

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 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 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

Complaints Management Policy

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

Fees and Charges Schedule

Financial Delegations Policy

Payment Exception Authority Procedure

Recordkeeping Policy

Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy

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> .
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.

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Fees and charges	Council fees and charges contained within the schedules adopted annually in accordance with <i>Local Government Regulation 2012</i> . Other fees and charges which are set from time to time are also included in this definition for example Council-run events or activities.
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.
Manager	An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Prescribed fee	A 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 a Council Local Law, including subordinates, as the legislative authority.
Refund	Includes remit of funds or repayment of a sum of money.

5 Policy statement

Council's fees and charges are fixed by Council in accordance with the Local Government Regulation 2012 and are usually not refunded, reduced or waived.

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. Fees and charges are only considered for a refund within two years of the payment being made and are only returned to the person or entity who paid the fee or charge.

Any fees and charges associated with the use of Council facilities for local government election purposes are exempt at all times.

5.1 Refund/exemption/reduction due to error

5.1.1 Applied by council

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

5.1.2 Incorrectly paid by customer

Where a customer has incorrectly paid or overpaid a fee or charge, actions are taken to refund the customer within a reasonable timeframe. Council requires evidence of the incorrect payment or overpayment of the fee or charge prior to issuing the refund.

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5.2 Customer request for refund/exemption/reduction of a valid charge

Customer requests for refunds, exemptions and or reductions of a valid charge 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 events and regulated activities as defined in the Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy (for example, festival/public place activity/wedding ceremony attended by more than 50 people) application and assessment fees for approvals;
- (c) Temporary entertainment event on private land application and renewal fees for local community groups; and
- (d) Dog registration – for relocated dogs outside the Region (the owner may be eligible for reciprocal registration in their new local government area).

Requests must be lodged in accordance with the following timeframes:

- (a) Dog registration – up to and including 28 February within the current registration period;
- (b) Licence application fee – within 10 working days of the application being withdrawn; and
- (c) 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 taken if required.

5.3 Refund outlined in the Fees And Charges Schedule

Where a refund is outlined in the Fees and Charges Schedule actions are taken to refund the customer within a reasonable timeframe and in accordance with any additional conditions within the Fees and Charges Schedule.

5.4 Refund outlined in terms and conditions

Where a refund is outlined in Terms and Conditions actions are taken to refund the customer in accordance with the Terms and Conditions.

5.5 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
- (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.

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5.6 Approval levels

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

5.6.1 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, Manager Finance or CEO. If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

5.6.2 Refund/exemption/reduction other than due to an error

Other refunds, exemptions and reductions outside paragraph 5.1 (other than due to an error), paragraph 5.3 (outlined in the Fees and Charges Schedule) and paragraph 5.4 (outlined in Terms and Conditions) up to the amount of \$1,000 must be approved by the relevant general manager 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 under this paragraph has been made. The Manager Finance will present to Council a report of the refunds, exemptions or reductions of fees each quarter, or at earlier intervals as may be determined by the CEO.

If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

A register of all refunds, exemptions and reduction of fees and charges is kept in accordance with Council's Recordkeeping Policy and overseen by the Manager Finance, this includes any supporting documentation such as invoices, emails and other correspondence.

5.6.3 Refunds outlined in the fees and charges schedule

Refunds under paragraph 5.3, as outlined in the Fees and Charges Schedule, are approved by an employee with the relevant financial delegation, unless stipulated otherwise in the Fees and Charges Schedule. If a prescribed fee, the approval process in paragraph 5.6.5 also applies.

5.6.4 Refunds outlined in terms and conditions

Refunds under paragraph 5.4, as outlined in terms and conditions, are approved by an employee with the relevant financial delegation.

5.6.5 Refund/exemption of prescribed fees

Refunds and exemptions of prescribed fees must be approved by a delegated officer within the following limitation:

- (a) Delegated officers who are a manager are only able to approve a refund, exemption or reduction due to an error as detailed in paragraph 5.1.

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.

5.7 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 return of monies paid in a timely manner.

5.8 Request denied

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

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5.9 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 Complaints Management Policy.

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	General Manager Organisational Services
Policy Owner	Manager Finance
Policy Quality Control	Legal and Governance

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