
PO 03-26 Refunds Policy

This policy outlines the circumstances that will be considered when a request is received for a refund of fees paid for goods or services provided by the NSW Registry of Births Deaths & Marriages.

Essential Summary

This policy

- applies to all Registry officers processing applications for refunds
- identifies scenarios where exclusions to this policy may apply, and
- identifies scenarios where a client may be entitled to a refund

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1 Scope

This policy applies to requests for refunds processed by staff of the NSW Registry of Births Deaths & Marriages.

2 Purpose

The purpose of this policy is to define guidelines for granting refunds for products and services of the Registry.

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 Police and Justice and has its authority to charge for its services under section 55 of the *Births, Deaths and Marriages Registration Act 1995*. Prescribed fees are listed in *Births, Deaths and Marriages Registration Regulation 2011*, Schedule 1.

3 Definitions

Act means the *Births, Deaths and Marriages Registrations Act 1995*

Certificate means a document as defined in Section 49 of the *Births, Deaths and Marriages Registrations Act 1995*:

- (a) certifying particulars contained in an entry, or
- (b) certifying that no entry was located in the Register about the relevant registrable event.

Client means any person, group, company or agency that uses the products or services of the Registry

Officer means a worker in the Registry

Register means the register containing particulars of each registrable event required under the Act or another law

Registrar means the Registrar of the NSW Registry of Births Deaths & Marriages

Registry means the NSW Registry of Births Deaths & Marriages

4 Request a refund

Clients can submit requests for refunds in the following manner:

- in writing
- by email, or
- verbally (in certain circumstances)

If a client wishes to verbally request a refund over the telephone 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.

A refund can be approved for a number of reasons, as outlined below. Refunds will normally be processed within 21 days of receipt of the request.

5 Refund circumstances

5.1 Registry Error - Priority Fee

If an application for a certificate 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. The refund should exclude any additional special mailing fees that have been paid.

NOTE: 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** of the Priority Fee will be approved.

5.2 Registry Error – Interstate Born Client

If a client born interstate applies to the Registry for a Birth Certificate or Change of Name, a full refund of the Processing and Certificate Fee may be made.

5.3 Registry Error – Client Charged Twice

Where it can be established that the Registry has duplicated a payment (e.g. processed a credit card payment twice), the total amount overcharged may be refunded. If a certificate has been issued, it must be returned before a refund can be processed.

5.4 Marriage Transferred

More than 14 days: When a couple want to transfer their Notice of Intended Marriage from a Registry Ceremony to an external celebrant, the Ceremony and Certificate Fee may be refunded if notice is given more than 14 days prior to the ceremony.

Less than 14 days: If less than 14 days' notice to transfer is given, the Certificate Fee may be refunded, although the Ceremony Fee may not be refunded.

5.5 Marriage Cancelled or Postponed

More than 14 days: If a notice to cancel or request to change the date of a marriage ceremony is advised more than 14 days prior to the marriage date or Notice of Intended Marriage expiry date, the Ceremony Fee may be refunded. The Notice of Intended Marriage Lodgement Fee is not refundable.

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

5.6 Unable to Comply with Requirements

If a client applies for a certificate and cannot comply with supply of information required to access a record, a full refund of the application fee may be approved. Note that in cases of non-compliance, priority fees will not be refunded. See 5.1.

5.7 Overpayment

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

5.8 Change of Name - Certificate Fee

If processing has commenced on a change of name application and the applicant cannot provide the required information, or they wish to withdraw their application, the Registry may refund the Certificate Fee but not the Application Fee.

5.9 Other

The Registry may refund fees in other situations, according to relevant delegation to approve refunds.

6 Exclusions

6.1 Ex Gratia Payments

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, addressed to the Attorney General, and marked to the attention of:

The Director
Legal Services Coordination
NSW Department of Justice
GPO Box 6
SYDNEY NSW 2001

For further information on ex gratia payments please visit [Lawlink](#) website.

6.2 Change of Mind

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

6.3 Client Error or Amendment

When an error or omission is made by the client (i.e. not a Registry error) the original certificate must be returned to the Registry, along with sufficient evidence to support the amendment. The normal certificate fee will apply for printing a new certificate, irrespective of how long ago the certificate was issued.

7 References

Births, Deaths and Marriages Registration Act 1995

Births, Deaths and Marriages Registration Regulation 2011

(End)

8 Document information

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