM) in the Department of Justice and Attorney-General, Queensland Government, this is not the case. The reasons for the discrepancies are not well understood, and have not been evaluated in the past.

### 1.1 Queensland Perinatal Data Collection

The PDC contains information about all live births in Queensland and all stillbirths of at least 400g birth weight or 20 weeks gestation. The data is maintained and disseminated by the Health Statistics Branch, Queensland Health for national reporting purposes, for use in state and national key performance indicators, to assist with service planning and for research into perinatal and obstetric care and outcomes.

The Queensland Perinatal Data Collection Manual states that:

*The Perinatal Data Collection Form (MR63D) is required to be completed (or in the case of hospitals providing electronic extracts, an extract is required) by all public hospitals, private hospitals, and private midwifery or medical practitioners who deliver babies outside hospitals, for all births occurring in Queensland (Queensland Health, 2013).*

The information relating to a baby is collected up until the baby is discharged from the birth admission or up until the baby reaches 28 days of age, and the completed form is to be submitted to the Statistical Collections and Integration Team, Health Statistics Branch within 35 days of the birth of a baby (Queensland Health, 2013). Although various validation rules and monitoring tools are in place to assure the reliability of the data, the quality and the timeliness of the information is dependent on the personnel responsible for the completion and submission of the paper form or electronic extracts of the data.

### 1.2 Birth Registration Data

The Queensland Department of Justice and Attorney-General maintains a register of all births (live, and after April 1989, still born of at least 20 weeks gestation or 400g birth weight) which occur in Queensland, or on ships or aircraft that are travelling to Queensland. Birth registration in Queensland is required by law and requires both parents of the child to sign the registration form and lodge it within 60 days of the birth. In the event of multiple births, a separate form must be completed for each child.

In addition, a birth that takes place outside of Australia may be registered in Queensland if the parents of the child intend to live in Queensland, the child is less than 18 months of age and resident in Queensland at the time of registration, and the birth is not already registered in another state or country (OQPC, 2012).

When a birth takes place at home, the registration form must be accompanied by written advice from the attending midwife (if present), or otherwise the health professional consulted after the

birth. Any other persons present at the birth are also required to sign a declaration stating their presence at the birth.

## 2 Overview

### 2.1 Objective

The objective of this report is to summarise the extent of under-registration of births in Queensland, and where possible, to identify possible reasons for under-enumeration.

## 3 Methodology

### 3.1 Sources of the data and the number of records with matches

The draft version of the Master Linkage File (MLF), a file containing person identifiers for various administrative data collections (including PDC and birth registration data) managed by the Health Statistics Branch (HSB), Queensland Health was used as the primary source of information for the analyses. The MLF is further discussed in section 3.2.

Data where the recorded date of birth of the baby was between 1 July 2010 and 30 June 2012 were extracted from this file where the source was either PDC or birth registration data. Further matching exercises were conducted for records without a match. Table 1 summarises the total number of records extracted from each database by year, and, in parentheses, the number of records where a valid match to the other collection was found. Note that 44 PDC records were matched to multiple birth registration records, which are suspected duplicate birth registrations. While PDC records were only counted once, both of the duplicated birth registration records were counted so that the number of birth registrations with a validly matching PDC record could be quantified.

Overall, for the two years investigated, approximately 3,000 PDC records were without a valid birth registration record.

**Table 1: Number of records included for linkage from each collection, 2010/11 – 2011/12**

Year	PDC	Birth registration
2010/11	62,059 (60,510)	60,722 (60,540)
2011/12	62,525 (60,694)	60,901 (60,739)
Total	124,584 (121,204)	121,623 (121,279)

### 3.2 Master Linkage File

The MLF is a database containing records from various administrative data collections "linked" via unique person identifiers. The database is managed by the HSB, Queensland Health. The collections currently incorporated in the database include Queensland Hospital Admitted Patient Data Collection (QHAPDC), Queensland Death Registration data, Queensland Birth Registration data and PDC. The scope of the MLF is being expanded to include collections such as Queensland Birth Notifications, Queensland Emergency Department Information System, and Queensland Ambulance Service data.

In preparing the MLF, both deterministic and probabilistic methods of linkage are used, using demographic information such as name, date of birth and addresses as well as administrative information such as patient unit record number, where applicable. When linking data for past years,

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a year's worth of data is extracted at a time from each collection, and is linked to the records within the same year as well as to the data previously linked.

In defining the extraction period for this analysis, the date used for PDC and birth registrations are both the date of birth of the baby (i.e. not the registration date for the birth registration data).

While the PDC collects names, addresses and date of birth of the mother, it does not collect names of the babies. Thus, the linkage for the PDC baby records to other collections is often heavily reliant on the information recorded for the mother, and the date of birth and the facility of birth of the baby. Most of the decisions for linkage are automatically made via the linkage program used by HSB (ChoiceMaker), however some of the "grey" matches are reviewed manually by staff within the HSB. This is often required when the data does not provide enough information to make a decision on whether two (or more) episode-level records belong to the same individual. In order to minimize avoidable false positive matches, various quality assurance exercises are incorporated in the development of the MLF. This includes checking for multiple birth registration records assigned to a PDC record (and vice-versa).

## 4 Output & Analysis

### 4.1 Features of the dataset

The final dataset for births between 1 July 2010 and 30 June 2012 included 124,584 births from the PDC (122,527 mother records). 7,476 (6.0%) birth records belonged to Indigenous<sup>†</sup> mothers, while 8,651 baby records (6.9%) were recorded as Indigenous. 1,202 (1.0%) births were to non-Queensland resident mothers, and 28,829 (23.1%) were to non-Australian born mothers. In total, 3,380 births (2.7%) could not be linked to the birth registration data.

### 4.2 Under-registration

3,380 (2.7%) of PDC records could not be linked to the registration data. There were significant differences in linkage between Indigenous mothers (15-18% under-registration) and non-Indigenous mothers (1.8% under-registration) (Table 2). Remote and very remote geographical areas also had high rates of under-registration (Table 3), however, this effect was only found for births to Indigenous mothers in these areas, with no obvious differences in under-registration by remoteness for non-Indigenous mothers (Table 4). There was a slight differential by the marital status of the mother (Table 5). Also younger non-Indigenous mothers were less likely to register births, while the proportion was constantly high across all age groups for Indigenous mothers (Table 6, Table 7). Hospital and Health Services (HHS) of mothers' usual residence with high proportions of Indigenous population also showed high rates of under-registration (Table 8).

Although the proportion of under-registration for Indigenous mothers was higher than that of non-Indigenous mothers across all HHSs, variations were observed for both Indigenous and non-Indigenous mothers between HHSs (Table 9) which suggests that Indigenous status may not be the only factor contributing to the under-registration of births.

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<sup>†</sup> The term Indigenous is used when referring to Aboriginal and Torres Strait Islander people collectively

**Table 2: Under-registration of births by Indigenous status of mother, Queensland 2010/11-2011/12**

Indigenous status	Linked to RG data			
	N	Y	Total	%N
Aboriginal	971	4,586	5,557	17.5
Torres Strait Islander	178	950	1,128	15.8
Both Aboriginal and Torres Strait Islander	122	669	791	15.4
Non-Indigenous	2,108	114,980	117,088	1.8
Not stated	1	19	20	5.0
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,584</b>	<b>2.7</b>

**Table 3: Under-registration of births by ARIA+, births to Queensland resident mothers only, Queensland 2010/11-2011/12**

ARIA+, Queensland residents	Linked to RG Data			
	N	Y	Total	%N
Major city	1,398	73,262	74,660	1.9
Inner regional	728	24,268	24,996	2.9
Outer regional	739	19,145	19,884	3.7
Remote	184	1,965	2,149	8.6
Very remote	286	1,407	1,693	16.9
<b>Total</b>	<b>3,335</b>	<b>120,047</b>	<b>123,382</b>	<b>2.7</b>

**Table 4: Under-registration of births by ARIA+ and Indigenous status of the mother, births to Queensland resident mothers only, Queensland 2010/11-2011/12**

ARIA+, Queensland residents	Not linked to RG Data	
	Indigenous (%)	Non-Indigenous (%)
Major city	10.9	1.6
Inner regional	13.1	2.3
Outer regional	17.6	1.8
Remote	23.4	1.6
Very remote	27.1	1.6
<b>Total</b>	<b>16.9</b>	<b>1.8</b>

**Table 5: Under-registration of births by marital status of the mother, Queensland 2010/11-2011/12**

Marital status	Linked to RG Data			
	N	Y	Total	%N
Never Married	969	13,866	14,835	6.5
Married/de-facto	2,271	105,559	107,830	2.1
Widowed	2	58	60	3.3
Divorced	13	455	468	2.3
Separated	118	1,245	1,363	8.7
Unknown	7	21	28	25.0
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,854</b>	<b>2.7</b>

**Table 6: Under-registration of births by age of the mother, Queensland 2010/11-2011/12**

Age of mother	Linked to RG Data			
	N	Y	Total	%N
< 20 years	397	6,028	6,425	6.2
20 – 24 years	991	20,088	21,079	4.7
25 – 29 years	953	35,260	36,213	2.6
30 and above	1,039	59,828	60,867	1.7
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,584</b>	<b>2.7</b>

**Table 7: Under-registration of births by age of the mother and Indigenous status, Queensland 2010/11-2011/12**

Age of mother	Not linked to RG Data	
	Indigenous (%)	Non-Indigenous (%)
< 20 years	15.5	3.6
20 – 24 years	18.4	3.0
25 – 29 years	17.4	1.8
30 and above	16.0	1.3
<b>Total</b>	<b>17.0</b>	<b>1.8</b>

**Table 8: Under-registration of births by Hospital and Health Service of usual residence of the mother, births to Queensland resident mothers only, Queensland 2010/11-2011/12**

HHS, Queensland residents	Linked to RG Data			
	N	Y	Total	%N
Cairns And Hinterland	361	6,660	7,021	5.1
Cape York	109	371	480	22.7
Central Queensland	177	6,327	6,504	2.7
Central West	7	356	363	1.9
Darling Downs	253	7,313	7,566	3.3
Gold Coast	185	11,736	11,921	1.6
Mackay	81	5,153	5,234	1.5
Metro North	405	23,277	23,682	1.7
Metro South	626	29,760	30,386	2.1
North West	157	1,120	1,277	12.3
South West	34	853	887	3.8
Sunshine Coast	156	7,769	7,925	2.0
Torres Strait-Northern Peninsula	121	441	562	21.5
Townsville	259	6,662	6,921	3.7
West Moreton	241	7,819	8,060	3.0
Wide Bay	163	4,430	4,593	3.5
<b>Total</b>	<b>3,335</b>	<b>120,047</b>	<b>123,382</b>	<b>2.7</b>

**Table 9: Under-registration of births by Hospital and Health Service of usual residence of the mother and Indigenous status of the mother, births to Queensland resident mothers only, Queensland 2010/11-2011/12**

HHS, Queensland residents	Not linked to RG Data	
	Indigenous %	Non-Indigenous %
Cairns and Hinterland	18.1	2.0
Cape York	33.5	1.8
Central Queensland	13.0	1.9
Central West	10.6	0.6
Darling Downs	18.6	2.1
Gold Coast	6.6	1.5
Mackay	8.1	1.2
Metro North	11.5	1.5
Metro South	10.6	1.8
North West	28.8	1.6
South West	11.1	2.3
Sunshine Coast	12.4	1.7
Torres Strait - Northern Peninsula	22.9	9.1
Townsville	20.0	1.5
West Moreton	10.7	2.6
Wide Bay	11.5	3.1
<b>Total</b>	<b>16.9</b>	<b>1.8</b>

Variations were observed by the country of birth of the mother. For babies born to mothers who were born in countries in the Melanesia region, approximately 4.3% of births were not registered (Table 10)<sup>‡</sup>. High proportions of un-registered births were observed for babies born to mothers born in the Polynesia region and New Zealand compared to mothers born in other regions. However babies born to Australian-born mothers had one of the highest under-registration rates, driven by the high proportion among babies born to Indigenous mothers.

**Table 10: Under-registration of births by country of birth of the mother, Queensland 2010/11-2011/12**

Country of Birth	Linked to RG Data			
	N	Y	Total	%N
Australia	3,027	92,728	95,755	3.2
<i>Indigenous</i> <sup>§</sup>	1,269	6,197	7,466	17.0
<i>Non-Indigenous</i>	1,758	86,523	88,281	2.0
<i>Not stated</i>	0	8	8	0.0
New Zealand	170	6826	6996	2.4
Melanesia <sup>**</sup>	29	647	676	4.3

<sup>‡</sup> Note that this may include births to non-Queensland resident mothers, who arrived in Australia to receive care at one of the hospitals in Australia. However, the Births, Deaths and Marriages Registration Act 2003 states that if a child is born in Queensland, the birth must be registered.

<sup>§</sup> 10 mothers reported as Aboriginal or Torres Strait Islander person, but born outside of Australia and thus are not counted as Australian born.

<sup>\*\*</sup> Includes New Caledonia, Papua New Guinea, Solomon Islands and Vanuatu.

Polynesia (excludes Hawaii) <sup>††</sup>	33	1,032	1,065	3.1
Other	121	19,971	20,092	0.6
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,584</b>	<b>2.7</b>

Variation was also seen by birth status of the baby. Approximately 0.7% of births were recorded as a stillbirth in PDC, and 17.0% of them could not be linked to the registration data. Similarly for births that resulted in neonatal deaths (i.e. born alive but deceased within 28 days of birth), 15.2% of births could not be linked to the registration data (Table 11). Baby records that resulted in stillbirths or neonatal deaths made up approximately 4.3% and 1.8% of the records that failed to link to registration data respectively (Table 11).

Table 11: Under-registration of births by birth status, Queensland 2010/11-2011/12

Birth status	Linked to RG Data			
	N	Y	Total	%N
Stillbirth	144	704	848	17.0
Born alive	3,236	120,500	123,736	2.6
<i>Neonatal death</i>	61	340	401	15.2
<i>Alive after 28-days of birth</i>	3,175	120,160	123,335	2.6
<b>Total</b>	<b>3,380</b>	<b>121,204</b>	<b>124,584</b>	<b>2.7</b>

## 5 Summary and conclusions

Overall, 2.7% of births recorded in the Queensland Perinatal Data Collection were not able to be found in the Birth Registration data.

- Births to Indigenous mothers had much higher rates of under-registration (17.0%) than births to non-Indigenous mothers (1.8%).
- For births to Indigenous mothers only there were higher rates of under-registration in remote (23.4%) and very-remote (27.1%) areas than in major cities (10.9%) and inner-regional areas (13.1%).
- There was variation in under-registration rates among births to Indigenous mothers by HHS, with the highest rates of under-registration in Cape York, Torres Strait-Northern Peninsula and North West.
- For births to non-Indigenous women, a higher rate of under-registration was observed among younger mothers, but there was no obvious effect by age for births to Indigenous mothers.
- Births to mothers born in certain countries were also slightly less likely to be registered than births to mothers born in Australia, but the magnitude of the difference was much smaller than that observed for births to Indigenous mothers.
- Stillbirths or neonatal deaths were less likely to be registered.
- It is not likely that the differences observed are entirely due to differential quality of identifying variables used to link the two datasets (see Appendix A).

<sup>††</sup> Includes Cook Islands, Fiji, French Polynesia, Niue, Samoa, Samoa (American), Tokelau, Tonga, Tuvalu, Wallis and Futuna, Pitcairn Islands and Polynesia (excludes Hawaii), nec.

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## 6 References and Related Outputs

Australian Institute of Health and Welfare, Australian Bureau of Statistics. 2012. *National best practice guidelines for data linkage activities relating to Aboriginal and Torres Strait Islander people*. AIHW Cat. No. IHW 74. Canberra: AIHW.

Statistical Collections and Integration. 1 July 2013 - 30 June 2014 Queensland Perinatal Data Collection (PDC) Manual of Instructions for the completion and notification of births to the Perinatal Data Collection. Brisbane: Queensland Health, 2013.

Office of the Queensland Parliamentary Counsel. Births, Deaths and Marriages Registration Act 2003. *Current as at 23 September 2013*. Brisbane, 2013.

## 7 Abbreviations

Mnemonic	Definition
HSB	Health Statistics Branch, QLD Health
MLF	Master Linkage File
PDC	Queensland Perinatal Data Collection
QHAPDC	Queensland Hospital Admitted Patient Data Collection
RG	Registrar-General, Births, Deaths and Marriages, Queensland
SALT	Statistical Analysis and Linkage Team, Health Statistics Branch

## Appendix A

### A-1 Additional considerations for under-registration

#### A-1.1 Quality of linkage variables

As the calculation of under-registration is based on the linkage between the datasets, it is possible that the quality of the linkage variables available in the birth registration and PDC data, and thus the data linkage, could be responsible for some of the under-registration found. The MLF is generated using probabilistic techniques to "weight" whether two records are likely to belong to the same individual based on the demographic information available, which relies on the agreement of various data elements (to an extent) and thus, inconsistent recording of multiple details are likely to lead to non-matching of what may be records relating to the same person. Data quality of linkage variables is known to be a particular problem in records of Indigenous people who may have more frequent name changes or aliases, names more prone to mis-spelling, frequent change of address (or may record address as full residential address in one collection and as a community name in other collection), and difficulty recalling exact date of birth (AIHW, 2012).

To try to minimise this issue, a very broad and manual approach was used to link the records where matches were not in the MLF, which included matching records with matching date of birth or names of the mother, facility of birth and date of birth of the baby or address recorded. While this does not resolve the issue of disagreement of information recorded in each collection, it increased the number of matches able to be made where the available information gave some indication that records may relate to an individual person.

#### A-1.2 Plurality

Another possible reason for missing registrations considered was the plurality of the birth, that is, was there some peculiarity particular to multiple births that caused an issue with the registration process?

Table A-1 shows the proportion of matches by plurality. While differentials existed overall, when restricted to live births, differentials were negligible, confirming the finding in section 4.2 that stillbirths were less likely to be registered. This shows that plurality is unlikely to cause an issue with the registration process.

**Table A-1 Plurality of births by match status to registrations, Queensland 2010/11-2011/12.**

	All births		Live births only	
	Matched	Unmatched	Matched	Unmatched
Singleton	97.3%	2.7%	97.4%	2.6%
Twin	97.3%	2.7%	97.4%	2.6%
Triplet	94.9%	5.1%	97.2%	2.8%
Quadruplet	75.0%	25.0%	100.0%	0.0%
Quintuplet	70.0%	30.0%	100.0%	0.0%

#### A-1.3 Late registrations

The extent of under-registration may be influenced by the timing of the analyses. Table A-2 shows the distribution of year of birth (recorded in PDC) versus the year of registration for records where

matches were found<sup>‡‡</sup>. Approximately 10% of births are not registered in the financial year in which the birth occurs, and late registrations may be received many years after a birth. This means that at any point in time, the number of un-registered births can only describe those that have not yet been received and processed by the Registrar-General's office at that point. This is likely to be more of an issue if linkage and analysis were to be done in real time and it is expected that late registrations would only have a minor impact for the period covered in this report.

**Table A-2: Distribution of birth year (based on PDC) and the registration year for those given birth in 2010/11-2011/12 and were registered.**

Birth year (PDC)	Registration year			
	2010/11	2011/12	2012/13	2013/14
2010/11	89.9%	9.3%	0.5%	0.3%
2011/12	0.0%	90.2%	9.5%	0.4%

## A-2 Registered births not found in PDC

121,623 records were extracted from the registration data for the period of interest. Of these, 344 records did not link to PDC. Of the 344 records that did not link to PDC:

- 3 of them were twin records which were indicated as a singleton birth in the PDC.
- 321 did not have any birth facility recorded. It was suspected that most of these births were home births, as there were only 4 records where birth facility was recorded with dedicated home births facility ID (00998) in the entire registration data set used for the linkage (n = 121,623).

Overall, there were 935 records with missing birth facility information. Home births should be included in the PDC. While the majority of them were found in the PDC, the recording of home births in birth registration data and the mechanism for reporting home births to the Department of Health may require further refinement so that all births are included in State and Commonwealth statistics and reports generated from the PDC.

<sup>‡‡</sup> If multiple birth registration records were matched to a PDC record, the record with the earliest date of registration was used

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## Appendix C: Hard copy application to register a birth in Queensland

Department of Justice and Attorney-General  
Registry of Births, Deaths and Marriages

### Register a birth application

#### Before submitting your application

- If you have given birth to more than one child—complete applications for each child (e.g. twins—2 applications)
- Mother and father/parent to sign the declaration section on page 3
- Get another adult to witness your signatures in the declaration section on page 3

#### Submitting your application

##### *By post*

Post your birth registration application form using the reply paid envelope in your birth registration pack. Or if you did not receive a birth registration pack, post your application to:

Registry of Births, Deaths and Marriages  
Reply Paid 15188  
CITY EAST QLD 4002

##### *In person*

Take your printed form to the Brisbane registry counter at Level 32, 180 Ann Street, Brisbane or nearest Queensland Magistrates Court, except the Brisbane Magistrates Court ([www.qld.gov.au/law/court/courts/courthouse-locations](http://www.qld.gov.au/law/court/courts/courthouse-locations))

or Queensland Government Agent Program (QGAP) office ([www.qld.gov.au/about/contact-government/contacts/government-service-offices](http://www.qld.gov.au/about/contact-government/contacts/government-service-offices)).

<b>Office use only</b>
Registration number
District

## Form 1 (Version 6) Birth registration application

Effective as of 18/02/2014

*Births, Deaths and Marriages Registrations Act 2003 (Section 9)*  
*Surrogacy Act 2010*  
*Relationships Act 2011*

Please read and complete the checklist attached before signing the declaration.  
Please print clearly and do not use correction fluid/tape.  
All information provided is to be as at the time of the child's birth.

1. Details of child	
First names	
Surname	
2. Birth details	
Date of birth	DD / MM / YYYY
Place of birth <small>(Hospital and locality or full address if born elsewhere)</small>	Office use only—Registration number
Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female Birth weight <small>in grams*</small>
If multiple birth, state order <small>(eg Twins would read 1 of 2 or 2 of 2)</small>	of
Was the child born alive?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, state gestation period in weeks
Person present at birth* <small>(Midwife, doctor, other person)</small>	
First names*	
Surname*	
Current residential address* <small>(Street, suburb)</small>	Postcode*
3. Mother's details	
First names	
Surname	
Maiden surname <small>(Surname at time of your birth)</small>	
Date of birth*	DD / MM / YYYY Age in years
Place of birth <small>(Town/city, state or if born overseas town/city, country)</small>	
Current residential address* <small>(Street, suburb)</small>	Postcode*
Usual occupation <small>(eg Lawyer, teacher, home duties)</small>	
Is the mother of Aboriginal or Torres Strait Islander origin* <input type="checkbox"/> Yes, Aboriginal origin <input type="checkbox"/> Yes, Torres Strait Islander origin <input type="checkbox"/> Both, Aboriginal and Torres Strait Islander origin <input type="checkbox"/> No	

4. Father's or parent's details			
<input type="checkbox"/> Father's details <input type="checkbox"/> Parent's details			
First names			
Surname			
Date of birth*	DD / MM / YYYY	Age in years	
Place of birth <i>(Town/city, state or if born overseas town/city, country)</i>			
Current residential address* <i>(Street, suburb)</i>		Postcode*	
Usual occupation <i>(eg Lawyer, teacher, home duties)</i>			
Is the father/parent of Aboriginal or Torres Strait Islander origin?*			
<input type="checkbox"/> Yes, Aboriginal origin <input type="checkbox"/> Yes, Torres Strait Islander origin <input type="checkbox"/> Both, Aboriginal and Torres Strait Islander origin <input type="checkbox"/> No			
5. Marriage or registered relationship details of child's parents <i>(As at time of child's birth)</i>			
Date of marriage or registration of relationship	DD / MM / YYYY	<input type="checkbox"/> Marriage <input type="checkbox"/> Registered relationship	
Place of marriage or place of registered relationship <i>(Town/city, state or if overseas town/city, country)</i>			
6. Previous children of this relationship			
<ul style="list-style-type: none"> <li>• Enter in order of birth with the eldest child first. Do not include a child born of the same pregnancy as the child being registered.</li> <li>• Include legally adopted children.</li> <li>• If deceased enter 'D' in the Date of birth column.</li> <li>• If not born alive enter 'SB' in the Date of birth column.</li> <li>• If no previous children of this relationship write 'None' in the first column.</li> <li>• Include children registered through court surrogacy parentage orders.</li> </ul>			
First names	Date of birth	First names	Date of birth
7. Declaration <i>(Must be completed by both parents. See attached guidelines for more information about this)</i>			
If the parents are separated or are in dispute over the name of the child, both are still required to sign the application as both have rights and responsibilities to the child, even if they are no longer in a relationship. The registry will make further enquiries if it is not satisfied with the information provided or the explanation as to why only one parent has applied. (Please print)			
I <i>(Mother's full name)</i>			
Of <i>(Mother's current residential address)</i>			
	Postcode	Telephone number	
and I <i>(Father's/parent's full name)</i>			
Of <i>(Father's/parent's current residential address)</i>			
	Postcode	Telephone number	
hereby apply to register our child's birth and certify that the information shown is correct for the purposes of being inserted in the Register of Births.			
Signature <i>of mother</i>		Signature <i>of father/parent</i>	
Signature <i>of witness</i>		Signature <i>of witness</i>	
Telephone number of witness		Telephone number of witness	
Any person who knowingly makes any false statement relating to any matter to be registered is liable to imprisonment of three years. (s501, Criminal Code)			

### Privacy statement

All items marked with an asterisk (\*) are for statistical, administrative and community planning purposes and will not appear in the Registers.

The collection of information on this form is authorised by the *Births, Deaths and Marriages Registration Act 2003*. It is used for the purposes of the Act which include registering births in Queensland and issuing birth certificates.

The information on this form may be provided to law enforcement agencies and to government and non-government agencies for verification of data. Access to this information or to a certificate may be granted to any person who has adequate reason to obtain it, or who meets the requirements of the access policy. To obtain details about the access policy and rights of access to this information contact the registry on **13 QGOV (13 74 68)**. For general information about the registry visit [www.qld.gov.au/bdm](http://www.qld.gov.au/bdm).

### Translations

#### اللغة العربية

إنه مطلب قانوني أن تقوم بتسجيل مولد طفلك. ويتحقق ذلك عن طريق قيام الوالدين بتعبئة طلب تسجيل المولود الموجود في هذه الكراسة وبإرساله إلى أمين سجل المواليد والوفيات والزيجات، على العنوان:  
PO Box 15188, City East, Qld 4002

إذا كنت في حاجة إلى مساعدة الترجمة الشفهية لتعبئة هذا الطلب، برجاء الاتصال بخدمة الترجمة الشفهية الهاتفية على الرقم 13 14 50 واطلب منهم الاتصال بالسجل على الرقم 1300 366 430.

#### 中文

您要依法注册孩子的出生，父母两人须填写本小册子中的“出生注册申请表”，然后寄到“出生、死亡和婚姻注册处 (Registry of Births, Deaths and Marriages)”，地址是：  
PO Box 15188, City East, Qld 4002

如果申请时需要口译员帮助，请拨打“电话口译服务”电话 13 14 50，请他们帮助拨打注册处电话 1300 366 430。  
INDONESIA

Merupakan ketentuan hukum untuk mendaftarkan kelahiran anak anda. Kedua orang tua harus mendaftarkan kelahiran anak dengan mengisi Aplikasi Pendaftaran Kelahiran di brosur ini dan kirim ke Panitera Kelahiran, Kematian dan Pernikahan, PO Box 15188, City East, Qld 4002

Jika anda membutuhkan bantuan penterjemah, silahkan hubungi layanan penterjemah telepon di 13 14 50 dan mint: mereka untuk hubungi Panitera di 1300 366 430.

#### ᐃᐅᐅ

Yen ee loj ye thiec tēnē yin rin ba kol dhieth menhdu gat piny. Wēēk kōc dhieth eben leu luji ke bak athor dhieth kēnē thioj yic ne brochure kēnē ku tooc tēnē makteb dhieth, thuᓃᓃ, ku thieek, PO Box 15188, City East, Qld 4002

Yi n awic ran ye kōc war thook rin bi yi kony kēnē athor kēnē, yin liem ba telepun yuob tēnē ran luji ye kōc war thook ne 13 14 50 ku thiec keek rin bik makteb miith ci dhieth gat piny yuob ne 1300 366 430.

### For more information

For more information or help with completing this application:

- telephone **13 QGOV (13 74 68)**, international callers **+61 7 3405 0985**
- email [bdm-mail@justice.qld.gov.au](mailto:bdm-mail@justice.qld.gov.au) (Applications and supporting documentation cannot be emailed) or visit [www.qld.gov.au/bdm](http://www.qld.gov.au/bdm)
- write to the Registry of Births, Deaths and Marriages  
PO Box 15188 CITY EAST QLD 4002
- visit the Registry of Births, Deaths and Marriages at  
Level 32, 180 Ann St, Brisbane, Queensland.

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Registry of Births, Deaths and Marriages

[www.qld.gov.au](http://www.qld.gov.au)

13 74 68 (13 QGOV)  
intl +61 7 3405 0985

BDM 08122016 | 4/4

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**Appendix D: The Registry of Births, Deaths and Marriages brochure provided to new parents**

Department of Justice and Attorney-General  
Registry of Births, Deaths and Marriages

## Register your baby's birth online

It is important to register your baby within 60 days of birth. Registration is free and it only takes about 20 minutes to do it online. Have your wallet or purse handy as you may need your ID.

To register your baby's birth and apply for a birth certificate, go to [www.qld.gov.au/bdm](http://www.qld.gov.au/bdm).



**Queensland  
Government**



**Birth certificates**

**It's free and easy to register the birth of your baby online.**

To make your life a bit easier, during the registration process you can also order and pay for a birth certificate at the same time.

A birth certificate is an important document that every Queenslanders needs. There are two types of certificates:

- » standard certificate—a recognised identity document
- » commemorative certificate—a decorative certificate which makes a lovely addition to a nursery or gift for a family member, but cannot be used for official purposes.

You can order a commemorative certificate package—which includes a standard birth certificate—when you do the online registration. Additional commemorative certificates can be ordered separately if you would like more than one.

Take a look at the back page of this brochure or visit [www.qld.gov.au/bdm](http://www.qld.gov.au/bdm) to see the full range of commemorative birth certificate designs.



## Why register your baby's birth?

Registration is the first official record of your baby's legal identity and the certificate unlocks a world of opportunities.

Your child needs a birth certificate to:

- » access health and other government services
- » enrol at a school
- » join a sporting team
- » get a tax file number
- » get a driver licence
- » get a passport.

Additionally, registration helps the government get Queensland ready for your child's future by ensuring infrastructure, health and education programs are provided to the areas where they are most needed.

A birth must be registered within 60 days.

**It's free and easy**

Go to [www.qld.gov.au/bdm](http://www.qld.gov.au/bdm) to do it online or find out how else you can register.





QUEENSLAND  
**OMBUDSMAN**

*Standing for fairness*