



THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: SW:vk:ElderLaw:569821

28 July 2011

Mr Laurie Glanfield  
Director General  
Department of Attorney General & Justice  
DX 1227 SYDNEY

Dear Mr Glanfield,

**The proposed Births, Deaths and Marriages Registration Regulation 2011**

I refer to your letter dated 29 June 2011 and received on 6 July 2011 requesting comments on the proposed *Births, Deaths and Marriages Registration Regulation 2011* (the "Regulation").

The Regulation and the Regulatory Impact Statement were considered by the Elder Law & Succession Committee ("Committee") of the Law Society of NSW. The Committee represents the Law Society of NSW and its members in the areas of elder and succession law as they relate to the legal needs of people in NSW. It is comprised of experienced and specialist practitioners drawn from the ranks of the Society's members who act for the various stakeholders in the areas of elder and succession law in this State.

The only issue of concern raised by the Committee is the proposed sub-clause 5(1)(f) which provides as follows:

**5 Registration of birth**

(1) *For the purposes of sections 14 and 17 of the Act, the following particulars are required:*

[..]

(f) *the full name, sex and date of birth of any other children (including deceased children) of either of the parents of the child*

The Committee notes that the inclusion of this sub-clause may result in the provision of information that is not reliable. Further, there could be privacy implications in requiring the production of the information sought in this sub-clause. The Committee's view is that the information provided under sub-clause 5(1)(f) should not appear in the birth certificate itself and should be sought only for the records of the Registry of Births, Deaths and Marriages, subject to the usual privacy protections.

The Committee thanks you for the opportunity to comment.

Yours sincerely,

  
Stuart Westgarth  
President

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