



Ms Nora O'Connor
Registrar
The Registry of Births, Deaths and Marriages Victoria
595 Collins St
MELBOURNE VIC 3000

21 September 2021

Dear Registrar

**REGULATORY IMPACT STATEMENT FOR BIRTHS, DEATHS AND MARRIAGES
REGISTRATION (FEES) AMENDMENT REGULATIONS 2021**

I would like to thank staff at the Registry of Births, Deaths and Marriages Victoria (BDM) for working with our team on the preparation of the Regulatory Impact Statement (RIS) for the Births, Deaths and Marriages Registration (Fees) Amendment Regulations 2021 (the proposed Regulations).

As you know, under section 10 of the *Subordinate Legislation Act 1994* (the SLA), the Commissioner for Better Regulation is required to provide independent advice on the adequacy of analysis provided in all RISs in Victoria. A RIS is deemed to be adequate when it contains analysis that is logical, draws on relevant evidence, is transparent about any assumptions made, and is appropriate to the proposal's expected effects. The RIS also needs to be clearly written, so it can be a suitable basis for public consultation.

I am pleased to advise that the final version of the RIS received by us on 16 September 2021 meets the adequacy requirements of the SLA.

Background

BDM and its antecedents have been recording significant life events for Victorians since 1853. A core function of BDM is to issue legal certificates for birth, death or marriages, in accordance with the *Births, Deaths and Marriages Registration Act 1996* (the Act).

The Births, Deaths and Marriages Registration (Fees) Regulations 2019 (current Regulations) prescribes the fees for services provided by BDM, including the issue of certificates.

As part of its Budget review processes, the Victorian Government has made a decision to increase the fees charged by BDM to issue certificates by 50 per cent, from 2.28 fee units (\$34.40 in 2021-22) to 3.42 fee units (\$51.40 in 2021-22), effective 1 March 2022.

Analysis

The RIS analyses the impacts of increasing the fees for legal certificates. BDM explains that it has only analysed this one option because:

- the decision was made by the Government as part of its Budget review process. A range of options are considered as part of this process; and
- any alternative options would be inconsistent with the Government's decision.

In the RIS, BDM explains the Government's decision and analyses the impact of the fee increase against the following five criteria:

- equity and access – the capacity of Victorians to pay for legal certificates and access services;
- cost recovery – the appropriate level of cost recovery given the cost of providing services;
- positive behaviour - encouraging greater care and protection of certificates to reduce the number of lost and stolen certificates and opportunities for misuse;
- competition and small business impacts; and
- simplicity of fee arrangements – how easy it is for users to understand arrangements and how easy it is for BDM to administer.

The RIS outlines that:

- equity will improve as, according to BDM, the fee increase will better reflect the value of services and impacts of access to services are expected to be minimal. BDM notes that current fees for legal certificates in Victoria are between 30 and 50 per cent lower than in other Australian jurisdictions
- cost recovery will increase. BDM's expenses currently exceed fee revenue (projected to be more than \$9 million in 2021-22). BDM estimates that fee increases will raise an additional \$3.5 million per year; and
- positive behaviour will improve as users will be encouraged to take greater care and protection of their certificates.

BDM also explains in the RIS that there will be no impact on competition and small business from these changes and there will be no impact on the simplicity of fee arrangements.

BDM notes that increased fees will more closely align with the Victorian Government's Pricing Principles through greater cost recovery, better capturing the value of services to users and improving the sustainability of BDM's services

Implementation and Evaluation

In the RIS, BDM explains that no implementation strategy is required. It will communicate the fee change through existing communications platforms and stakeholder relationships. BDM also commits to reviewing its Financial Hardship and Fee Waiver Policy and providing direct community outreach to ensure equity and access to services.

BDM explains that it will continue to collect transaction data and monitor the Regulations. The fees will be reviewed and assessed prior to sunseting in 2029.

Yours sincerely



Anna Cronin

Commissioner for Better Regulation