Recreational Fishing Fee Refund Policy

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Policy Statement

NSW Department of Primary Industries and Regional Development (NSW DPIRD) Fisheries policy concerning the refund of payment of the recreational fishing fee and agent network remittance/bond payments which relate to recreational fishing fee receipt sales sold by businesses who are under a Departmental agency agreement.

Scope

DPIRD Fisheries has adopted a formal refund policy for recreational fishing fee payments made in situations where a recreational fishing fee receipt is not or is no longer required by a person. Recreational fishing fee receipt holders are identified by a unique receipt number.

This policy applies to payments made related to the fishing fee periods as prescribed in the *Fisheries Management Act 1994* (the Act) and the *Fisheries Management (General) Regulation 2019* (the Regulation).

DPIRD Fisheries has also adopted a formal refund policy for the agent network where a formal agency agreement is in place between a business (agent) and DPIRD Fisheries for a business to sell recreational fishing fee receipts to people on behalf of DPIRD. This policy is to account for situations where an agent network remittance payment for recreational fishing fee receipt sales has been made, and a discrepancy has been found in the payment to DPIRD, resulting in a credit on the agent’s account. The policy will also account for situations where an agent has paid an agency bond payment, and the agency agreement has been terminated.

Financial Framework

Recreational fishing fee receipt payments

Section 288B of the Act prescribes the Minister has the power to waive, postpone or refund all or any part of a fee, charge or contribution payable under the Act or regulations if the Minister considers it appropriate to do so.

Pursuant to power under Section 288B, refund applications are assessed with recognition to approved exemptions from paying the recreational fishing fee prescribed in Section 34C of the

Fisheries Management Act 1994 and/or if a recreational fishing fee was paid in error and/or is no longer required.

The recreational fishing fee amount related to the various periods is prescribed in Schedule 6 of the Regulation.

Refund amount approved will be proportional to the time left in the fee period forwards from the time of application in cases where the person no longer requires a fishing fee receipt, or from when the person became exempt/no longer needed a fishing fee receipt according to their supporting documentation. Refunds related to duplication of payments and those paid in error can be fully refunded.

Agent network remittance payments / bond payments

Section 34H of the Act prescribes:

- Arrangements for collection of fishing fees and issue of receipts
- The Secretary may enter into arrangements with any person for the collection of fishing fees and the issue of official receipts. A person who enters into such an arrangement is an authorised agent for the purposes of the Act.
- An arrangement may make provision for the authorised agent to make specified records, and follow specified procedures, with respect to the collection and remittance of fishing fees and the issue of official receipts.

Section 288B of the Act prescribes the Minister has the power to waive, postpone or refund all or any part of a fee, charge or contribution payable under the Act or regulations if the Minister considers it appropriate to do so.

Pursuant to power under Section 288B, refund applications are assessed with recognition to PROC24/35, POL24/12 and PROC25/35 – agents in debt and or/agents in credit procedures and policy.

Refund Requirements:

Recreational fishing fee receipt payments made by fishers

To be eligible for refund consideration, specific or various aspects (alone or combined) are required:

- Be the person recorded as the fee payer related to the official receipt
- Be the person eligible to submit a refund application on behalf of a deceased fisher (refund is to be paid to the estate of the fisher or other legal supporting documentation needs to be supplied to outline where the refund can be paid (deceased fisher refunds).
- The official receipt is current (unless it relates to a duplication of payment, exemption with relevant supporting documentation or deceased fisher with relevant supporting documentation)
- Be identified as fee payer on the Licence NSW System Duplication Report
- Complete and lodge the Refund Application Form in line with directions on the form
- Be covered by an exemption under Section 34C of the Act or prescribed in Regulation
- Provide ‘Other’ reasoning for their refund application which will be assessed on a case-by-case basis for fishers who no longer require a fishing fee receipt
- Return their fishing fee receipt and/or their plastic receipt card with their refund application (in the event the fisher no longer had the licence card, or never received the licence card, this must be documented on the refund application form)

- Provide relevant supporting evidence that they are exempt from the NSW Recreational Fishing Fee as specified in the refund application or as requested by the Department

Agent network remittance payments / bond payments

- Be the business / business owner who made the remittance payment(s) that resulted in a credit on the agent account.
- Be the business / business owner who made the agency bond payment according to the signed agency agreement or other supporting agent documentation.
- Are not subject to any credit or bond forfeits where lost licence book(s) / lost individual licence(s) exceed the value of the credit and/or bond payment.
- Complete and lodge the Refund Application Form in line with directions on the form.
- For agency agreement terminations, all licence books / property of the Department must first be returned to the Department with confirmation in writing that agency agreement is to be terminated before any refunds can be determined and paid.
- Agent account audit and work procedures must have occurred in line with PROC24/35, POL24/12 and PROC25/35 prior to any agent refunds being paid.

Delegations

- Refer to Sub delegation by Secretary of Ministerial Functions Under the *Fisheries Management Act 1994*
- Refer to Government Sector Finance Instrument of Delegation (Secretary of Regional NSW)
- In context of Senior Fisheries Manager or Fisheries Manager within the Fisheries Business Operations Unit being a delegation holder subject to ‘Limitations’ related to Section 288B, this policy acts as the policy guidelines of the relevant Director for exercising authority to refund the recreational fishing fee payment made or agent refund being made.

Definitions

- ‘Agent’: Business under Departmental agreement to sell recreational fishing fee receipts on behalf of DPIRD.
- For the purpose of this policy, ‘Other’ reasoning for consideration to refund fishing fee payment may include:
    - Restrictions to accessing waterways
    - No longer interested in recreational fishing
    - No longer able to fish due to health circumstance/physical limitation

Legislation

- *Fisheries Management Act 1994*
- *Fisheries Management (General) Regulation 2019*
- *Public Finance and Audit Act 1983 – Treasurer’s Directions*

- *Government Sector Finance Act 2018*

Related Documents

- INT25/61449 Recreational Fishing Fee Refund Procedures
- INT25/61451 Application for a Refund of a Recreational Fishing Fee Payment
- INT25/61452 Application for Agent Account Credit Refund

Superseded Documents

- INT22/113727 Recreational Fishing Fee Refund Procedures
- INT22/113744 Recreational Fishing Fee Refund Policy
- INT22/113738 Application for a Refund of a Recreational Fishing Fee Payment