
PO 02-5 Fee Waiver Policy

This policy defines the circumstances for granting fee waivers for certificates issued by the NSW Registry of Births Deaths & Marriages.

Essential Summary

This policy describes requirements to assess eligibility of applications for fee waivers.

- applications for fee waivers must be submitted in writing
- conditions for granting fee waivers, and
- requirement to return incorrect certificates to the Registry

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1 Scope

This policy applies to staff processing applications for certificate fee waivers at the NSW Registry of Births Deaths & Marriages.

2 Purpose

The purpose of this policy is to establish guidelines to assess applications for fee waivers for certificates issued by the NSW Registry of Births Deaths & Marriages.

The Registry has adopted a policy of pricing equity for all customers. This ensures that the same fees are paid by everyone and are based on cost recovery and financial objectives agreed by the Attorney General and the Treasurer. Fees charged by the Registry are set out in Regulations made under the *Births, Deaths and Marriages Registration Act 1995*. However, under section 55 of the Act, the Registrar may consider applications for fee waivers in specified circumstances and may waive fees on a case by case basis.

3 Definitions

Act means the *Births, Deaths and Marriages Registrations Act 1995*

Certificate means, as specified in section 49 of the Act, a document issued after a search of the Register

(a) certifying particulars contained in an entry, or

(b) certifying that no entry was located in the Register about the relevant registrable event.

Client means any person, group, company or agency that uses the products or services of the Registry

Register means the register containing particulars of each registrable event required under the Act or another law

Registrar means Registrar of Births, Deaths & Marriages

Registry means the NSW Registry of Births Deaths & Marriages

4 Application for Fee Waiver

Application for a fee waiver should generally be made in writing, explaining reasons for the request. Where this is not practicable, operational managers of the Registry may receive representations from customers and make a submission to the Registrar setting out the details of the application.

The Registrar will document the decision regarding any application for a fee waiver and give reasons for the decision. The Registrar may seek advice from senior officers of the Registry on any matter relating to the merits of an application for a waiver of fees.

5 Fee Waiver – Specified Circumstances

Circumstances for fee waivers may include, but not be limited to, the following:

5.1 Declared Natural Disasters

In the event of declared natural disasters, such as bushfires, flood or severe storm, the Registry will replace certificates required for personal identification such as birth, marriage or change of name certificates, which have been lost or destroyed in the disaster. Clients can apply for certificates as per the PO 06-1 Access to Information Policy which currently states the following people are entitled to have access:

- a person applying for their own certificate
- a person who has a letter of authority to apply for another person's certificate (with appropriate identification of both parties)
- parents who appear on the birth registration of a child
- a person with Power of Attorney over another person can apply for that person's certificate

5.2 Compassionate Grounds

The Registrar may waive fees on compassionate grounds (including requests related to acts of war).

5.3 Registry Service Breakdown

Where an individual has been adversely affected by an error or deficiency in the Registry service, the Registrar may waive fees for products and services.

5.4 Members of the Stolen Generations

Where the individual is a member of the Stolen Generations, the Registrar may waive the fees for certain applications.

In order for the Registry to ascertain the status of an applicant as being a member of the Stolen Generation, the Registry may seek confirmation from an appropriate ATSI authority (e.g. Link-Up or other Aboriginal organisation such as the Aboriginal Land Council).

5.5 Applicants Affected by Forced Adoptions

Where a person has been adversely affected by former forced adoption policies a fee waiver may be granted.

Forced adoption occurred when parents were forced to give up their children for adoption. Generally, forced adoptions occurred between the late 1950s and the mid 1970s.

5.6 Applications for Adoption Searches

Fees for searches for individuals who have the right to access records under sections 134-137 of the *Adoptions Act 2000* may be waived for the fourth and subsequent searches in any one application.

6 Fee Waiver – Case by Case

Circumstances for declining fee waivers may include, but not be limited to, the following but may be reviewed and/or granted by the Registrar. See also PO 02-5 Certificate Replacement Policy.

6.1 Persons Released from Correctional Facilities

Applications for fee waivers from persons to be released or recently released from corrective services facilities would not normally be accepted but may fall into one of the other listed categories.

6.2 Financial Hardship

Applications for fee waivers based solely on financial hardship/hardship provision would not normally be accepted. However, the Registrar may consider any additional circumstances relating to the applicant, including availability of alternative sources of relief and the reason for the application.

7 References

Adoptions Act 2000

Births, Deaths & Marriages Registration Act 1996

PO 02-5 Certificate Replacement Policy

PO 06-1 Access to Information Policy
(End)

8 Document information

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9 Document history

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2	03/12/2008	Reviewed (no changes)
3	20/10/2010	Revised
4	28/05/2013	Section 2.8 add and format changed
5	30/06/2014	Revised, new format
6	18/08/2014	Updated logo, added "acts of war"