

Fee waiver policy



Acknowledgement of Traditional Custodians



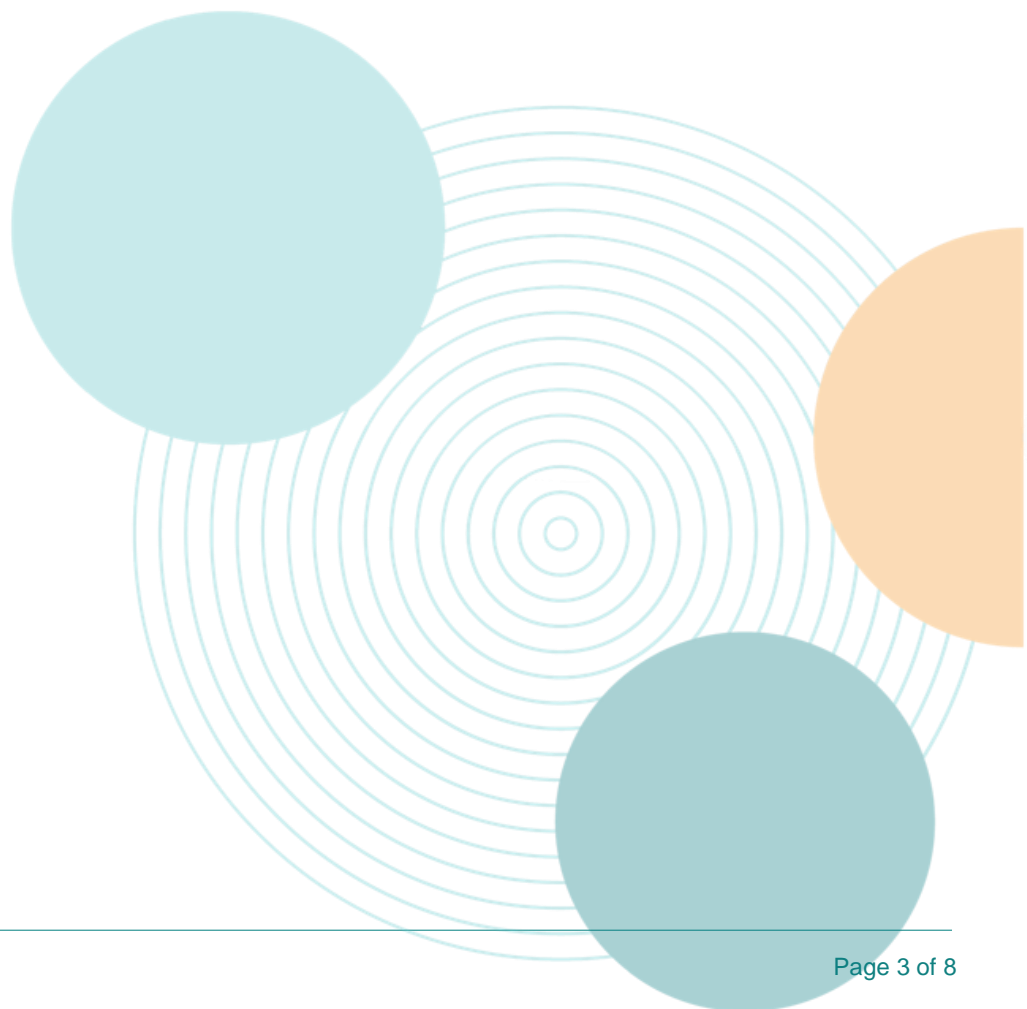
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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1.0 Purpose

This policy explains how the Registry of Births, Deaths and Marriages (RBDM) decides to waive a fee for a service or product, as well as how to apply for a fee waiver.

2.0 Introduction

RBDM keeps records of important life events in Queensland, such as births, marriages, civil partnerships, changes of name and deaths. We also issue certificates confirming details of those events.

Certificates produced by RBDM are legal evidence of life events and are often needed when engaging with government and private organisations. For many people, their birth certificate is the foundational personal identity document they will use throughout their lifetime to access services and prove their identity.

RBDM charges fees to cover the cost of operating and providing services to the community.

However, RBDM's application fees can sometimes create a barrier for persons experiencing financial hardship who need key identity documentation for themselves or their children, which can make it difficult for them to pursue employment or educational opportunities, or access other essential services within the community.

In these circumstances, RBDM provides life event certificates and other registration services free of charge, to ensure that vulnerable people experiencing financial hardship can obtain key identity documents they require to improve their situation.

3.0 Scope

This policy sets out the types of services and products that may be provided free of charge, and the circumstances where RBDM will consider waiving a fee.

In every case, the decision to waive a fee will be at the ultimate discretion of RBDM's Registrar.

A fee waiver should not be confused with a full or partial refund of fees arising because of a mismatch between what was requested and what was provided – see [RBDM's Refund Policy](#).

4.0 Legal framework

RBDM's functions and powers are set by the *Births, Deaths and Marriages Registration Act 2023* (BDMR Act) and Births, Deaths and Marriages Registration Regulation 2024 (BDMR Regulation).

The BDMR Regulation sets out the prescribed fees that must be paid when applying for RBDM services. It also empowers RBDM to waive a fee, partly or in full, on consideration of any of the following factors:

- whether the applicant is experiencing financial hardship
- whether the provision of the service or thing applied for would improve the applicant's circumstances
- whether, in the registrar's opinion, waiver of the fee is otherwise desirable in the circumstances.

4.1 Types of products or services

Fee waiver may apply

The standard and most common service RBDM will waive fees for is the production of a life event certificate. Persons often have an immediate need for a certificate to access an essential service or as part of another process.

Fee waivers may be considered for other RBDM applications and services, if the circumstances of the fee waiver meet the eligibility rules and principles in this policy.

Fee waiver may not apply

RBDM also charges fees for other products and services, such as:

- Conducting weddings
- Producing commemorative certificates to celebrate important life events, and
- Agency data services.

RBDM will generally not waive fees for these discretionary services and products, as doing so would not conform with the principles set out on this policy.

4.2 No-fee applications

Applications to register a birth, marriage and death in Queensland are always free of charge.

5.0 Fee waiver principles

Most people must pay the fee for an RBDM service or certificate, and most people will not require more than one or two copies of their legal identity documents in their lifetime. RBDM legal certificates serve a specific purpose in the community and are not required for many day-to-day transactions.

The guiding principle in considering a fee waiver, is whether it is essential to fulfil RBDM's service commitment to Accessible, Valuable, Responsive and Timely service.

This will usually arise when the application fee puts an individual at a specific and unacceptable disadvantage because of their immediate personal circumstances.

5.1 Eligibility criteria for fee waiver

1.	<p>Financial hardship</p> <p>Evidence of an inability to pay the fee.</p>
AND	
2.	<p>An immediate need</p> <ul style="list-style-type: none"> • Evidence that the certificate or other service is: <ol style="list-style-type: none"> a. needed right now, and b. essential to improve the individual's circumstances.

Example 1 – A child needs a birth certificate urgently for school enrolment, but the parent(s) are experiencing financial hardship and can't afford the certificate fee.

Example 2 – A person is forced to flee their home due to domestic violence, leaving behind their ID and other important documents. They need their birth certificate to get new ID documents to sign a new rental agreement, but can't afford the application fee.

Please see [Attachment 1](#) for examples of evidence that may be provided to demonstrate each of these criteria.

5.2 How to apply for a fee waiver

Requests for a fee waiver should be made in writing on the [fee waiver application form](#).

The fee waiver application form must include:

1.	<p>Details of the situation</p> <p>An explanation of the financial hardship situation and why the service is needed immediately.</p>
AND	
2.	<p>Supporting evidence</p> <p>Evidence support both financial hardship and immediate need must be attached (see Attachment 1 for details).</p>

The final decision on a fee waiver application will be documented with reasons for the decision.

6.0 Reviewing the decision of the Registrar

If you are not happy with a decision made by the Registrar, you have the right to seek a review of the decision. You can do so by applying to the Queensland Civil and Administrative Tribunal (QCAT) in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

7.0 Compatibility with human rights

RBDM is committed to upholding, safeguarding, and advancing human rights. Under the *Human Rights Act 2019*, RBDM is required to act and make decisions in a manner that aligns with human rights. When making a decision about an application for a fee waiver, decision-makers must give careful consideration to human rights and ensure compliance with this obligation.

8.0 Commencement and version

Commencement date:	24 June 2024
Version:	2.0
Approved:	Registrar-General

Attachment 1: Supporting evidence requirements

A fee waiver application must be supported with sufficient evidence of the circumstances to satisfy the Registrar that the request should be approved.

Criteria 1: Financial hardship

The application must include evidence that demonstrates why the person cannot pay the fee in the usual way. Please note that one document alone may not be sufficient evidence of financial hardship.

Some examples include:

1	Concession cards in applicant's name, such as current health care or pension cards
2	Proof of income such as bank statements, pay slips or Income Tax Assessment Notice
3	Loss of employment or income such as letter from previous employer, Employment Separation Certificate or Centrelink status
4	Inability to access funds such as: <ul style="list-style-type: none"> ○ A letter from a Domestic Violence support service, GP, counsellor or social worker verifying that a Domestic Violence situation prevents the person from accessing funds ○ A letter from a temporary or crisis accommodation provider verifying that the person is vulnerable and currently using their services

Criteria 2: Immediate need

The application must also include evidence that demonstrates the product or service requested will effectively address a current problem for the applicant.

For example:

1	A letter from a school outlining pre-enrolment requirements for the applicant's child, that includes: <ol style="list-style-type: none"> 1. a requirement to provide a birth certificate to the school, 2. that no exemptions are available, and 3. a due date that is set no more than 28 days from the date of application.
2	A written offer of accommodation, employment, medical treatment or other substantial service that includes: <ol style="list-style-type: none"> 1. a requirement to provide a birth certificate (or other RBDM document) as proof of identity, and 2. a due date that is set no more than 28 days from the date of application.