

# CCSP 11 Refunds Policy



November 2017

*This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with community values and aspirations.*

*The Refunds Policy relates to the following Strategic Outcome of the Community Strategic Plan 2036*

*5.2 Effective and integrated strategy, planning, financial and asset management.*

## Objectives

The purpose of this policy is to outline the circumstances under which the Shire will refund monies paid for the provision of goods or services.

## Policy

This policy provides an overarching framework for the Shire to issue a refund of monies paid by businesses, community organisations, individuals and ratepayers.

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

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 policy for the assessment of refund applications ensures:

- Consistency and transparency;
- Fairness and equity to all applicants;
- Adherence to conditions and timeframes; and
- Implementation of effective reporting mechanisms and administrative procedures.

A written application will be considered on its individual merits. The Shire of Augusta

CCSP 11 REFUNDS POLICY

Margaret River reserves the right to determine eligibility for a refund on a fee or charge listed in the Schedule of Fees and Charges and eligibility will be based on information provided.

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.

Refunds will be GST inclusive if applicable, as listed in the Shire's annual Schedule of Fees and Charges.

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

### **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 Manager Asset Services.

Where a bond is paid as a Fee or Charge for a facility or service as listed in the Shire's annual Schedule of Fees and Charges and a claim for refund is not made within 6 months of payment, no refund will be issued. (i.e. Library temporary memberships, key bonds and animal trap hire).

### **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 minimum fee (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 \$100.00 no refund will be given;
- When the fee exceeds \$100.00 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 is 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.

### **Caravan Parks and Camping Grounds**

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

Early departures will not be refunded, unless in case of a bona fide emergency.

Where a loss of power is incurred (powered site), a maximum amount of \$6.00 will be refunded (per 24 hour period).

Any cancellation of site bookings will incur an administration fee per site as listed in the annual Schedule of Fees and Charges and a minimum of 14 days notice is required. Where a minimum of 14 days notice is not given, no refund is provided.

Any guests requested to leave the park on account of an infringement of park rules will not be entitled to a refund.

### **Cat Registration**

If a registration is cancelled (*Section 10, Cat Act 2011*), no refund is 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 by the Manager Health, Waste and Ranger services.

### **Crossover Refund**

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.

### **Dog Registration**

If the Shire refuses a registration fee and the fee has been paid (*Section 16 (2)(b) Dog Act 1976*) 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 (*Division 19. Dog Regulations 2013*).

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 by the Manager Health, Waste and Ranger services.

### **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 (*Sections 344, 357 of the Health (Miscellaneous Provisions Act 1911)*), no refund is provided.

If the Shire is required to suspend or cancel a food business registration (*Section 112 of the Food Act 2008*), 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 will be approved.

### **Infringements**

If an infringement notice is withdrawn after the modified penalty has been paid (*Section 65 (2) of the Cat Act 2011*), (*Section 9.20 Local Government Act 1995*), the full amount is to be refunded.

### **Memberships**

Where a membership is paid for Recreation Services and a refund is requested each application will be determined at the discretion of the Recreation Operations Manager and a pro-rata refund will apply.

### **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 which ever 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, which ever 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.

## Property Charges

Where a request is received to refund a property charge listed in the Shire's adopted Schedule of Fees and Charges (*Section 6.40(3) Local Government Act 1995*), the maximum refund term is the current financial year plus one previous financial year. Examples of these property charges are rubbish collection and recycling collection.

## Rates

Where the rate record is amended (*Section 6.40(3) Local Government Act 1995*) and a request by the owner is received the Shire may make a refund on amounts exceeding \$100.00.

Where land becomes or ceases to be rateable and a request by the owner is received (*Section 6.53 Local Government Act 1995*) the Shire may make a refund within 14 days.

## Application

Responsibility for the implementation of this policy rests with the Director Corporate and Community Services. The Policy is to be reviewed every three years.

### Document and version control table

<b>Strategic outcome</b>	5.2 Effective and integrated strategy, planning, financial and asset management.	
<b>Responsible Directorate</b>	Corporate and Community Services	
<b>Authority of original issue</b>	Council	
<b>Date of original issue</b>	9 December 2015	
<b>Contact officer</b>	Coordinator Revenue and Customer Service	
<b>Date of next review</b>	1 October 2020	
<b>Document No.</b>	COR/11 AM1150	
Version	Date issued	Brief description
1.0	9/12/2015	Initial Release Adopted by Council OM2015/269
1.1	22/11/2017	Reviewed Adopted by Council OM2017/296