

# PO 02-5 Fee Waiver Policy

## Summary

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

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

- Applications for fee waivers must be submitted in writing
- Conditions for granting fee waivers

## Document information

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## Document history

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4.0	28-May-2013	Section 2.8 added and format updated
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## 1 About this document

### 1.1 Purpose

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

This policy sets the guidelines to assess applications for fee waivers for certificates issued by the Registry, under section 55 of the *Births Deaths & Marriages Registration Act 1995*.

### 1.2 Scope

This policy applies to staff processing applications for certificate fee waivers at the Registry.

### 1.3 Related documents

Document name	Location
<i>PO 02-5 Certificate Replacement Policy</i>	<a href="http://www.bdm.nsw.gov.au">www.bdm.nsw.gov.au</a>
<i>PO 06-1 Access to Information Policy</i>	<a href="http://www.bdm.nsw.gov.au">www.bdm.nsw.gov.au</a>

### 1.4 Glossary of terms

Terms here are specific to this document.

Term	Description
<b>Act</b>	The <i>Births, Deaths and Marriages Registrations Act 1995</i>
<b>Certificate</b>	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.
<b>Client</b>	Any person, group, company or agency that uses the products or services of the Registry
<b>Register</b>	The register containing particulars of each registrable event required under the Act or another law
<b>Registrar</b>	Registrar of Births, Deaths & Marriages
<b>Registry</b>	The NSW Registry of Births Deaths & Marriages

## 2 Application for fee Waiver

Application for a fee waiver should be 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.

### **3 Processing time for a fee waiver**

The processing time for a fee waiver application is 15 working days.

## 4 Fee Waiver – Specified Circumstances

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

### 4.1 Compassionate Grounds

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

### 4.2 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.

### 4.3 Members of the Stolen Generations

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

### 4.4 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.

### 4.5 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.

## 5 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** on the Registry's website.

### 5.1 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.

### 5.2 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.

### 5.3 Vulnerable People

Vulnerable person means a person who is experiencing disadvantage and accesses a regulated activity or service related to the disadvantage. Following is a non-exhaustive and non-definitive list of situations where a person may be considered vulnerable:

- Current victims of domestic family violence
- The homeless or those at risk of becoming homeless
- Children under 18 years of age, not at school and not working
- Those suffering long term chronic debilitating illnesses
- People who suffered personal disasters, e.g. house fire resulting in total destruction of all personal property
- Unregistered persons in incarceration
- Victim of natural disaster. Client must be registered with a disaster recovery centre established at the time the disaster is declared.

The definition also recognises people's changing circumstances. People will not be considered vulnerable at all times.



## 6      **References**

*Adoptions Act 2000*

*Births, Deaths & Marriages Act 1995*

Access to Information Contained in the Register (Registry Policy)