

REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY

COMMUNITY POLICY



1 Scope

This policy applies to the refunds, exemption or reduction of Rockhampton Regional Council adopted fees and charges. This policy does not apply to requests received relating to levied rates and charges or the refund of deposits.

2 Purpose

The purpose of this policy is to ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council's adopted fees and charges.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2011

Complaint Management Policy

Delegations Register – Local Law No. 1 (Administration) 2011

Fees and Charges Schedule

Financial Delegations Policy

Payment Exception Authority Procedure

Refund of Fees and Charges Procedure – Dog Registration and Keeping of Animals Application for Approval Fees

Refund of Fees and Charges Procedure – Public and Environmental Health and Local Laws Licensing/Application Fees

4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
Delegated Officer	Employee appointed to a position with a delegation under section 35(3) of <i>Local Law No. 1 (Administration) 2011</i> .

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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Exemption	Includes waiving.
Fees and Charges	Council fees and charges contained within the schedules adopted annually in accordance with <i>Local Government Regulation 2012</i> .
Financial Delegation	A formal delegation (consisting of a financial band and a contractual delegation) allowing an employee to authorise/approve the expenditure or reimbursement of money within their approved budget and delegation limit. This delegation allows an employee with responsibility for a budget to manage that budget.
Prescribed Fee	A local law cost-recovery fee fixed by the local government, by local law or by resolution under the <i>Local Government Act 2009</i> and listed in the Fees and Charges Schedule with the Council Local Law as the governing specific legislation.
Refund	Includes remit.

5 Policy Statement

Council's fees and charges are fixed annually by Council in accordance with the *Local Government Regulation 2012* and are usually not refundable.

Council may however consider refunding, exempting or reducing fees and charges in a consistent manner on a case-by-case basis, subject to certain conditions being met. Refunds are only payable to the person or entity who paid the fee or charge.

5.1 Refund/Exemption/Reduction Due to Error

If a fee or charge has been incorrectly applied by Council or invalidated by administrative or legislative change actions will be undertaken to rectify the error as soon as possible. Where necessary, the customer is contacted to advise the appropriate actions to be undertaken and to arrange for a refund to be processed if applicable.

5.2 Customer Request for Refund/Exemption/Reduction of a Valid Charge

Customer requests for refunds, exemptions and or reductions are only considered following receipt of a customer's formal request in writing along with mandatory and supporting documentation.

Council does not refund:

- (a) Public and environmental health licence fees for the sale of a business or surrender of a licence;
- (b) Temporary entertainment event application fees for local community groups; and
- (c) Temporary entertainment event renewal fees for local community groups.

Requests must be lodged in accordance with the following timeframes:

- (a) Dog registration – within the first six months of Council's registration period;
- (b) Training courses – within 48 hours prior to the event;
- (c) Licence application fee – within 10 working days of the application being withdrawn; and
- (d) For all other requests – within 10 working days of payment, or where sufficient evidence is provided to confirm that the request has been submitted as soon as reasonably practical.

5.2.1 Acknowledgement of Refund/Exemption/Reduction

Upon receipt of a formal written request, Council will acknowledge the request in writing within 10 working days and advise of subsequent actions to be undertaken if required.

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5.3 Considerations for Refund/Exemption/Reduction

Requests are reviewed taking into account the following considerations:

- (a) A possible administration error has resulted in an incorrect fee or charge;
- (b) The fee has been overpaid by the customer;
- (c) Situation has changed where the fee or charge is no longer relevant;
- (d) The fee has been paid for Council to perform a specific action and the action has not been performed;
- (e) Additional conditions within any related policy and procedure and the Fees and Charges Schedule for example, the percentage of the refund stipulated in the fees and charges (if applicable); and
- (f) If Council has already incurred any direct or indirect costs.

Further considerations relevant to the specific request may also apply in addition to those detailed above.

5.4 Approval Values

The Chief Financial Officer must be promptly notified after any refund, exemption or reduction greater than \$5,000 has been approved.

5.4.1 Refund/Exemption/Reduction Due to Error

Refunds/exemptions/reductions under paragraph 5.1 up to the amount of \$5,000 must be approved by an employee in a position with relevant financial delegation. Amounts greater than \$5,000 must be approved by the relevant general manager or executive manager, Chief Financial Officer, Deputy Chief Executive Officer or CEO.

5.4.2 Refund/Exemption/Reduction Other Than Due to an Error

Other refunds, exemptions and reductions outside paragraph 5.1 (other than due to an error) up to the amount of \$1,000 must be approved by the relevant general manager or executive manager, Deputy Chief Executive Officer or the CEO, and amounts between \$1,000 and \$5,000 must be approved by the CEO, with amounts greater than \$5,000 to be referred to Council. The CEO must be promptly notified after a refund, exemption or reduction outside paragraph 5.1 (other than due to an error) has been made. The CEO must provide a report of these refunds, exemptions or reductions of fees to be presented to Council at the next available meeting.

5.4.3 Refund/Exemption of Local Law Prescribed Fees

In addition to paragraphs 5.4.1 and 5.4.2, a delegated officer's approval is also required to refund or exempt a local law prescribed fee.

Council approval is required for any requests, received more than two financial years after a payment, for an exemption or part refund of a local law prescribed fee, unless specific provision to the contrary is made in the local law or resolution fixing the fee.

5.5 Request Approved

Following investigation, the customer will receive written confirmation, advising of the determined outcome and any other relevant information. If necessary, subsequent contact is made with the customer in order to process the refund in a timely manner.

5.6 Request Denied

Following investigation, the customer will receive written confirmation advising them of the determined outcome.

5.7 Dispute of Decision

If the request denial or the amount of refund/reduction/exemption is disputed, the customer may lodge a complaint. Complaints are managed in accordance with the Complaint Management Policy.

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6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Financial Officer
Policy Quality Control	Legal and Governance



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