

Relationships (Fees) Regulations 2009

Regulatory Impact Statement September 2009



Proposed Relationships (Fees) Regulations 2009

Regulatory Impact Statement

This Regulatory Impact Statement (RIS) has been prepared to fulfill the requirements of the Subordinate Legislation Act 1994 and to facilitate public consultation on the proposed Relationships (Fees) Regulations 2009. The RIS attaches a copy of the proposed regulations.

The Registry of Births Deaths and Marriages (the Registry) invites public comments and submissions on the proposed Regulations, in response to information provided in this RIS. The Registry will not consider any parts of submissions that seek to revisit the decisions already announced by Government in relation to registration of domestic relationships or caring relationships.

Persons seeking to provide a submission must lodge this with the Registry by 4pm on Tuesday 20 October 2009. The Registry will treat all submissions as public documents.

Please send written submissions commenting on the proposed fees to:

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The Registry will not accept late submissions.

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Key Findings

The Relationships Act 2008 (the Act) commenced on 1 December 2008 and established a Relationships Register for the registration of domestic relationships in Victoria. The Registry of Births, Deaths and Marriages (the Registry) maintains this Register. On 10 February 2009, the Relationships Amendment (Caring Relationships) Act 2009 received assent and its provisions commence operation by 1 December 2009 to provide for the registration of caring relationships in Victoria.

The Government is proposing to make Regulations (the proposed Regulations) under the Act to prescribe fees for the administration of applications undertaken by the Registry to:

- Register a registrable domestic relationship
- Register a registrable caring relationship
- Revoke the registration of a registered relationship
- Add registrable information to the Relationships Register
- Issue a certificate following a search of the Relationships Register

Section 75 of the Act prescribes interim fees, which the Act expresses as a dollar amount rather than in fee units, in respect of these applications. The interim fees only apply until the making of the proposed Regulations.

The 'problem' addressed by the proposed Regulations is that the Registry will incur costs in administering these applications, which need to be recovered. The objective of the proposed Regulations is to prescribe fees that meet the costs of the efficient and effective administration of the Relationships Register.

This RIS tests three options for achieving this objective:

Option 1: Differentiated fee - the Registry would apply a fee, determined on a full cost recovery basis, for the registration of registrable domestic relationships and registrable caring relationships. In this scenario, the fees to register a registrable caring relationship would be \$192.20 and a registrable domestic relationship \$179.33. The fees in relation to the other applications to the Relationships Register are common to both domestic relationships and caring relationship and would be:

- revocation of a registered relationship \$61.79 (5.28 fee units);
- add registrable information to the Relationships Register \$61.34 (5.24 fee units);
- search the Relationships Register \$13.30 (1.14 fee units); and
- issue a certificate certifying the results of a search of the Relationships Register \$13.30 (1.14 fee units).

Option 2: Common fee – the Registry would charge a common fee for activities under the Relationship Register that were like other Registry products/services. For example, the Registry would charge \$60.60 to add registrable information to the Relationship Register, \$13.30 to search the Register and \$13.30 to issue a certificate from the Register. This is because the processes for undertaking these tasks are similar irrespective of the register under interrogation. The revocation of a registered relationship uses processes similar to those undertaken to alter other registers. Where the product/service is unique, such as the registration of registrable domestic relationships and registrable caring relationships, the fee under the proposed Regulations would be based on the likely proportion of applications the Registry will receive.

In this scenario, the fees to register a registrable relationship would be \$180 (15.4 fee units). The fees in relation to the other applications to the Relationships Register are common to both domestic relationships and caring relationship and would be:

- revocation of a registered relationship \$60.60 (5.18 fee units);
- add registrable information to the Relationships Register \$60.60 (5.18 fee units);
- search the Relationships Register \$13.30 (1.14 fee units); and
- issue a certificate certifying the results of a search of the Relationships Register \$13.30 (1.14 fee units).

Option 3: Aligned fee – the Registry would charge fees that match the application fees charged under the Tasmanian registration scheme. This scheme most closely approximates the type of service provided by the Registry in relation to the registration of registrable relationships. In this scenario, the fees to register a registrable relationship would be \$146.30 (12.51 fee units). The fees in relation to the other applications to the Relationships Register are common to both domestic relationships and caring relationship and would be:

- revocation of a registered relationship \$59.85 (5.12 fee units);
- add registrable information to the Relationships Register \$79.80 (6.83 fee units);
- search the Relationships Register and issue a certificate certifying the results of the search \$37.20 (3.18 fee units).

Option 2 is the preferred option as it scores highest overall when qualitatively assessed against assessment criteria of service quality, efficiency and simplicity and represents an improvement relative to the base case. The preferred option, which the proposed Regulations reflect, is a common fee for the range of activities undertaken in respect of registrable domestic and registrable caring relationships. These fees are registration \$180 (15.4 fee units); revocation of a registered relationship \$60.60 (5.18 fee units); add registrable information to the Relationships Register \$60.60 (5.18 fee units); search the Relationships Register \$13.30 (1.14 fee units) and issue a certificate certifying the results of a search of the Relationships Register \$13.30 (1.14 fee units).

The following table outlines the current interim fees, the fees under the proposed Regulations and the difference between the two fees.

Proposed reg. no	Product/service	Interim fee	Proposed fee	% change
5	Registration – domestic relationship	\$180 ¹	\$180	0
5	Registration – caring relationship	\$180 ²	\$180	0
6	Revoke registration of a registered relationship	\$58.80	\$60.60	+3%
7	Add registrable information to the Register	\$58.80	\$60.60	+3%
8	Search Register	\$12.90	\$13.30	+3%
9	Issue certificate	\$12.90	\$13.30	+3%

The Registry estimates the total number of applications for registrations, revocations and addition of registrable information in a ten-year period will be 6296, which in net present value terms equates to a cost of \$886,843.23.

¹ As defined in s75 of the Relationships Registration Act 2008

² As defined in s36 of the Relationships Amendment (Caring Relationships) Act 2009

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1 INTRODUCTION

1.1 Policy Context

The *Relationships Act 2008* (the Act) commenced on 1 December 2008 and established a Relationships Register for the registration of domestic relationships in Victoria. The Registry of Births, Deaths and Marriages (the Registry) maintains this Register. On 10 February 2009, the *Relationships Amendment (Caring Relationships) Act 2009* received assent and its provisions commence operation by 1 December 2009 to provide for the registration of caring relationships in Victoria.

A registrable domestic relationship means a relationship, other than a registered relationship, between two adults who are not married to each other but are a couple, where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other. A couple does not necessarily have to be living together to be in a registrable domestic relationship.

A registrable caring relationship means a relationship, other than a registered relationship, between two adults who are not a couple or married to each other and who may or may not otherwise be related by family, where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other. The two adults do not necessarily have to be living under the same roof.

Neither a registrable domestic relationship nor a registrable caring relationship includes a relationship in which a person simply provides domestic support and personal care to the other person for fee or reward, such as on a commercial or for profit basis.

The purpose of the registration scheme, for both domestic and caring relationships, is to allow people to register their primary relationship, which will be recognised as such for the purposes of Victorian law, and will attract the relevant rights and obligations. A person cannot be in a registered domestic relationship and a registered caring relationship at the same time or in more than one registered relationship of the same type at the same time.

The same registration requirements apply to domestic and caring relationships. That is, the two people who are in a registrable relationship may apply to the Registrar of Births, Deaths and Marriages (the Registry) for registration of the relationship. They must live in Victoria and cannot be married or in a relationship currently registered in Victoria, or in another relationship that could be registered in Victoria. However, partners applying to register a caring relationship will be required to receive independent legal advice about the consequences of registration before being able to register. This is important given that partners in a caring relationship may be less likely than domestic partners to expect legal consequences to attach to their relationship. An application to register a caring relationship must therefore be accompanied by a legal practitioner's certificate to demonstrate that this legal advice has been received.

While Victorian law recognises partners in domestic relationships even where the relationship is not registered, the Relationships Amendment (Caring Relationships) Act provides that only people who have registered their caring relationship will be able to access rights and obligations under Victorian law. This will provide certainty about

who Victorian law applies to and ensure that only people who intend to have their caring relationship legally recognised as their primary relationship are captured.

On commencement of the Relationships Amendment (Caring Relationships) Act, partners in registered caring relationships will generally be treated in the same way as partners in registered domestic relationships, with exceptions in appropriate circumstances. Registration will provide conclusive proof of the relationship and make it easier for the partners in the relationship to access their rights under Victorian law, such as demonstrating that they are the senior available next of kin for making health decisions or the person entitled to the residuary estate where their partner dies intestate. However, not all legislation will be extended to registered caring partners, including legislation providing for:

- entitlements to reversionary pensions
- entitlements to compensation on the death of a partner
- other taxation, concessions and financial duties and benefits.

1.2 Other Jurisdictions

Australian Capital Territory

The Australian Capital Territory allows for the registration of civil partnerships under the *Civil Partnerships Act 2008*. However, this scheme does not extend to registration of caring relationships.

Tasmania

The *Relationships Act 2003* commenced in Tasmania on 1 January 2004 and provides for the registration of significant relationships (equivalent to Victoria's domestic relationship) and caring relationships. To date, the Tasmanian Registry of Births Deaths and Marriages has registered one caring relationship and 127 significant relationships (99 same-sex couples and 28 opposite-sex couples).

A point of difference between the Tasmanian and Victorian legislation is that Tasmanian applicants submit a deed of relationship to be registered. (The deed is similar to the Victorian application form.) The Tasmanian Registry does not apply the same range of cross checks of documents and records in registering these relationships as is undertaken in Victoria.

Table 1 summarises the current fees provided for in the Relationships Regulations 2003 in Tasmania.

Table 1

Product/Service	2009/10 Fee Units ³	2009/10 Fee \$s
Application to register a deed of relationship	110	\$146.30
Application for the revocation of a deed of relationship	45	\$59.85
Application to add registrable information to the Register	30	\$39.90
Search the Register for a period not exceeding 5 years (includes issue of certificate)	28	\$37.20
Search the Register for each additional 5-year period or part there of (includes issue of certificate)	10	\$13.30
Search the Register and issue a certified copy of an entry or document not otherwise provided for	28	\$37.20
Priority fee for processing a search of the Register	20	\$26.60
Application to amend information in the Register not otherwise provided for	30	\$39.90

City of Melbourne

The City of Melbourne maintains a Relationship Declaration Register, which records the declaration of two people that they are domestic partners. One of the partners must have a permanent residential address in Victoria. This requirement distinguishes the Relationship Declaration Register from the Victorian Relationships Register, where both applicants must be domiciled or ordinarily reside in Victoria.

Since its inception in April 2007, the City of Melbourne has recorded 164 relationship declarations. The City of Melbourne reports that while some applicants choose to record this declaration for symbolic reasons, the majority of applicants use the certificate of declaration as proof of the relationship for permanent residency applications.

Applicants submit their application to the Council in person, with one form of proof of identity for each person. (In exceptional circumstances, the Council will accept posted applications accompanied by a statutory declaration, which an authorised witness has signed.) The Council interviews applicants and refers them to the Registry where a legally recognised certificate of relationship is required.⁴

Comparison of approaches

Tasmania is the only Australian jurisdiction with a scheme comparable to the Victorian Relationships Register.

A number of procedures distinguish the operation of the Victorian Relationship Register from the operation of the City of Melbourne Relationship Declaration Register and the Tasmanian registration scheme. The Registry validates records across Australian jurisdictions and checks and updates other Victorian Registry registers (for example the Marriages Register and Deaths Register) on receipt of new information. Information is released in line with the Registry's access policy, which describes who and under what circumstances information may be released and requires the provision of three forms of documentation that verifies a person's identity. Where the applicant

³ In accordance with the Fee Units Act 1997 (Tas) as at 15 February 2009 the fixed value of a fee unit for the 2009-2010 financial year is \$1.33.

⁴ The City of Melbourne Relationship Declaration application fee (at September 2009) is \$50.

provides copies of documentation, a member of the police force must certify these as true copies.

These processes are consistent with the requirements of the Relationships Act and established Registry processes for the inclusion and release of information from its registers. The rigorous approach to the collection and recording of all information the Registry holds assures applicants of the privacy and security of their personal information as well as emphasising the significance of the registration decision.

1.3 The Regulatory Proposal

The Government is proposing to make Regulations (the proposed Regulations) under the Act to prescribe fees for the administration of applications undertaken by the Registry to:

- Register a registrable domestic relationship
- Revoke the registration of a registered relationship
- Add registrable information to the Register
- Issue a certificate following a search of the Relationships Register.

Currently in respect of these applications, section 75 of the Act prescribes interim fees, which the Act expresses as a dollar amount rather than in fee units. The interim fees only apply until the making of the proposed Regulations.

With the commencement of the Relationships Amendment (Caring Relationships) Act, persons in a registrable caring relationship will be able to apply to register this relationship. The Relationships Amendment (Caring Relationships) Act also provides an interim fee (in dollar amounts) for such an application, which is the same as the registration of a domestic relationship.

In accordance with the Monetary Units Act 2004, the proposed Regulations express the fees and charges in fee units.

The fees are payable per application (not per party to the application).

Table 2 summarises the current and proposed fees for inclusion in the proposed Regulations.

Table 2

Product/Service	2008/09 fee	2009/10 fee	Proposed regulation no	Proposed Fee	
				2009/10 Fee Units ⁵	2009/10 Fee \$s
Application to register a registrable domestic relationship	\$180.00 (s7(c) of the Act)	\$180.00	5	15.40	\$180.00
Application to register a registrable caring relationship	N/A	\$180.00 (s7(c))	5	15.40	\$180.00
Application to revoke the registration of a registered relationship	\$58.80 (s12(3)(b))	\$58.80	6	5.18	\$60.60
Application to add registrable information to the Register	\$58.80 (s19(5))	\$58.80	7	5.18	\$60.60
Search the Register	\$12.90 (s21(2)(b))	\$12.90	8	1.14	\$13.30
Issue a certificate following a search of the Register	\$12.90 (s21(2)(b))	\$12.90	9	1.14	\$13.30

The Relationships Act gives the Registrar the discretion, in appropriate cases, to remit whole or part of the fee. This requires consideration of the particular circumstances of each application and persons seeking the discount should attach a letter to their application that explains the request.

In addition to prescribed services, applicants have the option to request a commemorative certificate, which the Registrar is empowered to provide under section 51 of the *Birth Deaths and Marriages Registration Act 1996*. There is no prescribed fee for a commemorative certificate and the Registry will continue to offer this as an additional optional service for applicants to the Relationships Register.

1.4 Costs of the Proposed Fees

The Department of Treasury and Finance Cost Recovery Guidelines provide that, “general government policy is that regulatory fees and user charges should be set on a full cost recovery basis because it ensures that both efficiency and equity objectives

⁵ In accordance with the Monetary Units Act 2004, the fixed value of a fee unit for the 2009-2010 financial year is \$11.69.

are met. Full cost represents the value of all the resources used or consumed in the provision of an output or activity.”⁶

The Guidelines further state that, “full cost recovery promotes the efficient allocation of resources by sending the appropriate price signals about the value of all the resources being used in the provision of government goods, services and/or regulatory activity [and] from a horizontal equity point of view, full cost recovery ensures that those that have benefited from government-provided goods and services, or those that give rise to the need for government regulation, pay the associated cost. Those parties that do not benefit or take part in a regulated activity do not have to bear the costs.”⁷

The proposal is consistent with these criteria.

- The principal beneficiaries of Registry certificates and registration of relationships are the direct users.
- Charging is technically feasible because the Registry already controls the activity through its monopoly on officially supplied documentation.

The fee system is cost-effective in providing the revenue necessary to undertake the tasks assigned.

1.5 The Role of the RIS

Section 10 of the Subordinate Legislation Act 1994 requires that a Regulatory Impact Statement (RIS) be prepared in respect of a proposed statutory rule or amendment. Exemptions to this requirement may be sought if it can be shown that the proposed rule is not likely to impose ‘an appreciable economic or social burden on a sector of the public’.

The Registry considers that the fees prescribed by the proposed Regulations constitute an appreciable economic burden on those persons intending to register their domestic or caring relationship and therefore this RIS has been prepared.

The process followed in the development of this RIS has been determined after discussions with the Victorian Competition and Efficiency Commission and reflects the requirements of the Victorian Guide to Regulation.

1.6 Report Outline

The remainder of this report is set out as follows:

- *Chapter 2* describes the nature and extent of the ‘problem’
- *Chapter 3* outlines the Government’s desired objectives and options to achieve these objectives
- *Chapter 4* assesses the options and describes the preferred approach
- *Chapter 5* considers small business and competition impacts
- *Chapter 6* describes the proposed consultation approach
- *Chapter 7* summarises the conclusions of the RIS and outlines the implementation and evaluation of the proposed Regulations
- *Appendices* set out cost estimates, bibliography and the proposed Regulations.

⁶ Department of Treasury and Finance (2007) p.6.

⁷ Op cit 6

2 NATURE AND EXTENT OF THE PROBLEM

In accordance with Government guidelines⁸, a RIS is required to identify and describe the problems the proposed Regulations address. The 'problem' in this case is that the Registry will incur costs in registering domestic and caring relationships, maintaining an up-to-date Relationships Register (through adding or cancelling an entry in the Register or by adding, altering or deleting particulars contained in an entry) and issuing certificates for registered relationships.

The Registry commenced operating the Relationships Register on 1 December 2008. On 1 December 2009, provisions arising from the Relationships Amendment (Caring Relationships) Act will take effect, which will also provide for the registration of caring relationships onto the Relationships Register⁹.

A registrable domestic relationship and a registrable caring relationship share the common features that the two persons in the relationship are both adults, who may or may not be living together, where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other. (This does not include the provision of domestic support and personal care to the other person for fee or reward, such as on a commercial or for profit basis.) However, in a domestic relationship the two adults are a couple, while in a caring relationship the two adults are not a couple and may or may not be related by family.

The registration of a registrable relationship is a unique registration activity for the Registry. Unlike other registration activities, the applicants elect to register a registrable relationship and provide all of the prescribed information to do so. The Act requires the two applicants to each provide:

- A statutory declaration verifying that each consents to the registration and is not married or in a registered relationship and is not in another relationship that could be registered under the Act
- Evidence of their identity and age
- In the case of an application to register a caring relationship, a certificate from a legal practitioner that states that the legal practitioner provided legal advice to the applicant independently of the other party.

The Act prescribes a fee to register the registrable relationship and additional fees to search the Register and issue a certificate following this search. While many applicants choose to purchase a certificate at the time of registration, the Registry must be able to respond to future applications to search the Register and re-issue a relationship registration certificate as is required¹⁰.

A number of processes occur when the Registry receives an application to register a registrable relationship. The Registrations Officer checks the Marriage Register to ensure the applicants are not married, the Deaths Register to confirm neither of the applicants is deceased and the Relationships Register to ensure that neither applicant is in a registered relationship. (Similarly, the Registry checks the Relationships Register when it receives a booking for a Registry-provided marriage service to advise applicants about the revocation of the registered domestic relationship following the marriage.) The Registrations Officer takes an image of the application form and

⁸ State Government of Victoria, 2007.

⁹ Section 2(2) *Relationships Amendment (Caring Relationships) Act 2009*.

¹⁰ Please refer to Appendix A, Table A.7, for more information about the search and issuance fees. Anecdotal Registry information suggests that many people request re-issuance of certificates every five to seven years.

attaches this image to the electronic record, checks the application for compliance and follows up with the applicant(s), as necessary. The Registrations Team Leader reviews non-compliant applications, verifies the applicants' proof of identity documents with issuing agencies, and reviews the report of exact and possible matches generated from the register searches. The Manager Legal and Policy reviews applications and provides advice and referrals for further investigation if appropriate.

A statutory 28-day period must elapse from the date of receipt of the application for registration (or following the provision of additional information) before the relationship may be registered. At this time, the Registry Officer re-checks the registers for any relevant record entry and registers the relationship, if appropriate. The Registry Officer processes the application fee, prints a 'white copy'¹¹ and if requested by the applicant, a commemorative certificate. The Registration Team Leader quality assures the certificate(s) and authorises the production of the certified copy.

The Registry also monitors service standards to ensure that it meets statutory timelines in each application and applicants are satisfied with the provision of service. The Registration Officer must complete additional administrative tasks if an investigation commences, or the applicant withdraws the application and the Registry refunds the fee.

The Registry will follow the same processes for registration, revocation and issuance of certificates in relation to registrable caring relationships as is undertaken in relation to registrable domestic relationships, with the addition of the procedure to validate that each party in the caring relationship has provided evidence of independent legal advice about the consequences of registration.

A key factor that affects the cost of registering relationships is the compliance of the application. The Registry estimates that 65 per cent of all applications to register a relationship are compliant at the time the Registry receives the application, 34 per cent are initially non-compliant but are later completed and 1 per cent is non-compliant and withdrawn¹².

Applications may be non-compliant for a number of reasons including:

- The couple are not in a registrable relationship (for example, one person is married or the parties do not reside in Victoria)
- Insufficient proof of identity is supplied with the application
- Application forms are not fully completed (for example, only one party signs the form)
- Application details differ to that noted on the proof of identity documents (for example, names the applicant has used on the application differ to that on proof of identity)

Non-compliant applications require a greater amount of work by Registry staff to process.

Appendix A, tables A.2, A.3, A.5 and A.6, sets out the roles of Registry staff in processing applications to register a relationship, revoke a relationship and add registrable information to the Register. The tables also show how the time involved differs for compliant and non-compliant applications. As part of its ongoing business

¹¹ A white copy is an uncertified document, which has no official purpose. In this instance, the Registry produces an uncertified copy for quality assurance processes prior to the generation of the Relationship Registration Certificate on security paper.

¹² These estimates are based on the Registry's experience of processing applications to register domestic relationships to date and the compliance rate of other more complicated applications, such as change of name.

improvement activity, the Registry will continue to develop forms and processes in order to reduce the receipt of non-compliant applications.

2.1 Demand for Relationship Registration

The Registry has based the estimate for the annual number of applications for registration of domestic relationships and caring relationships by extrapolating the number of applications to register a domestic relationship received in the period 1 December 2008 to 1 June 2009. Accordingly, the Registry expects to receive 330 applications¹³ in 2009-2010, which equates to 1.4 applications per workday and will cost the Registry \$55,818 to administer. The Registry assumes a gradual increase in the growth of applications over a ten-year period as more people become aware of the Relationships Register and estimates that by 2018 it will be receiving 4.4 applications per workday. The Registry estimates the total number of applications for registrations, revocations and additions of registrable information to the Relationships Register in a ten-year period will be 6296, which in net present value terms equates to a cost of \$886,843.23¹⁴.

The estimated number of applications identified in the RIS is significantly lower than the Registry initially expected based on research¹⁵ and stakeholder feedback prior to development of the Act. The Registry had assumed that it would receive up to 4000 applications in the first year of operation of the Act, which equates to 17 applications per day, and a total of 9,000 applications over a ten-year period. The revised estimate of 4.4 applications per workday in 2018 is therefore modest in comparison to the initial assessment of potential demand.

There is no information about the likely number of caring relationships that exist in Victoria or the proportion of couples who would seek to register this type of relationship. However, based on the Tasmanian experience and stakeholder feedback the Registry expects this number will be low.

The number of applications is much lower than estimated and it has been suggested that the federal government's implementation of a range of reforms pertaining to same sex couples may have caused these couples to defer the decision to register their domestic relationship, pending the outcome of the reforms. Others have postulated that domestic relationship registration will increase once the *Assisted Reproductive Treatment Act 2008* commences and same-sex couples seek to register their relationship before applying for recognition as parents on their children's birth certificates. Another reason for low take up may be the barrier presented by the cost of registration.

As the Registry has developed its cost of service on a 'per application' basis, the fee reflects the time and resource cost for each application. Under these conditions, the proposed Regulations are unlikely to over-recover or under-recover costs, even if the assumptions about the future demand for registration of domestic relationships and caring relationships are incorrect.

¹³ The Registry received 135 registration applications in the first six months of the operation of the relationship Register but no applications to revoke a registered relationship or to add registrable information to the Register. The Registry assumes that each of the latter applications will comprise not more than five per cent of the number of registration applications, based on the proportion of revocation applications received by the Tasmanian Registry and Victorian Registry corrections data. The Registry does not anticipate that the numbers of registrations of caring relationships will be large based on the Tasmanian experience, which has seen the registration of one caring relationship since the commencement of that registration scheme.

¹⁴ Refer to Appendix A, table A.1.

¹⁵ McNair & Thomascos, 2007.

3 OPTIONS TO ACHIEVE THE OBJECTIVES

The ultimate objective of the proposed Regulations is to prescribe fees that meet the costs of the efficient and effective administration of the Relationships Register.

The RIS is required to identify practicable alternatives to the proposed Regulations and their relative costs and benefits compared to the base case. The term 'base case' relates to the situation that would continue to exist in the absence of the proposed fee regulations. In this case, the interim fees defined in the Act would continue to apply for domestic relationships and would commence in relation to the registration of registrable caring relationships on 1 December 2009. However, the annually indexed portion of the costs to administer applications would not be recovered (as the interim fees are expressed as a dollar amount rather than in fee units), thus shifting a portion of the costs to administer these applications to consolidated revenue, funded by taxpayers. The Registry estimates this cost displacement at approximately \$126,798 over ten years in 2009-2010 present value dollars.¹⁶

The base case is not a practicable alternative, as section 75 of the Act clearly identifies the interim fees as applying until regulations are made prescribing fees for the purposes of the Act. Further, it is not appropriate to continue to charge a flat fee as this contradicts the Victorian Government's policy of automatic indexation that has applied since 2003-04. This policy requires all Victorian Government fees and fines over the value of one unit, and payable to the Public Account, to be automatically indexed unless they are exempt. Fees and fines not subject to the automatic indexation policy include:

- Those not payable to the Public Account;
- Those subject to external price determination regimes (e.g. cemetery trusts);
- Those set by privatised entities or corporatised entities;
- Those subject to national agreements;
- Those set by self-funding statutory authorities; and
- Those less than one fee unit or penalty unit.¹⁷

Fees payable under the proposed Regulations do not meet these criteria and it would be inappropriate for the Registry to seek an exemption from the Treasurer for policy or administrative reasons.

The Registry has used the base case for comparison purposes in the assessment of costs and benefits of three options, which will achieve the objectives of the proposed Regulations. For all options, the applicant to the Relationships Register would pay the fee.

Option 1: Differentiated fee

Under this option, the Registry would apply a fee, determined on a full cost recovery basis, for the registration of registrable domestic relationships and registrable caring relationships. The requirement for each person in the caring relationship to obtain independent legal advice and submit a legal practitioner's certificate imposes the additional activity on the Registry to check the veracity of these certificates. Table 3¹⁸ details the fees payable under this option:

¹⁶ Appendix A table A.1 provides the relevant calculations.

¹⁷ Department of Treasury and Finance 2007, p38.

¹⁸ Refer to Appendix A, tables A.2, A.3, A.4 and A.5 for detailed calculations.

Table 3 Differentiated fee option

Product/service	Full cost recovery fee	
	Caring Relationship	Domestic Relationship
Register a registrable relationship	\$192.20	\$179.33
Revoke the registration of a registered relationship	\$61.79	\$61.79
Add registrable information to the Register	\$61.34	\$61.34
Search Register	\$13.30	\$13.30
Issue certificate	\$13.30	\$13.30

Appendix A provides more detail about the tasks associated with option 1 and the resulting cost estimates.

Option 2: Common fee

Under option 2, the Registry would charge a common fee for activities under the Relationship Register that were like other Registry products/services. For example, the Registry would charge \$60.60 for all additions of registrable information to the Relationship Register, \$13.30 to search the Register and \$13.30 to issue a certificate from the Register. This is because the processes for undertaking these tasks are similar irrespective of the register under interrogation. The revocation of a registered relationship uses processes similar to those undertaken to alter the Register.

Where the product/service is unique, such as the registration of registrable domestic relationships and registrable caring relationships, the fee under the proposed Regulations would be based on the likely proportion of these applications to the Registry¹⁹.

Table 4 details the fees payable under this option.

Table 4 Comparison of current fees to proposed fee

Product/service	Fee for comparable Victorian Registry product/service	Common fee under proposed Regulations
Register a registrable relationship	N/A	\$180.00
Revoke the registration of a registered relationship	\$60.60	\$60.60
Add registrable information to the Register	\$60.60	\$60.60
Search Register	\$13.30	\$13.30
Issue certificate	\$13.30	\$13.30

¹⁹ The Registry estimates that it will rarely receive application for registration of a caring relationship. Appendix A table A.4 illustrates the weighted cost per application which has been rounded up to \$180.00.

In order to achieve the consistency in the fees as outlined in Table 4, the Registry will have to make minor adjustments to the fully cost-recovered fees as detailed in Table 5.

Table 5 Comparison of cost recovery fee to common fee

Product/service	Cost recovery fee for caring relationships	Proposed common fee	Difference	Cost recovery fee for domestic relationships	Proposed common fee	Difference
	(A)	(B)	(A) – (B)	(D)	(E)	(D) – (E)
Register a registrable relationship	\$192.20	\$180.00	+\$12.20	\$179.33	\$180.00	-\$0.67
Revoke the registration of a registered relationship	\$61.79	\$60.60	+\$1.19	\$61.79	\$60.60	+\$1.19
Add registrable information to the register	\$61.34	\$60.60	+\$0.74	\$61.34	\$60.60	+\$0.74
Search Register	\$13.30	\$13.30	\$0.00	\$13.30	\$13.30	\$0.00
Issue certificate	\$13.30	\$13.30	\$0.00	\$13.30	\$13.30	\$0.00

If the weighted average cost to register a registrable relationship (\$179.46) is used as the common fee²⁰ for both caring relationships and domestic relationships, the difference between the weighted average cost and the proposed common fee is +\$0.54.

Option 3: Aligned fees

Under this option, the Registry would charge fees that match the application fees under the Tasmanian registration scheme. (This scheme most closely approximates the type of service provided by the Registry in relation to the registration of registrable relationships. Differences between the two Registry's processes are the Victorian processes for satisfying provide proof of identity requirements and checking other Registry registers prior to and after serving the 28-day statutory period to ensure eligibility of applicants to register relationships.) In practice, implementing this option would result in a reduction in service quality, in particular compromising the integrity of the records maintained by the Registry. This would further distance the registration of relationships from the standards applied to all other Registry services.

Table 6 details the fees payable under this option:

²⁰ Refer to Appendix A Table A.4

Table 6 Aligned fee option

Product/service	Fee under Tasmania legislation	
	Caring Relationship	Significant (Domestic) Relationship
Register a registrable relationship	\$146.30	\$146.30
Revoke the registration of a registered relationship	\$59.85	\$59.85
Add registrable information to the Register	\$79.80	\$79.80
Search Register and issue certificate	\$37.20	\$37.20
Search Register and issue certified copy of an entry or document not otherwise provided for	\$37.20	\$37.20

3.1 Criteria to Assess Options

The RIS uses the following criteria to assess the options:

- Service quality – an appropriate level of funding to ensure rigorous processes with high standards of checking applications to protect the integrity of records maintained by the Registry and to ensure applications are administered within the authorising legislation.
- Efficiency – recover costs as directly as possible from users of services to encourage demand for services to reflect the costs of service provision.
- Simplicity – reduce the transaction costs associated with the fees by making the fee levels simple for the Registry to administer and for customers to understand.

In terms of weightings, the Registry considers service quality as particularly important and allocates a weighting of 50 per cent. This reflects the Registry’s commitment to ensuring the maintenance of personal records with the highest degree of accuracy and privacy. The efficiency and simplicity criteria are equally important with a Registry allocated weighting of 25 per cent each. This RIS assesses the extent to which each option presents an advantage or disadvantage compared to the base case using a scale of -3 to +3.

4 ASSESSMENT OF THE OPTIONS

Table 7 provides a summary of the assessment of the options.

Table 7 Qualitative comparison of options

Criteria	Weighting (per cent)	1. Differentiated fee		2. Common fee		3. Aligned fee	
		Score	Weighted score	Score	Weighted score	Score	Weighted score
Service quality	50	0.00	0.00	0.00	0.00	-2.00	-1.00
Efficiency	25	3.00	0.75	2.00	0.50	2.00	0.50
Simplicity	25	-2.00	-0.50	2.00	0.50	-3.00	-0.75
Total	100	1.00	0.25	4.00	1.00	-3.00	-1.25

Service quality

The Registry does not assess Options 1 and 2 as providing any better or worse service quality than the base case because the legislative provisions remain the same. These options equally position the Registry to administer applications in compliance with the authorising legislation.

Option 3 excludes the processes allocated to validating proof of identity documents and checking the existence of relevant records in other registers. Because there is no separate corroboration of the registration event by a party other than the applicants, this strategy potentially increases the risks of an illegal registration, reduces confidence in the accuracy and integrity of the Relationships Register and compromises the reliability of the certificate. For these reasons, option 3 is scored negatively.

Efficiency

Options 1 and 2 provide a price signal to applicants to the Relationships Register about the value of resources consumed to administer these applications. The differentiated fee in Option 1 precisely reflects the costs involved, whereas the common fee under-charges (by \$12.20) the cost of registering a caring relationship and marginally exceeds the cost of registering a domestic relationship (by \$0.67). However, when the likely percentages of applications for registration of caring relationships (1%) and domestic relationships (99%) are used to calculate the weighted average cost per application (\$179.46), this fee is much closer to the proposed common fee (\$180) for these types of applications.

The difference in cost of fees to revoke, add registrable information to the register, search and issue a certificate from those identified as interim fees in the Act, as compared with the proposed Regulations, is three per cent. This is consistent with the quantum of the fee increase between 2008/09 to 2009/10 due to the increase in the fixed value of the fee unit for the 2009/10 financial year.

Option 3 matches the current costs of applications to the Tasmanian registration scheme by reducing the resource requirements dedicated to rigorously checking applications to register relationships. The efficiency of this option is similar to option 2, which does not fully recover the costs incurred in processing applications.

This RIS does not consider the consumer's capacity to pay for registration services or vertical equity, as disadvantaged applicants are able to apply to the Registrar for consideration of a fee waiver in respect of their particular circumstances.

Simplicity

Option 1 introduces a range of new fees for activities associated with the administration of the Relationships Register. These include different fees for the registration of caring relationships and domestic relationships, but identical fees for the revocation of the registration of a registered relationship (both) and correction and amendment of the Relationships Register. Except for the search and issuance fees, the proposed fees introduce a range of inconsistent fees that will be difficult for customers to understand and may potentially lead to application non-compliance. For these reasons option 1 is rated negatively.

Option 2 aligns fees, where possible, with the fees pertaining to similar Registry products or services. It also proposes a single registration fee for the unique activity of registration of caring relationships and domestic relationships. This option is the simplest to understand and implement.

Option 3 introduces a further layer of complexity into the Registry's fee structure, as the proposed cost of the products/services does not align with comparable Registry products or services. For example, the cost of an application to search the register and issue a certificate under option 3 is \$37.20 compared to the current cost of \$26.60 for all other Victorian certificates, thus prompting a negative score for this option.

4.1 The Preferred Option

Option 2, the common fee option, does not score negatively against the assessment criteria and achieves the highest total score (Table 7). This is the preferred option as it offers a range of proposed fees that meet the efficient and effective administration of the Relationships Register.

The common fee option provides that the Registry charges a common fee for 'like' Registry products/services. Where a product or service is unique, such as the registration of a domestic relationship or a caring relationship, a common fee for that unique service is charged based on the weighted average cost to register a registrable relationship²¹.

Table 8 compares the proposed fees to other fees that the Registry currently charges:

Table 8 Comparison of proposed fees to current fees

²¹ Refer to Appendix A Table A.4

Current Fee					
Name of Register	Registration of the event	Alter Register Add registrable information	Revoke relationship	Search Register	Issue a Certificate
Births	\$0	\$60.60	N/A	\$13.30	\$13.30
Marriages	\$0	\$60.60	N/A	\$13.30	\$13.30
Deaths	\$0	\$60.60	N/A	\$13.30	\$13.30
Proposed Fee					
Relationships Domestic Caring	\$180.00	\$60.60	\$60.60	\$13.30	\$13.30
	\$180.00	\$60.60	\$60.60	\$13.30	\$13.30

In order to achieve the consistency in the fees as outlined in Table 8, the Registry will have to make minor adjustments to the fully cost-recovered fees as detailed in Table 9.

Table 9 Comparison of cost recovery fee to common fee

Product/service	Cost recovery fee for caring relationships (A)	Proposed common fee (B)	Difference (A) – (B)	Cost recovery fee for domestic relationships (D)	Proposed common fee (E)	Difference (D) – (E)
Register a registrable relationship	\$192.20	\$180.00	+\$12.20	\$179.33	\$180.00	-\$0.67
Revoke the registration of a registered relationship	\$61.79	\$60.60	+\$1.19	\$61.79	\$60.60	+\$1.19
Add registrable information to the register	\$61.34	\$60.60	+\$0.74	\$61.34	\$60.60	+\$0.74
Search register	\$13.30	\$13.30	\$0.00	\$13.30	\$13.30	\$0.00
Issue certificate	\$13.30	\$13.30	\$0.00	\$13.30	\$13.30	\$0.00

If the weighted average cost to register a registrable relationship (\$179.46) is used as the common fee²² for both caring relationships and domestic relationships, the difference between the weighted average cost and the proposed common fee is +\$0.54.

²² Refer to Appendix A Table A.4

5 IMPACTS ON SMALL BUSINESS AND COMPETITION

5.1 Small Business Impacts

No small businesses will be affected by the proposed Regulations as the fees will only be payable by individuals who wish to register or revoke the registration of a relationship.

5.2 Change in the Administrative Burden

The Government's Reducing Regulatory Burden initiative defines the proposed fees as a direct financial cost and as such, they do not impose an administrative burden on businesses or not-for-profit organisations. Therefore, a Standard Cost Model calculation is not required.

5.3 Competition Assessment

At the Council of Australian Governments (COAG) meeting in April 1995, all Australian governments agreed to implement the National Competition Policy (NCP). Any new legislation in Victoria must not restrict competition unless it can be demonstrated that:

- the benefits of the restriction, as a whole, outweigh the costs and
- the objectives of the legislation can only be achieved by restricting competition.

NCP applies to businesses rather than to individuals engaging in non-business activities.

6 CONSULTATION

The publication of the RIS provides an opportunity for public comment on the regulatory proposal, the policy alternatives and the costs and benefits associated with each policy option. The Registry intends to forward a copy of this RIS to the following identified stakeholders at the commencement of the statutory consultation period:

- Carers Victoria
- Public Advocate
- Council on the Ageing
- State Trustees Ltd
- Law Institute of Victoria
- Victorian Bar
- Victorian Equal Opportunity and Human Rights Commission
- Attorney-General's Advisory Committee on Gay, Lesbian, Bisexual, Transgender and Intersex Issues
- Rainbow Families Council
- ALSO Foundation
- Victorian Gay and Lesbian Rights Lobby

The statutory consultation period lasts for a minimum of 28 days and because consultation with affected stakeholders recently took place in the preparation of the *Relationships Act 2008* and the *Relationships Amendment (Caring Relationships) Act 2009*, the Registry considers this minimum consultation period is sufficient.

The Registry will post the RIS on the Registry website for at least 28 days and advertise its availability in accordance with the requirements of the *Subordinate Legislation Act 1994*.

7 CONCLUSIONS

The RIS has reached the following conclusions:

- If no new regulations are made to replace the interim fees provided within the Act this would result in an estimated revenue shortfall of approximately \$153,965 over 10 years in present value 2009-2010 dollars – to be funded from the public purse.
- The proposed fees would replace the interim fees, as set out in table 9:

Table 9 Proposed fees

Proposed reg. no	Product/service	Interim fee	Proposed fee	% change
5	Registration – domestic relationship	\$180 ²³	\$180	0
5	Registration – caring relationship	\$180 ²⁴	\$180	0
6	Revoke registration of a registered relationship	\$58.80	\$60.60	+3%
7	Add registrable information to the Register	\$58.80	\$60.60	+3%
8	Search Register	\$12.90	\$13.30	+3%
9	Issue certificate	\$12.90	\$13.30	+3%

- The Registry would enforce the proposed regulations by requiring the individual applicant to pay the prescribed fee prior to entering or releasing information from the Relationships Register.
- The fees are payable by individuals for private use rather than businesses or not-for-profit organizations. Accordingly, the proposed Regulations do not impose an administrative burden or restrict competition.
- The options considered in the cost benefit assessment were:

Option 1: Differentiated fee - the Registry would apply a fee, determined on a full cost recovery basis, for the registration of registrable domestic relationships and registrable caring relationships.

Option 2: Common fee - the Registry would apply fees for applications to the Relationships Register that align with the fees of other comparable products/services from the Registry. The fee for unique product/services, such as the registration of registrable domestic relationships and registrable caring relationships, would be a weighted average cost based on the likely proportion of these applications to the Registry.

Option 3: Aligned fee - the Registry would apply the same fees as charged by the Tasmanian Registry for applications to the Tasmanian registration scheme.

A weighted criteria analysis found that the proposed Regulations (Option 2) would be the best option for achieving the policy objectives as the benefits of the regulations (namely service quality, efficiency and simplicity) outweigh the costs.

²³ As defined in s75 of the Relationships Registration Act 2008

²⁴ As defined in s36 of the Relationships Amendment (Caring Relationships) Act 2009

7.1 Implementation and Evaluation

The Registry will monitor and collate statistics about the number of registrations and revocations of registrable relationships and will report these to the Minister for inclusion in the annual financial year report of operations of the Department of Justice. As the Registry has based the common fee cost estimate on the expected proportion of applications for registration of domestic relationships and caring relationships, any significant variation that occurs in practice should prompt a review of the costs and fees. The Registry will maintain communication with groups affected by the proposed Regulations and will undertake a review of the utilisation of the Relationships Register in the first five years of operation of the Regulations.

Appendix A

Tasks, Estimated Costs and Fees

Table A.1 Projected demand and costs of service

Proposed Fees	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Registration	\$54,000.00	\$55,620.00	\$76,384.80	\$78,676.34	\$107,373.54	\$110,594.75	\$150,450.59	\$154,964.11	\$212,057.31	\$218,419.03	
Revocation	\$ 909.00	\$ 936.27	\$ 1,285.81	\$ 1,324.39	\$ 1,841.56	\$ 1,896.80	\$ 2,532.58	\$ 2,608.56	\$ 3,608.01	\$ 3,716.25	
Corrections	\$ 909.00	\$ 936.27	\$ 1,285.81	\$ 1,324.39	\$ 1,841.56	\$ 1,896.80	\$ 2,532.58	\$ 2,608.56	\$ 3,608.01	\$ 3,716.25	
Total (annualised)	\$55,818.00	\$57,492.54	\$78,956.42	\$81,325.11	\$111,056.66	\$114,388.36	\$155,515.76	\$160,181.23	\$219,273.34	\$225,851.54	\$1,259,858.96
Total (NPV)	\$55,818.00	\$53,983.61	\$69,612.66	\$67,324.92	\$ 86,326.90	\$ 83,489.87	\$106,580.26	\$103,077.62	\$132,491.79	\$128,137.60	\$ 886,843.23

Base Case

Registration	\$54,000.00	\$54,000.00	\$72,000.00	\$72,000.00	\$ 95,400.00	\$ 95,400.00	\$126,000.00	\$126,000.00	\$167,400.00	\$167,400.00	
Revocation	\$ 909.00	\$ 909.00	\$ 1,212.00	\$ 1,212.00	\$ 1,636.20	\$ 1,636.20	\$ 2,121.00	\$ 2,121.00	\$ 2,848.20	\$ 2,848.20	
Corrections	\$ 909.00	\$ 909.00	\$ 1,212.00	\$ 1,212.00	\$ 1,636.20	\$ 1,636.20	\$ 2,121.00	\$ 2,121.00	\$ 2,848.20	\$ 2,848.20	
Total (annualised)	\$55,818.00	\$55,818.00	\$74,424.00	\$74,424.00	\$ 98,672.40	\$ 98,672.40	\$130,242.00	\$130,242.00	\$173,096.40	\$173,096.40	\$1,064,505.60
Total (NPV)	\$55,818.00	\$52,411.27	\$65,616.61	\$61,611.84	\$ 76,700.33	\$ 72,019.09	\$ 89,259.29	\$ 83,811.54	\$104,590.24	\$ 98,206.80	\$ 760,045.02

under-recovery compared to base case

\$ 126,798.21

Assumptions

Number of Registrations

Registration	300	300	400	400	530	530	700	700	930	930	
Revocation	15	15	20	20	27	27	35	35	47	47	
Corrections	15	15	20	20	27	27	35	35	47	47	
Total	330	330	440	440	584	584	770	770	1024	1024	6292

Fees (indexed amount each year)

Registration fee	\$ 180.00	\$ 185.40	\$ 190.96	\$ 196.69	\$ 202.59	\$ 208.67	\$ 214.93	\$ 221.38	\$ 228.02	\$ 234.86
Revocation fee	\$ 60.60	\$ 62.42	\$ 64.29	\$ 66.22	\$ 68.21	\$ 70.25	\$ 72.36	\$ 74.53	\$ 76.77	\$ 79.07
Corrections fee	\$ 60.60	\$ 62.42	\$ 64.29	\$ 66.22	\$ 68.21	\$ 70.25	\$ 72.36	\$ 74.53	\$ 76.77	\$ 79.07

Notes –

The indexed amount shown each year for fees assumes a 3% increase in fees each year. The increase in fees is determined annually by the Treasurer and could vary from this level. The discount used for the net present value calculation is a 6.5% nominal discount rate, which is equivalent to the Victorian Guide to Regulation's 3.5% recommended real discount rate assuming that indexation occurs at 3% per annum.

'Corrections' is a summary term for the activities included under 'addition of registrable information to Register'. The Relationships Act provides that a record may be added, deleted altered, corrected or amended on the Register.

Table A.2 Register Domestic Relationship

			Compliant (65%)		Non-compliant (34%)		Non-compliant & Withdrawn (1%)	
BDM Officer	Staff Cost*	\$per min	Time taken (min)	Cost(\$)	Time taken (min)	Cost (\$)	Time taken (min)	Cost (\$)
VPS2	\$88,850.00	0.87	6	5.22	6	5.22	6	5.22
VPS2	\$88,850.00	0.87	46	40.02	76	66.12	45	39.15
VPS4	\$132,539.00	1.30	45	58.50	100	130.00	30	39.00
VPS5	\$158,325.00	1.55	15	23.25	20	31.00	5	7.75
VPS6	\$205,473.00	2.01	5	10.05	15	30.15	5	10.05
Cost/ transaction				137.04	262.49		101.17	
Weighted Average cost**				179.33				

*Responsibilities***VPS2 - Call Centre Officer**

Answer enquiries (twice as many enquiries as applications. Av call time 3 mins)

VPS2 - Registrations Officer

Receive application

Enter data into LDII

Image application & attach to electronic record

Check application compliance

Implement corrective procedure (write/email/telephone applicant, follow up)

Set pending status

Check other register: birth, death, marriage. Also other relationship or withdrawal

After 28 day statutory period re-check registers for any relevant record entry

Register relationship

Process fee

If certificate requested, print white copy for QA

If requested, print commemorative certificate

Generate party letters to indicate registration complete

Process withdrawal applications

Check statutory time lines met

Generate refund if eligible

Generate letters to notify withdrawing parties & record in correspondence database

*Staff cost is based on the mid-point of the salary range of each position classification, rather than actual salaries. An additional 96 per cent of salary is added to provide for on-costs (WorkCover, superannuation, payroll) and corporate overheads (records management, customer support, supervision, system maintenance costs, forms, policy development and review etc) based on the Registry's calculations.

** This fee is a weighted average of the compliant (65%) and non-compliant (34%) applications.

VPS4 - Registrations Team Leader

Verify compliant applications

Verify proof of identity with issuing agencies

QA printed certificate

Review non-compliant applications

Review report of exact & possible matches

Match records

Update each register

Seek legal & policy advice re non-compliant applications

Brief Identity Compliance Unit regarding investigation

Approve fee refund

Monitor service standards

Provide monthly reports

VPS5 - Legal & Policy Manager

Review applications

Provide advice

Refer for investigation

VPS6 - Manager Operations

Monitor service standards

Review non-compliant & withdrawn applications

Prepare monthly reports to Minister

Table A.3 Register Caring Relationship

BDM Officer	Staff Cost*	\$per min	Compliant (65%)		Non-compliant (34%)		Non-compliant & Withdrawn (1%)	
			Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)
VPS2	\$88,850.00	0.87	6	5.22	6	5.22	6	5.22
VPS2	\$88,850.00	0.87	46	40.02	76	66.12	45	39.15
VPS4	\$132,539.00	1.30	55	71.50	110	143.00	30	39.00
VPS5	\$158,325.00	1.55	15	23.25	20	31.00	5	7.75
VPS6	\$205,473.00	2.01	5	10.05	15	30.15	5	10.05
Cost/ transaction			150.04		275.49		101.17	
Weighted Average cost**			192.20					

*Staff cost is based on the mid-point of the salary range of each position classification, rather than actual salaries. An additional 96 per cent of salary is added to provide for on-costs (WorkCover, superannuation, payroll) and corporate overheads (records management, customer support, supervision, system maintenance costs, forms, policy development and review, etc) based on the Registry's calculations.

** This fee is a weighted average of the compliant (65%) non-compliant (34%) applications and non-compliant and withdrawn (1%).

Responsibilities

Registration of caring relationships will follow the same process as domestic relationships with the additional requirement to check the provision of Independent legal advice for each party to the application. This will take the Registrations Team Leader a further 10 minutes per application resulting in a weighted average cost of \$192.20.

Table A.4 Weighted average cost to register a registrable relationship

	Registrations	
	Caring	Domestic
Proportion applications received	0.01	0.99
Cost/application	192.20 ²⁵	179.33 ²⁶
Weighted average cost/application	179.46	

²⁵ Weighted average cost taken from Table A.3

²⁶ Weighted average cost taken from Table A.2

Table A.5 Revoke Registration

BDM Officer	Staff Cost*	\$per min	Compliant		Non-compliant		Non-compliant & Withdrawn	
			Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)
VPS2	\$88,850.00	0.87	39	33.93	65	56.55	38	33.06
VPS4	\$132,539.00	1.30	10	13.00	15	19.50	38	49.40
VPS5	\$158,325.00	1.55	3	4.65	3	4.65	0	0.00
Cost/ transaction			51.58		80.70		82.46	
Weighted average cost**			61.79					

*Staff cost is based on the mid-point of the salary range of each position classification, rather than actual salaries. An additional 96 per cent of salary is added to provide for on-costs (WorkCover, superannuation, payroll) and corporate overheads (records management, customer support, supervision, system maintenance costs, forms etc) based on the Registry's calculations.

** This fee is a weighted average of the compliant (65%) non-compliant (34%) applications and non-compliant and withdrawn (1%)..

The Registry has not completed any registration revocations since 1/12/08. It is estimated that the time the Registration Officer will spend on revocations will be 85% of total time spent in registration activity.

Table A.5 assumes a similar level of compliance as Change of Name processes (ie 65% compliant, 34% non-compliant, 1% non-compliant & withdrawn).

The tasks required to complete revocation are similar to the processes to alter the register.

Table A.6 Add registrable information to the Register

BDM Officer	Staff Cost*	\$per min	Compliant		Non-compliant		Non-compliant & Withdrawn	
			Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)	Time taken (mins)	Cost (\$)
VPS2	\$88,850.00	0.87	15	34.80	25	21.75	15	13.05
VPS4	\$132,539.00	1.30	10	13.00	10	13.00	5	6.50
VPS5	\$158,325.00	1.55	5	7.75	5	7.75		
VPS6	\$205,473.00	2.01	5	10.05	5	10.05		
Cost/transaction				65.60		52.55		19.55
Average fixed cost			61.34					

*Staff cost is based on the mid-point of the salary range of each position classification, rather than actual salaries. An additional 96 per cent of salary is added to provide for on-costs (WorkCover, superannuation, payroll) and corporate overheads (records management, customer support, supervision, system maintenance costs, forms etc) based on the Registry's calculations.

** This fee is a weighted average of the compliant (65%) non-compliant (34%) applications and non-compliant and withdrawn (1%).

Once a record is created, amendment requires the approval of a more senior officer. This is standard practice across the Registry to secure records and protect them from fraudulent changes. Depending on the nature of the required changes, different officers hold the delegation to approve the amendment.

The Relationships Act provides that a record may be added, deleted altered, corrected or amended on the Register. Table A.6 assumes 80% of applications are compliant, 15% are initially non-compliant and 5% are complaint and are subsequently withdrawn (based on other corrections data collected by the Registry).

Table A.6 Search the Register and Issue a Certificate

The Registry has matched the costs of searching the Register and issuing a certificate with the prescribed fees for these activities under the *Births Deaths and Marriages Registration (Fees) Regulations 2008* (BDMR Regulations). The BDMR Regulations established the quantum of the search and issuance fees through inclusion of the direct full time equivalent cost per application (costs for staff processing the application and frontline managers and team leaders) and the customer support costs per application (activities associated with answering customer calls and emails and maintaining the registers). Matching the costs of all search and issuance activities within all registers maintained by the Registry provides consistency, is easy for customers to understand and is simple to administer.

Appendix B Bibliography

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Version No. 001
Relationships (Fees) Regulations 2009
S.R. No. ##
Version as at ##

1 Objective

The objective of these Regulations is to prescribe fees for the purposes of the **Relationships Act 2008**.

2 Authorising provision

These Regulations are made under section 71 of the **Relationships Act 2008**.

3 Commencement

These Regulations come into operation on 1 December 2009.

4 Definitions

In these Regulations, *the Act* means the **Relationships Act 2008**.

5 Fee for application to register a registrable relationship

For the purpose of section 7(c) of the Act, the prescribed fee for an application to register a registrable relationship is 15.4 fee units.

6 Fee for application to revoke the registration of a registered relationship

For the purpose of section 12(3)(b) of the Act, the prescribed fee for an application to revoke the

registration of a registered relationship is 5.18 fee units.

7 Fee for addition of registrable information to the Relationships Register

For the purpose of section 19(6) of the Act, the prescribed fee for the addition of registrable information to an entry in the Relationships Register is 5.18 fee units.

8 Fee for application for a search of the Relationships Register

For the purpose of section 21(2)(b) of the Act, the prescribed fee for an application for a search of the Relationships Register is 1.14 fee units.

9 Fee for issue of certificate

For the purpose of section 22(1) of the Act, the prescribed fee for the issue of a certificate certifying the results of a search of the Relationships Register is 1.14 fee units.

ENDNOTES

1. Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the Monetary Units Act 2004. The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2009 is \$11.69. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the Monetary Units Act 2004. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Appendix D

15 September 2009



Ms Erin Keleher
Manager, Strategic Projects
Registry of Births, Deaths and Marriages
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MELBOURNE VIC 3001

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Dear Ms Keleher

ASSESSMENT OF REGULATORY IMPACT STATEMENT

Thank you for seeking an assessment of the Regulatory Impact Statement (RIS) on the proposed *Relationships Regulations 2009*. The Victorian Competition and Efficiency Commission (VCEC) received the final version of the above RIS and draft regulations on 15 September 2009.

The VCEC assesses the adequacy of the RIS prior to the public consultation process as required under section 11 of the *Subordinate Legislation Act 1994*.

I advise that the RIS meets the requirements of section 10(3) of the *Subordinate Legislation Act 1994*.

The VCEC's assessment is based on the adequacy of the evidence presented in the RIS and is focused on the quality of the analysis rather than the merits of the proposal itself. Feedback from affected parties during the public consultation stage may provide further information on the nature and size of the costs and benefits. This information must be taken into account when making the final decision as to whether or not to proceed with the proposal.

In the interests of transparency, most departments and agencies publish this assessment letter alongside the RIS when it is released for consultation. The VCEC recommends that you do the same.

The VCEC is building a database of Victorian Government RISs and statements of reasons for change, and will be putting your material on our website when it is released. Please inform us when you have placed this RIS on your website. Please also provide us with an electronic copy of your statement of reasons for changes to the final regulations when they are provided to the Scrutiny of Acts and Regulations Committee (refer 5.53 Subordinate Legislation Act 1994 Guidelines, 17 January 2005).

If you have any questions, please contact RegulationReview@vcec.vic.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sam Abusah".

Sam Abusah
Assistant Director
Victorian Competition and Efficiency Commission

