

# PO 09 Internal Review of Registry Decisions policy

## Summary

This policy describes the process of requesting an internal review of Registry of Births Deaths & Marriages decisions. It includes:

- advising clients of their right for internal review
- steps required to meet legislative and administrative requirements
- who can apply for an internal review?
- what is a decision?
- application requirement
- who conducts the review
- material reviewed
- review of the application
- notice of result and appeal rights

## Document information

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## Document history

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| 1.0     | 22-Jun-2014 | Initial version                      |
| 2.0     | 16-Nov-2018 | Reviewed, updated and changed format |
| 2.1     | 29-May-2019 | Reviewed and updated                 |

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## 1 About this document

### 1.1 Purpose

An internal review enables the public to test the lawfulness and the merits of decisions made during an application process with the Registry. It is a quick and easily accessible form of review that may prevent the necessity of using external processes, such as court action.

### 1.2 Scope

This policy describes the process of requesting an internal review of Registry of Births Deaths & Marriages decisions.

### 1.3 Glossary of terms

Terms here are specific to this document.

| Term      | Description   |
|-----------|---|
| Registry  | Registry of Births Deaths & Marriages.                  |
| Registrar | Registrar of the Registry of Births Deaths & Marriages. |

## 2 What is Internal Review?

Internal review is a process that examines the merits of a decision made by the Registry. In order to demonstrate impartiality, another officer (usually more senior) within the same agency, who was not involved in the original decision, undertakes the review.

It is a basic principle of administrative law that the decisions we make in our work must be lawful and well-founded. Members of the public who are aggrieved by a decision we make can seek an internal review of that decision.

### 3 Who can apply for an internal review?

A person who is dissatisfied with a decision made by the Registry, may make an application for an internal review of that decision.

## 4 What is a decision?

A decision includes any of the following, and should be made in writing:

- making, suspending, revoking or refusing to make an order or determination,
- giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission,
- issuing, suspending, revoking or refusing to issue a licence, authority or other instrument,
- imposing a condition or restriction,
- making a declaration, demand or requirement,
- retaining, or refusing to deliver up, an article, or
- doing or refusing to do any other act or thing.

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**Note:** Refer to advice from Principal Policy Advisor regarding Administrative Law Basics.

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## 5 Requirements for making an internal review application

An application for an internal review should be in writing or by email and lodged within 28 days of being advised of the decision (or a later date if allowed by the Registry) to:

Registrar  
NSW Births Deaths & Marriages  
GPO Box 30  
SYDNEY NSW 2001

or

Email: [bdm-complaints@customerservice.nsw.gov.au](mailto:bdm-complaints@customerservice.nsw.gov.au)

If an application is made to the Registry after 28 days of the original decision, it may not be accepted. All matters are assessed on their own merit and the applicant will be notified, in writing, of the decision.



## 6 Who is to deal with the application?

An application for an internal review is to be dealt with by a staff member who is directed to do so by the Registrar. The internal reviewer should be a staff member:

- who was not substantially involved in the process of making the decision under review, and
- is a Registry employee.

For the purposes of the review, the internal reviewer has the right to exercise the same functions as the Registrar under the *Births, Deaths and Marriages Registration Act 1995*.

## 7 **Material to be considered**

The internal reviewer is to consider the material the registry has on file, and any other relevant material submitted by the applicant.

The Registry may contact other relevant parties for further information if necessary.

## 8 Review of the application

Following the internal review of the decision, the internal reviewer may:

- (a) affirm the decision, or
- (b) vary the decision, or
- (c) set aside the decision and make a decision in substitution for the decision that is set aside.

## 9 Notice of result of review and appeal rights

The Registrar must notify the applicant in writing, within 21 days of the application being received, unless notified otherwise of:

- (a) the outcome of the internal review, and
- (b) the reasons for the decision in the internal review, and
- (c) the right of the person to have the decision reviewed by the Administrative Decisions Tribunal

The statement of reasons will include the following information:

- (a) the findings on material questions of fact, referring to the evidence or other material on which those findings were based,
- (b) the understanding of the internal reviewer of the applicable law,
- (c) the reasoning processes that led the internal reviewer to the conclusions the reviewer made.

## 10 References

*Births, Deaths and Marriages Registration Act 1995 (NSW)*

*Administrative Decisions Review Act 1997*