

PO 03-24 Certificate Replacement Policy

Summary

This policy defines the circumstances for replacing certificates issued by the NSW Registry of Births Deaths & Marriages (the Registry), clarifying associated fees and requiring return of certificates.

This policy:

- applies to all Registry staff members
- identifies the scenarios where a client is entitled to a replacement certificate
- identifies whether a fee is payable
- identifies whether a certificate must be returned
- acknowledges that on occasion, the decision to issue a replacement certificate may rely on the discretion of an authorised officer
- requires that a certificate containing an error or omission must be returned before a replacement certificate can be issued according to the *Births, Deaths & Marriages Registration Act 1995 (Act)* (s59(3)(c)-(d)) which empowers the Registrar to impound incorrect certificates.

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1 About this document

1.1 Purpose

The purpose of this policy is to define guidelines for replacing certificates (both standard and Commemorative) and establish guidelines describing when a fee should be charged for replacement certificates.

1.2 Scope

This policy applies to requests for certificate replacements processed by staff of the Registry.

1.3 Related documents

Document name	Location
QRC 026 - Replica Application Campaigns	BDM Intranet
PO 02-5 Fee Waiver Policy	BDM Website

1.4 Glossary of terms

Terms here are specific to this document.

Term	Description
Act	the Births, Deaths and Marriages Registrations Act 1995 (NSW).
Certificate	as specified in section 49 of the Act, a document issued after a search of the Register (a) certifying particulars contained in an entry, or (b) certifying that no entry was located in the Register about the relevant registrable event.
Client	any person, group, company or agency that uses the products or services of the Registry.
DVS	The National Document Verification Service
FOI	Form Of Information, the document on which registration details are provided to the Registry e.g. Death Registration Statement (DRS), Birth Registration Statement (BRS) or Certificate of Marriage.
Register	the Register containing particulars of each registrable event required under the Act or another law.
Registrar	the Registrar of the NSW Registry of Births Deaths & Marriages.

2 Fees Payable

Fees charged by the Registry are set out in Regulations made under the Act. However, the Registrar may consider applications for fee waivers in specified circumstances and may waive fees under Section 55 of the Act. See also PO 02-5 Fee Waivers Policy.

3 Return of Certificates

The Act (s59(3)(c)-(d)) empowers the Registrar to impound certificates for a variety of reasons. This includes certificates which are erroneous, relate to amended events or are fraudulent. These certificates should be returned before replacement certificates are issued, and if this is not possible, an explanation must be provided. An Authorised Officer can make a decision on whether a replacement certificate fee should apply based on the merits of the individual case.

A letter will be sent to the client advising them that the original certificate must be returned to the Registry prior to the amended certificates being issued. Photocopies will not be accepted. A pre-paid self-addressed envelope may be included in the letter so that the client can easily return the certificate.

4 Certificate Replacement Examples

4.1 Registry Error

If an amendment to a certificate is required because of a Registry error or omission, then the certificate will be amended and replaced free of charge, regardless of when the certificate was originally issued.

Fee: nil

Certificate return: required

4.2 Damaged Certificates

If damage was caused by a third party, e.g. delivery contractor, it may be possible for clients to claim compensation from that party. If the Registry is responsible for faulty or damaged certificates then we will replace the certificate. The Registry also has discretion to replace certificates it deems appropriate. See also point 4.3 below.

Fee: at Registry discretion

Certificate return: required

4.3 Faded or Old Certificates

If the certificate has been damaged while in the client's care or is a valid old style certificate, the client can apply for a new certificate and normal fees will apply.

Fee: normal

Certificate return: at client discretion

4.4 Funeral Director or Marriage Celebrant Error

If an error or omission is made on a registration by a funeral director or marriage celebrant, the record will be amended and a new certificate issued to the client without further charge.

Fee: nil

Certificate return: required

4.5 Certificate Not Received – Registry Error, Less than 6 months

All certificates (except Family History and Commemorative Certificates) are posted by Australia Post Registered mail. This mail is tracked by Registry staff, and depending on the result of the enquiry, a decision on replacement should be made by an Authorised Officer. Before a decision is made there must be a minimum of seven (7) working days from the despatched date to allow sufficient time for delivery of the certificate. If the Registry sent the certificate to the wrong address, a replacement certificate will be issued at no cost. If the system shows that the certificate was never printed or was "returned" to the Registry, a replacement will be issued free of charge.

Fee: nil

Certificate return: not applicable

4.6 Certificate Not Received – More than 6 Months

If a certificate has been issued to the correct address more than six months ago, was not returned to the Registry, and is confirmed as being issued and posted, then the Registry will not replace it. Registered Mail items more than six months old cannot be traced through the Australia Post website. The client must reapply through the normal process.

Fee: normal

Certificate return: not applicable

4.7 Certificate Rejected by Another Organisation

A valid certificate is one that has been issued by the Registry under seal, providing all of the information contained in the Register, including registration number and other fields that will allow the certificate to be validated (by DVS).

Note: Commemorative Certificates cannot be validated so will not be replaced if not accepted by an organisation

If a valid certificate has been rejected by another organisation, an Authorised Officer can make a decision on whether a replacement certificate fee should apply based on the merits of the individual case.

Fee: at Registry discretion

Certificate return: required

4.8 Certificates with Handwritten Corrections

In some older certificates, the Registrar made hand written corrections on the certificates under seal at the time of issue. These are generally not accepted as identity documents as they have been altered.

Fee: nil

Certificate return: required

4.9 Change of Name – FOI and Database Mismatched

If the name on the Form of Information (FOI) form matches the spelling that the client uses, but it doesn't match the spelling in the Register, then the Registry can amend the database to show same as the FOI. A new certificate will be issued free of charge.

Fee: nil

Certificate return: required

4.10 Change of Name Request After Certificate Issued – Immediate

If a client purchases a birth certificate and then decides to register a change of name within 1 month, a new birth certificate can be issued after the change of name is registered.

Fee: nil

Certificate return: required

4.11 Change of Name – FOI and Database Match

When a client establishes that their birth certificate spelling of the birth name is different to the one that they have always used (e.g. Colleen instead of Coleen), they can submit a Correct an Entry request. The Registry will check the Form of Information against what is recorded in the Register.

If the name on the FOI and the Register match but this is not the spelling that the client uses, then a change of name can be registered in order for the client to continue using their preferred name.

Fee: normal

Certificate return: required

4.12 Declared Natural Disaster

Special provisions are made for certificate replacement in cases of declared natural disasters. See PO 02-5 Fee Waiver Policy.

4.13 Death Certificates with Coroner’s updates

If a Coroner’s finding is yet to be determined, then a death certificate can be issued without a cause of death. The Coroner’s advice is added to the record when it is released to the Registry. On application, a new certificate is issued to the family at no cost, once the interim certificate has been returned. Once a certificate with cause of death has been issued, any further certificates will be charged normal fees.

Fee: nil

Certificate return: required

4.14 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.

Fee: normal

Certificate return: required

5 References

Births, Deaths and Marriages Registration Act 1995