



Justice

Registry of Births
Deaths & Marriages

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, and
- Requirement to return incorrect certificates to the Registry

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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>	www.bdm.nsw.gov.au
<i>PO 06-1 Access to Information Policy</i>	www.bdm.nsw.gov.au

1.4 Glossary of terms

Terms here are specific to this document.

Term	Description
<i>Act</i>	The <i>Births, Deaths and Marriages Registrations Act 1995</i>
<i>Certificate</i>	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.
<i>Client</i>	Any person, group, company or agency that uses the products or services of the Registry
<i>Register</i>	The register containing particulars of each registrable event required under the Act or another law
<i>Registrar</i>	Registrar of Births, Deaths & Marriages
<i>Registry</i>	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 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 must be registered with a disaster recovery centre established at the time the disaster is declared. Clients can apply for certificates as per the **PO 06-1 Access to Information Policy** published on the Registry's website or by phoning 13 77 88.

4.2 Compassionate Grounds

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

4.3 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.

4.4 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).

4.5 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.

4.6 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.

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.

6 **References**

Adoptions Act 2000

Births, Deaths & Marriages Act 1995

Access to Information Contained in the Register (Registry Policy)