

# PO 03-26 Refunds Policy

## Summary

This policy outlines the circumstances that are considered for processing refund of fees paid for goods or services provided by the NSW Registry of Births Deaths & Marriages (the Registry).

This policy:

- identifies scenarios where a customer may be entitled to a refund
- outlines responsibilities of customers when claiming the refund with the Registry
- identifies the Registry's legal and regulatory responsibilities.

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2.0	24-Apr-2016	Procedure reviewed and format updated
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## 1 About this document

### 1.1 Scope

This policy covers the scenarios in which NSW Registry of Births Deaths and Marriages (the Registry) may refund the monies paid for goods and services that the Registry provides.

### 1.2 Purpose

The policy is the statement of intent under which the Registry would process refund requests from customers.

### 1.3 References

#### Acts and Regulations

*Births, Deaths and Marriages Registration Act 1995*

*Marriage Act 1961*

Births, Deaths and Marriages Registration Regulation 2017

### 1.4 Glossary of terms

Terms here are specific to this document.

Term	Description
Act	<i>Births, Deaths and Marriages Registrations Act 1995</i>
Certificate	a document as defined in <i>section 49 of the Births, Deaths and Marriages Registrations Act 1995</i> , certifying: (a) particulars contained in an entry, or (b) that no entry was located in the Register about the relevant registrable event.
Customer	any person, group, company or agency that uses the products or services of the Registry
NOIM	Notice of Intended Marriage (required to be lodged with the Marriage Celebrant 1 month prior to the marriage ceremony taking place. The Marriage Celebrant in this case is the Registry)
Officer	an employee of the Registry
Register	the register containing particulars of each registrable event required under the <i>Act</i> or another law
Registrar	Registrar means the Registrar of Births, Deaths and Marriages holding office as such under <i>Part 4, Division 3 of the Government Sector Employment Act 2013</i>
Registry	the NSW Registry of Births Deaths & Marriages

## 2 Background

The Registry is a government agency within the NSW Department of Customer Service. It has authority to charge for its services under section 55 of the *Act*.

Prescribed fees are listed in Births, Deaths and Marriages Registration Regulation 2017.

## 3 Eligibility for claiming Refund

- Refund is payable only to the applicant or to the person who has paid for the service.
- For customers living in Australia, customers are required to provide valid bank account (BSB and Account numbers) details for Electronic Funds Transfer (EFT).
- For customers living overseas, customers are required to provide swift code and bank account details for EFT. Funds are transferred in AUD.
- Customers are required to claim within **18 months** from the date monies were originally received, except for the re-scheduling of a marriage ceremony.

## 4 The circumstances under which the Registry may receive refund claims:

### 4.1 Priority Service Fee

- For priority service applications lodged with all the requirements of the applications met, and if the priority service was not provided, the priority fee component of the fee is refundable. This type of refund excludes any additional special mailing fees.
- If a priority service is not provided because the application did not meet all the requirements of the application, or due to lack of response from the customer, the priority service fee is not refundable.
- When a customer applies for a standard service and then re-applies for priority service (if they need service sooner than they had initially decided), then the standard service fee is refundable if the service for standard application is not yet provided.

### 4.2 Interstate or Overseas Event

- If a customer applies for the certificate of an event that was registered either interstate or overseas, the fee is refundable.

### 4.3 Customer Charged Twice – System Error

- If the Registry has duplicated a payment (e.g. processed a credit card payment twice), the total amount overcharged is refundable.

#### 4.4 Customer Charged Twice – Two Applications.

- If a customer applies and later submits a second application on the assumption that the original application was lost or not received, the fees for one of the applications is refundable provided the service was not provided.

#### 4.5 Marriages Ceremonies

##### Ceremonies Transferred

Transferring the Notice of Intended Marriage (NOIM) from a Registry office to an external celebrant:

- **If more than 14 days' notice is provided to the Registry:** The ceremony and any certificate fee is refundable.
- **If less than 14 days' notice is provided to the Registry:** The is not refundable; any certificate fee paid is refundable.
- In all instances, the lodgement fee, transfer fee and fees for any other services that have been provided are not refundable.

##### Cancellation

- **If more than 14 days' notice is provided to the Registry:** The Ceremony Fee is refundable.
- **If less than 14 days' notice is provided to the Registry:** The Ceremony Fee is not refundable; any certificate fee paid is refundable.
- **More than 18 months:** If more than 18 months have elapsed since the NOIM was received at the Registry, the lodgement fee is refundable.
- In all instances, fees for any services that have been provided are not refundable.

##### Shortening of Time for Marriage

If a customer applies to bring forward the proposed date of the ceremony (i.e. reduce the lead time) and subsequently changes their mind, the shortening of time fee is not refundable.

##### No Show

If the customer does not attend the ceremony, fees are not refundable, except for the certificate fee.

#### 4.6 Relationship Registration Ceremonies

##### Ceremony not conducted within six months of the Registration

The ceremony fee is not refundable

**Withdrawal of the Relationship registration within 28 days cooling-off period or cancellation of the ceremony**

- **If more than 14 days' notice is provided to the Registry:** The Ceremony Fee is refundable.
- **If less than 14 days' notice is provided to the Registry:** The Ceremony Fee is not refundable.

**4.7 Unable to Comply with Requirements**

If a customer applies for a certificate and cannot comply with proof of identity or authority requirements, or supply information requested by the Registry, the application fee is refundable provided its within 18 months of the application received by the Registry.

**4.8 Change of mind**

If the customer applied for the Registry's products and services, and then changes their mind, the fees are not refundable.

**4.9 Overpayment**

When a customer pays or is charged an amount of \$10 or more than the set fees, the excess amount is refundable.

**4.10 Change of Name Registration - 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 certificate fee is refundable; the processing fee is not refundable.

**5 Service charges and fees**

In below scenarios, fees are not refunded:

- Charge for any certificate that has been printed.
- Cancellation of services where Registry officers have already expended time and effort.