



REFUNDS POLICY

PART 1: SCOPE

- 1.1 To establish policy outlining the reasons and circumstances that will be considered when a request is submitted for a refund of fees paid for goods or services provided by the NSW Registry of Births, Deaths and Marriages.
- 1.2 The NSW Registry of Births, Deaths and Marriages (the Registry) is a non budget dependent General Government Agency. It is a business centre of the Department of Attorney General & Justice.
- 1.3 The Registry has its authority to charge for its services under s 54 of the *Births, Deaths and Marriages Registration Act 1995*. Prescribed fees are listed in Schedule 1 *Births, Deaths and Marriages Regulation 2006*.
- 1.4 The Registry has a responsibility to consider and provide refunds of fees charged for its services in circumstances where it is appropriate to do so.
- 1.5 This policy sets out guidelines for Registry staff in relation to refunding fees paid by the public or other organisations.
- 1.6 This policy does not cover ex gratia requests. An ex gratia payment is money paid in compensation for any inconvenience or loss suffered. Applications for an ex gratia payment should be in writing, providing details and supporting documentation. Applications should be addressed to the Attorney General, and marked to the attention of:

The Director
Legal Services Branch
NSW Department of Attorney General and Justice
GPO Box 6
SYDNEY NSW 2001

For further information on ex gratia payments please visit: [Legal Service Branch](#)

PART 2: REFUNDS

Clients can submit requests for refunds:

- in writing
- by email
- verbally, in certain circumstances

If a client wishes to request a refund over the phone or in person, the details of the application are to be recorded by the officer assisting the client, and forwarded to the appropriate manager for action.

Refunds will normally be processed within 21 days of the request.

A refund can be approved for a number of reasons. These reasons are outlined in *part 3* of this instrument.

A refund is not permitted for change of mind or if the certificate is no longer required.

PART 3: REASONS FOR REFUNDS

3.1 Priority fee refund

Registry error

If an application is lodged as a priority application, and complies with all of the application requirements, and the priority service is not provided, the priority fee component may be refunded, following a request for refund by the client.

The refund should not include any additional special mailing fees that may have been paid.

Client error

If a priority service is not provided because the application does not comply with Registry policies and application requirements, or for some other reason caused by the client, in general no refund will be approved.

3.2 Interstate or overseas events

If an application is processed in error for an interstate or overseas event, a full refund will be approved.

3.3 Marriage cancelled or postponed

If a notice to cancel, or a request to change the date of a marriage ceremony is advised more than 14 days prior to the marriage date (or the expiry of the Notice of Intended Marriage), the ceremony fee may be refunded. The lodgement fee is not refundable and will be retained.

Note: If a notice to cancel, or a request to change the date of a marriage ceremony is advised less than 14 days prior to the marriage date, a refund will not usually be made.

3.4 Marriage Transferred

When a couple want to transfer their Notice of Intended Marriage to celebrant, the ceremony and certificate fee may be refunded if notice is given 14 days prior to the ceremony. If less than 14 days notice is given, the certificate fee may be refunded, although the ceremony fee may be retained.

In both cases the lodgement fee is non-refundable. A transfer fee will be deducted from the refunded amount.

3.5 Unable to comply with requirements

For certificate applications where an applicant cannot comply by producing the required information to access a record, a full refund may be approved.

3.6 Overpayment

If a client pays an amount exceeding the fees required, the amount of overpayment may be refunded.

3.7 Charged twice

Where it can be established that the Registry has duplicated a payment (eg processed a credit card payment twice), the total amount overcharged may be refunded (any extra certificates received by the client must be returned).

3.8 Marriage / Relationship Certificate – Premiers Department

A free standard marriage certificate is available to any couple that were married or registered their relationship between 14 February 2011 and 13 February 2012.

A refund of the standard marriage certificate fee will be made to the applicant. The commemorative and priority fee components, if applicable, may be retained.

3.9 Change of Name Certificate Fee only, Non Compliant/Withdrawn

If processing has commenced for a change of name application and the applicant cannot comply by producing the required information or they wish to withdraw their application, only the certificate fee may be refunded.

3.10 Change of Name – Other

If a client was born interstate and an application has been made to the Registry, a full refund of the processing and certificate fee may be made.

If an application is lodged as a priority application, and complies with all of the application requirements, and the priority service is not provided, the priority fee component may be refunded, following a request for refund by the client. The change of name processing time starts when the application is received.

3.11 Other, give details

The Registry may refund fees in other situations not covered under section 3 of this policy.

Managers with financial delegations under section 12 of the *Public Finance & Audit Act 1983* may use their discretion and judgement when deciding if a refund is appropriate, to compensate a customer for inconvenience or distress arising from an error made by the Registry. In this case reasons for this decision are to be clearly documented on the refund form.

PART 4: DELEGATION TO APPROVE

All refund requests are to be completed on the refund form located on the intranet at http://infolink/infolink/bdm/il_nswbdm.nsf/pages/bdm_index

The officer preparing the refund must sign the form declaring that the refund has been recommended in accordance with the guidelines set out in this policy.

The original application must be attached to the refund request. If the original cannot be found, a print-out off the system is to be attached with an explanation as to why the original could not be located.

The request is to be approved by a manager with financial delegations under section 12 of the *Public Finance & Audit Act 1983* and forwarded to the accounts payable officer for preparation of the refund.

OTHER RELATED POLICIES AND PROCEDURES:

- Refunds Procedure PRO/17

Document information

Business Centre:	Registry of Births, Deaths & Marriages
Division:	Finance
Officer responsible:	Manager Finance
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