



Calculation of Fee Refund – Withdrawn Applications

under the *Environmental Protection Regulations 1987*

Purpose

To provide guidance to applicants on the method used by the Department of Environment Regulation (DER) to calculate a refund of application fees when an application for a licence, works approval, registration or an amendment is withdrawn by the applicant.

Introduction

This fact sheet has been prepared to provide guidance to applicants on the method used by DER to calculate fee refunds for withdrawn applications.

Under Regulation 50 of the *Environmental Protection Regulations 1987* (EP Regulations), the Chief Executive Officer (CEO) of DER may reduce, waive or refund, in whole or in part, any fee under the Regulations relating to a works approval, licence or registration.

An application for a licence, works approval, registration or amendment may be withdrawn by the applicant at any time during DER's assessment process. The applicant must provide written advice to DER detailing the reasons for the withdrawal and may request a refund of any fees paid.

If a refund is applicable, the amount will be subject to a deduction of reasonable fees for resources used by DER up to the point the application is withdrawn.

This fact sheet clarifies how the amount refunded will be calculated to ensure consistency and transparency.

Calculation of Fee Refund

Upon receipt of written advice from an applicant that they wish to withdraw their application, DER will initiate a refund of any fees paid. The refunded amount will be based on the number of assessment days that DER has used, calculated as a percentage of the total assessment timeframe established at the application verification stage. Please note the following:

- For new works approvals and licence applications, and applications for major amendments, a full or partial refund will be provided if the application is withdrawn before DER has completed 60 assessment days.
- For applications for minor or administrative amendments, a full or partial refund will be provided if the application is withdrawn before DER has completed 40 assessment days.

In calculating the refund amount, DER will:

- calculate the number of assessment days used from the date the application is received;
- not include days when the assessment was on hold ('stop-clock') when calculating the number of assessment days completed; and
- consider an assessment day to be any usual working day (that is Monday to Friday excluding public holidays).

The CEO retains discretion to consider specific circumstances for refunds under Regulation 50.

Example

1. DER receives an application for a new works approval on 2 May 2016 subject to a 60-day assessment timeframe.
2. The application is verified on 10 May 2016 and the applicant pays the fee of \$2,500 on 16 May 2016 (stop-clock period of four days).
3. The applicant withdraws the application on 1 June 2016.
4. DER has used 18 assessment days (22 usual working days minus 4 stop-clock days) leaving 42 days of assessment time.
5. DER refunds a total of \$1,750 $\left(\frac{42}{60} \times \$2,500\right)$ to the applicant.

More Information

For advice on the Regulations, or related matters, please contact DER on 6467 5000.

This document is available in alternative formats and other languages on request.

Related Documents

Additional publications about Industry Regulation are available online from www.der.wa.gov.au/Our-work/licences-and-worksapprovals/publications, or can be requested by phoning 6467 5000.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at www.slp.wa.gov.au.

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Legal Advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.