Summary

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.

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 About this document

1.1 Scope

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

1.2 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 Amendment (Fees) Regulation 2016, Schedule 1.

1.3 Related documents

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1.4 Glossary of terms

Terms here are specific to this document.

<table>
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<th>Term</th>
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<tr>
<td>Act</td>
<td>means the Births, Deaths and Marriages Registrations Act 1995</td>
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| 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                      |
2 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.

3 Refund circumstances

3.1 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.

3.2 Interstate or Overseas Event

If a client applies for the certificate of an event that was registered either interstate or overseas, a full refund of the Processing and Certificate Fee may be made.
3.3 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 paid.

3.4 Client Charged Twice – Two Applications.

If a client submits a certificate application and later submits a second application for the same event on the assumption that the original application was lost or not received, the client can request a refund of one of the application fees. One of the certificates must be returned to the Registry before the refund can be processed.

If a client submits a standard certificate application and subsequently submits a priority application for the same record as they required the certificate sooner, the client can request a refund of the original standard application.

3.5 Marriage Transferred

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

Less than 14 days: If less than 14 days notice from booked ceremony date is given to transfer the Notice of Intended Marriage form, the Certificate fee may be refunded although the Ceremony fee may not be refunded.

In both instances, the lodgement fee and fees for any other services that have been provided may not be refunded.

3.6 Marriage Cancelled or Postponed

More than 14 days: If a notice to cancel or change the date/time of a marriage ceremony is received more than 14 days prior to the booked ceremony date, the Ceremony Fee may be refunded.

Less than 14 days: If a notice to cancel or change the date/time of a marriage ceremony is received less than 14 days prior to the booked ceremony date, a refund for the Ceremony Fee will not usually be issued.

In both instances, the lodgement fee and fees for any other services that have been provided may not be refunded.

3.7 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.
3.8 **Overpayment**

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

3.9 **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.

3.10 **Not Refundable**

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

4 **Exclusions**

4.1 **Change of Mind**

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

4.2 **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.

5 **References**

*Births, Deaths and Marriages Registration Act 1995*

*Births, Deaths and Marriages Registration Regulation 2011*