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15 OCT 2012

BY: _____

Submission No. 2

Dear Sir or Madam,

I am writing to seek help from the Victorian Legal Reform Commission in regard to my daughter's birth registration issues.

My wife and I have had a daughter in August 2012, her name is X. However, my wife asked for separation afterwards and refused to allow me to approach any legal documents of X from hospital including the birth statement from midwife. Besides, she is intentionally putting off the application of registration of X's birth certificate with RBDM in order to stop me from getting the birth certificate for no reason. I have liaised with RBDM for many times, their response was they can only send her a reminder letter if in the case of birth known to the registry that have not been registered within the prescribed time period of 60 days, according to the Births, Deaths and Marriages Act 1997. Basically, from my understanding, the mother could get away from the birth registration as long as she like.

I wondered if there is a legislation put in place to resolve this issue and could prevent this matter from happening again? For the sake of disadvantage community like the desperate father of the child for instance, in order to give them the same right as the mother dose so they wouldn't have to wait for quite a long time in order to obtain a birth certificate of their baby from the registry if the other party refuse to lodge the application. Baby has the right to know who their father is on their birth certificate.

(P.S. in my case, my wife has never denied I am the father of X.)

According to legislation in England and Wales, if after 42 days the birth has not been registered. the registrar may require qualified persons with information regarding the birth to come forward and register these with the registrar. I wondered if we do have similar legislation put in place in Australia to resolve this matter?

In the end, I will be much appreciated if the VLRC could help me on this issue please.

Thank you very much for your concern,

Yours sincerely,

Jason