

PO 02-5 Fee Waiver Policy

Summary

This policy defines the circumstances for granting fee waivers for products and services provided by the NSW Registry of Births Deaths & Marriages (the Registry).

This policy describes:

- How a request to waive a fee should be made
- Circumstances used to assess eligibility for granting fee waivers.

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Document information

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4.0	28-May-2013	Section 2.8 added, and format updated
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9.0	08-October-2021	Reviewed and updated
10.0	04-December-2022	Reviewed and updated content, Parts 4.6 and 4.10 added to policy

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1 About this document

1.1 Purpose

The purpose of this policy is to:

- Provide information to Registry customers on how to apply for a fee waiver
- Outline circumstances which may be considered for the approval of a fee waiver request

1.2 Scope

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

1.3 Related documents

Document name	Location
PO 02-5 Certificate Replacement Policy	https://www.nsw.gov.au/births-deaths-marriages/about-us#our-policies
PO 06-1 Access to Information Policy	https://www.nsw.gov.au/births-deaths-marriages/about-us#our-policies

1.4 Glossary of terms

Terms here are specific to this document.

Document name	Location
Act	<i>The Births, Deaths and Marriages Registrations Act 1995</i> .
Certificate	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.
Customer	Any person, group, company or agency that uses the products or services of the Registry.
Forced adoption	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.
Products and Services	Any registrable event or certificate issued from a registered event or search of the register
Register	The Register containing particulars of each registrable event required under the Act or another law.
Registrar	Registrar of Births, Deaths & Marriages.
Registry	The NSW Registry of Births Deaths & Marriages.
Vulnerable person	Vulnerable person means someone or a cohort of people who is/are experiencing a form of disadvantage at a particular time in their life, and is currently accessing a support service, government agency or non-government organisation relating to the disadvantage to address the root cause.

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2 Application for fee waiver and decision

An application for a fee waiver should be submitted in writing and explain the reasons for the request. A completed application form, relevant identity documents for the applicant and any third-party assisting the applicant, should also be included with the fee waiver request.

Where a submission in writing is not practicable, managers of the Registry may receive requests verbally from customers and submit the details on their behalf.

Further information may be requested from the customer to support the merits of the fee waiver application at the Registry's discretion during the assessment process.

The customer will be contacted by the Registry with a decision.

In instances where a request has been declined, the customer will be provided with the reason for the decision (in writing).

3 Processing time for a fee waiver

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

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4 Fee Waiver considerations

Fee waiver requests will be reviewed/and or granted by the Registry on a case-by-case basis.

Circumstances for a fee waiver to be considered may include but will not be limited to the circumstances specified

4.1 Compassionate Grounds

The Registrar may consider the waiving of fees on compassionate grounds, which include requests from those who are victims of:

- acts of terrorism or acts of war, which resulted in the destruction or loss of an identity document/s.
- Victim of natural disaster. Customer must be registered with a disaster recovery centre established at the time the disaster is declared and be within six months of the event occurring.

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 Generations, we may need to seek confirmation from an appropriate Aboriginal and Torres Strait Islander authority (e.g., Link-Up NSW, the NSW Aboriginal Lands Council or other relevant organisations).

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.

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.

4.6 Retrospective applications for Integrated Birth Certificates (IBC)

A person applying for an IBC retrospectively (i.e., for an adoption that occurred prior to 16 November 2020) will not be charged an additional fee if they have already obtained a post-adoptive birth certificate, however they will need to provide evidence of the previous issue.

The applicant will only be charged the cost for one certificate and the fee for the second certificate will be waived.

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4.7 Vulnerable People

The following is a non-exhaustive and non-definitive list of circumstances where someone may be considered vulnerable.

- Anyone who is currently a victim of, and/or directly impacted by Domestic Violence
- A person of any age who is sleeping rough, including those who are homeless due to circumstances beyond their control
- Children under 18 years of age, who are currently living in poverty or just above the poverty line
- Those suffering long term chronic debilitating illnesses
- People who suffered personal disasters, e.g., house fire resulting in total destruction of all personal property, within six months of the event occurring
- Unregistered persons in incarceration.

Please note that the:

- Registry may seek confirmation from an appropriate authority on a case-by-case basis
- Registry's definition of a person being vulnerable also recognises an individual's changing circumstances, considering that someone may not be considered vulnerable at all times.

4.8 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.

4.9 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.

4.10 Issue of certificates under section 51

Fees for the issue of a Certificate of Registration of Death to enable the disposal of human remains under Section 51 of the *Births, Deaths and Marriages Registration Act 1995* may be waived.

5 References

Adoptions Act 2000

Births, Deaths & Marriages Act 1995

Access to Information Contained in the Register (Registry Policy)

Certificate Replacement (Registry Policy)

(End)