

Refund policy



Acknowledgement of Traditional Custodians



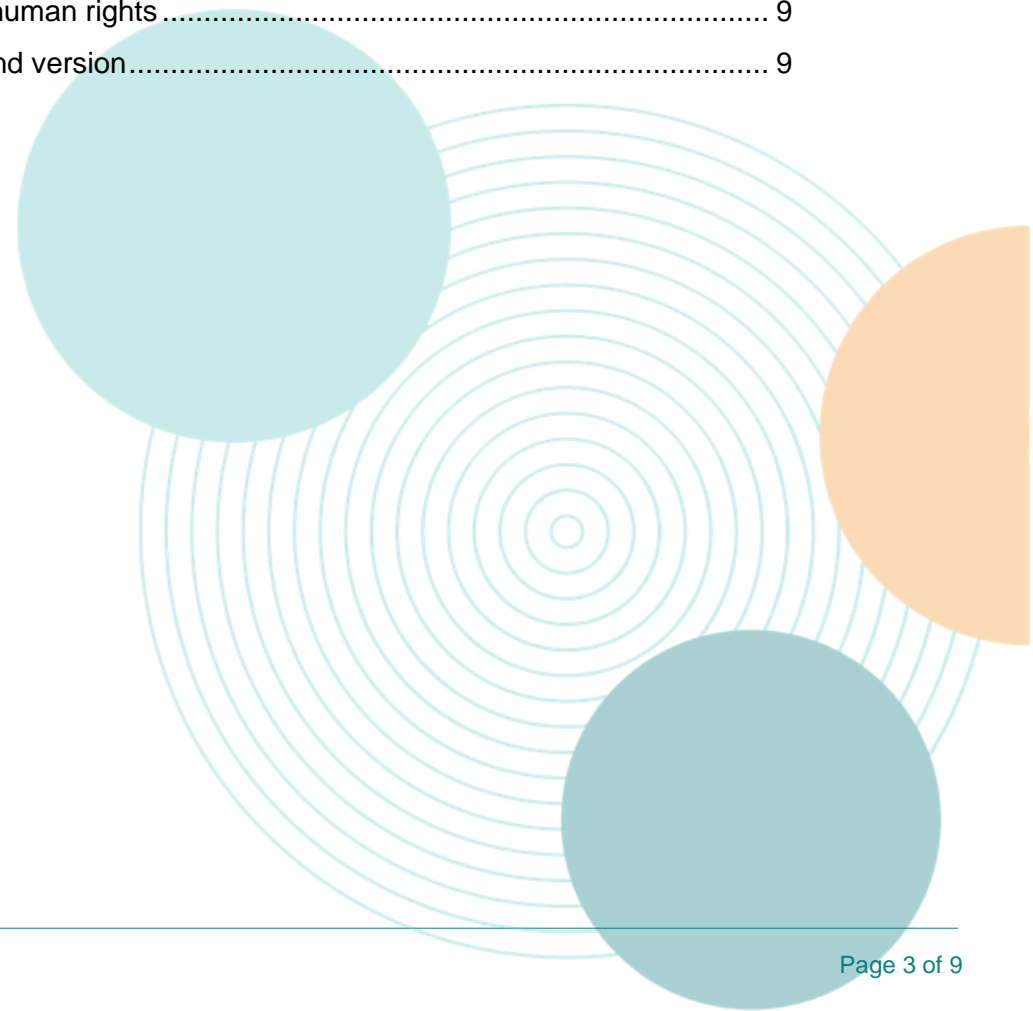
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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1.0 Purpose

This policy sets out when the Registry of Births, Deaths and Marriages (RBDM) will provide refunds.

2.0 Introduction

RBDM's function is to collect and maintain life event information for Queenslanders, including births, deaths, marriages, adoptions, surrogacy arrangements, civil partnerships, and changes of name and sex.

Members of the public can submit applications to RBDM to:

- Register life events;
- Search for registered life events;
- Request certificates, information, or documents relating to a life event; and
- Correct errors in registered life events.

Most applications to RBDM require payment of a fee, which is prescribed in the *Births, Deaths and Marriages Registration Regulation 2024* (BDMR Regulation) and *Civil Partnership Regulation 2023* (CP Regulation). Regulated fees are also set for additional services offered by RBDM, such as certifying documents, and giving priority to the consideration of urgent applications.

RBDM also charges fees for marriage and civil partnership ceremonies, which are conducted by Queensland Government state officers and civil partnership notaries in designated ceremony rooms. These fees are not contained in the BDMR Regulation or CP Regulation and are charged to cover the costs of the service provided.

RBDM is a self-funded organisation. The fees it collects enable it to operate sustainably into the future, and to preserve life event records for Queenslanders.

This policy sets out the circumstances in which customers who have paid for a service will be eligible for a refund.

3.0 Scope

In scope – this policy relates to refunding fees paid to RBDM for services, including:

- Applications to register life events;
- Applications for life event certificates; and
- Marriage and civil partnership ceremonies.

Out of scope – this policy does not apply to decisions by RBDM to provide a service free of charge, which are covered in [RBDM's Fee Waiver Policy](#).

4.0 Legislation

Legislation	Section
<i>Births, Deaths and Marriages Registration Regulation 2024 (Qld)</i>	18 Fees
	Schedule 2 Fees
<i>Civil Partnership Regulation 2023 (Qld)</i>	Schedule 2 Fees

Section 18 of the BDMR Regulation states that an application fee must accompany an application to RBDM. Schedule 2 of the BDMR Regulation prescribes those fees. Likewise, section 6 of the CP Regulation states that the fees payable under the *Civil Partnership Act 2011* are stated in Schedule 2 of the CP Regulation.

Fees charged for conducting marriage and civil partnership ceremonies are not prescribed in legislation, but cover:

- Booking costs, involving assessing and processing of relevant documents, and planning the ceremony with the couple (ceremony booking fee);
- Reservation and use of the ceremony room and facilities; and
- A celebrant to conduct the ceremony.

RBDM has the power to refund all or part of a fee paid.

5.0 Refund principles

The following principles apply to any refunds considered by RBDM.

1.	RBDM will issue a refund where a service has not been provided.
2.	Refunds will not be provided in all situations. <i>Application fees are paid to cover costs that RBDM incurs considering and processing an application, regardless of whether a person is ultimately found to be eligible to have a life event registered or a certificate issued.</i>
3.	Refund amounts will never exceed the actual amount paid by the customer to RBDM.
4.	Refunds will be made to the individual or organisation that originally paid the fee. <i>If the original payor cannot be identified, the refund will be made to the person who applied for the product or service being refunded.</i>
5.	Fees paid online will be refunded to the account from which payment was made. Otherwise, refunds will be made by cheque.
6.	Customers should be advised that once the refund is approved, it may take up to 21 days for the funds to be returned.

6.0 Refunds related to applications

An applicant may cancel an application by contacting RBDM and requesting the cancellation. A refund may or may not be provided in the circumstances outlined below.

6.1 Situations where a refund will be provided

A **full refund** will be provided if:

1.	The applicant sends a request to cancel their application to BDM-Mail@justice.qld.gov.au
AND	
2.	RBDM has not undertaken steps to follow up, assess or process the application.

6.2 Situation where a refund will not be provided

Unless exceptional circumstances exist, **no refund** will be provided if RBDM has taken steps to follow up, assess or process the application. As examples:

Example 1	No refund will be provided where RBDM has determined that further information is required for an application and given the applicant instructions to progress the application. In this case, while the applicant will not be entitled to a refund, they may contact RBDM within 12 months from the date they applied to finalise their application. The applicant may need to complete a new application form and provide updated supporting documents.
Example 2	RBDM can only issue a certificate to a person who has an adequate reason for obtaining it (see RBDM's Certificate Access Policy). If RBDM refuses a certificate application because the applicant is unable to demonstrate an adequate reason for obtaining it, the applicant is not entitled to a refund of the application fee.
Example 3	RBDM cannot approve a change of name application if the applicant seeks to be known by a 'prohibited name' (see RBDM's Prohibited Name Policy). Before refusing the application, RBDM will contact the applicant and provide them an opportunity to choose a different name (which RBDM will consider at no additional cost). RBDM will not provide a refund to applicants that withdraw their change of name application after being advised that the name they have chosen is prohibited.
Example 4	RBDM cannot provide a refund if a decision to register a change of name is approved and subsequently reversed by RBDM. This

	might occur in circumstances where RBDM receives information from the Police Commissioner or the Chief Executive of Queensland Corrective Services that the applicant did not have written permission to change their name prior to applying to RBDM. See RBDM's Change of Name Policy .
Example 5	RBDM cannot provide a refund if a parent applies for the birth certificate of one child in their family but intended to apply for another child's certificate and realises their error upon receiving the certificate.

7.0 Cancelling a marriage or civil partnership ceremony

Typically, a marriage ceremony cannot be booked less than one month in advance, due to the mandatory one month waiting period. As a result, RBDM is unlikely to recover the cost for a wedding ceremony if it is cancelled less than one month from the ceremony date.

If a person wishes to cancel a ceremony booking, a refund will be determined as follows:

1.	Cancellation <u>more than one month</u> before the ceremony date <i>RBDM will only refund the ceremony fee and associated certificate fees</i>
2.	Cancellation <u>less than one month</u> before the ceremony date <i>RBDM will only refund certificate fees</i>

8.0 Applications for services RBDM does not provide

If an applicant mistakenly applies for a product or service that RBDM does not provide, RBDM will not consider their application and will refund the full application fee.

Example	RBDM does not offer change of name (CON) services to persons whose births are registered in another State or Territory of Australia. For example, if a person whose birth is registered in Victoria applies for a CON in Queensland, the application cannot progress because RBDM does not have the legal power to provide the CON to that person. In that instance, RBDM would refund the application fee.
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9.0 Undelivered additional services

If RBDM does not provide an additional service that was requested by an applicant (such as prioritisation of their application, certification of a document, or postage), the

applicant can elect for RBDM to either resupply the service (where possible), or request a full refund.

Example 1	If an applicant pays for prioritisation of their application for a certificate, but does not receive prioritised service, they are entitled to a refund of the extra fees paid for prioritisation, but not for the cost of the certificate application.
Example 2	If an applicant pays for RBDM to certify a copy of a source document but, due to an administrative error, the source document that is sent to the applicant is uncertified, they can request either a certified copy of the document be sent, or a refund of the certification fee.
Example 3	If an applicant pays for a certificate to be posted, but instead collects the certificate from RBDM's Customer Service Centre, they are entitled to a refund of the postage fee.
Example 4	If an applicant requests a certificate be sent by express post, but RBDM inadvertently sends it by registered post, the applicant is entitled to a refund of the difference between the postage fees.

10.0 Errors on a certificate

RBDM issues certificates based on the information held in its registers. If an applicant receives a certificate that they believe contains an error, they will generally not be entitled to a refund, as the certificate correctly reflects the registered information in relation to that life event. However, there is a process for the applicant to apply and correct an error on a life event record and seek an updated certificate (see [RBDM's Corrections Policy](#)).

11.0 Certificates damaged in post

RBDM is not responsible for damage to certificates during transit and is unable to provide a refund in these circumstances. Applicants who receive a damaged certificate should first contact the postal service provider (Australia Post for all domestic certificate orders) and submit a compensation claim for the cost of the certificate and postage. In circumstances where the applicant's compensation claim is unsuccessful, RBDM may consider issuing a replacement certificate without charge.

12.0 Review of a decision

Any person not happy with a decision made by the Registrar can seek a review of the decision by applying to QCAT in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

13.0 Compatibility with human rights

RBDM is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, RBDM has an obligation to act and make decisions in a way that is compatible with human rights and when making a decision, to give proper consideration to human rights. When making a decision about providing a refund, decision-makers must comply with that obligation.

14.0 Commencement and version

Commencement date:	24 June 2024
Version:	1.0
Approved:	Registrar-General