

Refunds Policy



November 2022

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.1 Responsible planning and ownership of outcomes.

1. Objectives

The purpose of this policy is to ensure refund requests are dealt with in a way that is:

- Consistent and transparent;
- Fair and equitable to all applicants;
- In adherence with relevant conditions and timeframes; and
- Effectively reported and administrated.

2. Application

This policy applies to refunds relating to items included in the annual adopted Schedule of Fees and Charges, except those with separate refunds policies being:

- Recreational Services
- Holiday parks and campgrounds
- Hub of Entertainment Arts and Regional Tourism (HEART)

3. Definitions

Property charges means those charges defined under section 6.40(3) *Local Government Act 1995*, such as kerbside waste and recycling collection charges.

4. Policy

The Shire can issue refunds for monies received for payment of fees and charges listed in the Schedule of Fees and Charges including but not limited to approvals, bonds, fines, infringements, licenses, permits, property charges, rates and registrations.

A written refund application for will be considered on its individual merits. The Shire reserves the right to determine eligibility for a refund, and eligibility will be based on information provided.

Refunds approved require completion of the Shire's Request for Refund/Payment Form and

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evidence of payment.

A record of each refund will be registered to the corresponding records file to meet the Shire's record keeping requirements.

4.1 Overpayments

Duplicate payments or overpayments made in error relating to an approval, fee or charge, fine, infringement, invoice, license, permit or registration will be issued within 30 days of a refund application being received.

4.2 Bonds

The Shire will refund subdivision or development bonds following expiration of the relevant maintenance period, provided that such maintenance has occurred to the satisfaction of the Shire.

Where a bond is paid as a fee or charge for a facility or service as listed in the Shire's annual adopted Schedule of Fees and Charges and a claim for refund is not made within six months of payment, no refund will be issued.

4.3 Building fees

The following categories apply in determining the level of refund applicable to building fees paid.

a) Applications submitted and withdrawn prior to any Officer assessment.

If the Shire has carried out the administrative functions (i.e. registered, assigned a file number, receipted fees including any trust monies), then 50% of the fee charged (as per the adopted Schedule of Fees and Charges) shall be refunded.

b) Applications submitted and withdrawn prior to approval being granted but after an Officer assessment has been carried out.

If a Shire Officer has carried out the administrative functions and also undertaken a professional assessment such as site inspection, plan and specification assessment for compliance with the Building Code of Australia (BCA) and Health Act assessment but formal approval has not been given or may be pending further information or planning approval:

- Where the fee paid is less than \$100 no refund will be given
- Where the fee exceeds \$100 then 50% of the fee will be refunded.

c) Applications submitted, processed, approval granted and the application lapsed (i.e. not commenced within the statutory 12 month period and no extension has been given) or the application is cancelled prior to lapsing.

No refund will be provided.

Where a levy is collected on behalf of an external board or fund (i.e. Builders Registration Board, Construction Training Fund), the Shire will provide a refund only if the refund is within the same month the levies were collected, otherwise application is to be made directly to the board or fund.

4.4 Crossovers

When a vehicle crossover is constructed in accordance with Shire standards and specifications a one-off subsidy refund as listed in the annual Schedule of Fees and Charges will be returned to the land owner within 30 days of a written application being received and approved.

4.5 Planning fees

Where an application is made and withdrawn prior to determination, a request for refund (*Planning and Development Regulations 2009 Part 7 Schedule 2 Reg 52*) will be considered in the following circumstances:

- a) Where it is deemed no assessment work has been undertaken and the application is withdrawn within 7 days of the date of application, 90% of the application fee may be refunded.
- b) Where a preliminary assessment has been completed, the minimum fee or 25% of the application fee, whichever is the greater, will be retained and the rest may be refunded if the application has not yet been advertised.
- c) Where further information has been requested and the applicant requests to withdraw the application, the minimum fee or 50% of the application fee, whichever is the greater, will be retained and the rest may be refunded if the application has not yet been advertised.
- d) Where the application has been advertised, or the final assessment has been commenced no refund will be granted.
- e) If an application is submitted and it is deemed that planning approval is not required a 100% refund may be approved.

4.6 Property charges

Where a request is received to refund a property charge listed in the Shire's adopted Schedule of Fees and Charges, the maximum refund term is the current financial year plus one previous financial year.

4.7 Rates

Where the rate record is amended and a request by the owner is received, the Shire may make a refund on amounts exceeding \$100.

Where land becomes or ceases to be rateable and a request by the owner is received, the Shire may make a refund within 14 days.

4.8 Cat registrations

If a registration is cancelled, no refund will be provided.

If a registration fee is paid, and the cat is later deceased due to natural causes no refund will be due. All other requests for refund will be determined on an individual basis.

4.9 Dog registrations

If the Shire refuses a registration fee and the fee has been paid, the full amount of registration will be refunded.

Where a registration fee is paid for a non-sterilised dog, and the dog has subsequently been sterilised a pro-rata refund for the duration of the term will be granted.

If a registration fee is paid, and the dog is later deceased due to natural causes no refund will be due. All other requests for refund will be determined on an individual basis.

4.10 Health fees

Generally, should an enterprise that is required to pay an annual licence fee choose to close or sell the business no refund of those fees is provided.

If the Shire is required to suspend or cancel a licence, no refund will be provided.

If the Shire is required to suspend or cancel a food business registration, no refund of the annual compliance fee is provided.

Should the food business close at its own volition no refund of the annual compliance fee is provided.

In the event of an extenuating circumstance such as family death, accident or serious illness a pro-rata refund may be approved.

4.11 Infringements

If an infringement notice is withdrawn after the modified penalty has been paid, the full amount will be refunded.

Relevant Legislation

Local Government Act 1995 – section 6.14

Local Government (Financial Management) Regulations 1996

The Trustees Amendment Act 1962 – Part III

Cat Act 2011

Dog Act 1976

Dog Regulations 2013

Health (Miscellaneous Provisions) Act 1911

Food Act 2008

Document and version control table

Responsible Directorate	Corporate and Community Services		
Contact officer	Manager Corporate Performance		
Adopted/approved by	Council		
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Version	Date	Decision Ref	Brief description
1.0	22 August 2012	OM1208/2 5	Initial issue
1.1	October 2014	OM2014/2 32	Major review
2.0	12 July 2017	OM2017/1 77	Major review
3.0	9 November 2022	OM2022/ 199	Major review