

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:

- Who can apply for an internal review?
- What is a decision?
- Who conducts the review?
- Notice of result and appeal rights



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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.
Staff	means an employee of a business centre/branch, regardless of whether the staff member's employment status is permanent or temporary.



2 What is an Internal Review?

An Internal review is a process that examines the merits of a decision made by the Registry.

In order to demonstrate impartiality, a Registry officer who was not involved in the original decision undertakes the review.

Administrative law principles underpin good government practices. All decisions made should observe these basic principles that they be open, fair, consistent, impartial, accountable and in accordance with applicable legislation.

Members of the public who are aggrieved by a decision made by the Registry 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 made in writing in accordance with section 6 of the *Administrative Decisions Review Act 1997* may include:

- 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 an instrument,
- imposing a condition or restriction,
- making a declaration.



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:

- Email: bdm-complaints@customerservice.nsw.gov.au
- Mail : Registrar
NSW Births Deaths & Marriages
GPO Box 30
SYDNEY NSW 2001

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 of the decision, in writing.



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 a Registry employee.

Administrative law principles detail that this person should be organisationally distinct or separate from the original decision-making process.

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 Materials 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.

Where there are competing priorities concerning a Register entry, both parties will be invited to provide submissions and further documentation to be considered on internal review.



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

(End)