

Fee Waiver (Community Groups) Policy

Strategic Reference	Outcome 5 - Leadership Strategy 3.2 – Council takes a responsible approach to financial sustainability. Strategy 3.10 – Recognise the valuable contribution of volunteers to the district.
File reference	AR22/2755
Responsibility	Community & Corporate Department
Revision Number	1
Effective date	August 2022
Last revised date	N/A
Minutes reference	182/22
Next review date	August 2025
Applicable Legislation	Local Government Act 1999
Related Policies	Nil
Related Documents	Fees & Charges Schedule Fee Waiver and In-Kind Support Application Form

1. Purpose

The purpose of this Policy is to ensure that consideration of requests by community groups for fee waivers are managed in a consistent, transparent and equitable manner, in line with Council's goals and priorities.

2. Policy Statement

- 2.1 Council recognises that there are reasonable and legitimate circumstances in which it would waive, reduce or subsidise fees and charges.
- 2.2 This Policy applies to any not for profit organisation, incorporated association or unincorporated community group which provides a community benefit to the Council district and wishes to have a fee and/or charge waived or reduced. The waiving, or subsidising of fees and charges aligns with those listed in Council's Fees & Charges Schedule, published annually as part of the budget setting cycle.
- 2.3 This Policy does not apply to Council rates and/or rebates. Please refer to Council's Debt Recovery & Financial Hardship Policy for guidelines concerning rates relief.
- 2.4 This Policy does not apply to statutory fees and charges, as they are set and regulated by legislation. These fees are non-discretionary and must align with the relevant statute or current Ministerial advice. This fee type cannot be waived or reduced, unless specified through respective legislation and delegated accordingly.

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2.5 Exclusions to the scope of this Policy include:

- Where an agreement exists (such as a Memorandum of Understanding);
- Where support is already provided through a Council donation or contribution.

3. Definitions

For the purposes of this Policy the following definitions apply:

“Charity” means a registered organisation whose aim is to provide assistance or raise money for people in need.

“Community benefit” means having a purpose aimed at achieving a universal or common good and has a practical benefit directed towards the general community.

“Community facilities” means Council owned facilities such as buildings (ie. offices, town hall) and reserves.

“Community group” means an association of people with common aims and objectives that meets regularly and where participation in group activities is encouraged.

“Discretionary fees and charges” means fees and charges set by Council where it has discretion as to provision for the good or service being offered and what price is charged for it.

“Fees & Charges Schedule” means the document that informs Council and residents of fees and charges applicable during a financial year.

“Legislation” means all relevant State and Federal legislation and Council By-Laws.

“Waiver” or variants of this word, such as **“discount”** or **“subsidy”** means a monetary reduction to or of a fee or charge under the provisions of the Local Government Act 1999.

4. Legislative Requirements and Corporate Context

4.1 This Policy operates as a direct consequence of the provisions of section 188 (Fees and charges) of the Local Government Act 1999, empowering a council to impose fees and charges.

4.2 The provisions of the Act states at section 44(3)(j), Council may not delegate power to fix, vary or revoke fees under section 188(1)(d) – (h) which are:

- (d) for providing information or materials, or copies of, or extracts from, council records;
- (e) in respect of any application to the council;
- (f) in respect of any authorisation, licence or permit granted by council;
- (g) in respect of any matter for which another Act provides that a fee fixed under this Act is to be payable; or
- (h) in relation to any other prescribed matter.

4.3 Therefore, Council may only delegate power to fix, vary or revoke a fee under section 88(1)(a) to (c):

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- (a) for the use of any property or facility owned, controlled, managed or maintained by the council;
- (b) for services supplied to a person at his or her request; and
- (c) for carrying out work at a person's request.

4.4 Under section 188 of the Local Government Act 1999, Council or a delegated officer has the power to reduce, waive or refund in whole or in part any fees or charges.

5. Policy

5.1 Categories

5.1.1 Statutory fees and charges

Statutory fees and charges are those that are set and regulated by legislation. These fees are non-discretionary and must align with the relevant statute or current Ministerial advice. This fee type cannot be waived or reduced, unless specified through respective legislation and delegated accordingly.

5.1.2 Discretionary fees and charges

Discretionary fees and charges are not regulated by legislation and are set by Council through the adoption of the Fees & Charges Schedule (annually), for example – waste management fee, community facilities fees.

5.2 Discretionary Fees – Waiving Principles

5.2.1 Discretionary fees and charges approved and set by Council can be waived or reduced according to any Council approved price reduction framework which may be in the form of:

- a flowchart (Appendix 1 – Community Group Classification Flowchart) according to a particular type of user or group or;
- a case-by-case assessment at Council's or its delegate's discretion.

5.2.2 The criteria for allowing a fee or charge subsidy must be based on a current or future benefit, be it quantitative or qualitative.

5.3 Application and Assessment

5.3.1 All waiver requests (aside from community/sporting groups based within the Council district) must be made via the Fee Waiver and In-Kind Support Application Form.

5.3.2 Each application will be assessed by the relevant Council officer (Director or Chief Executive Officer). All authorisations must comply with the relevant instruments of delegation levels.

5.3.3 Applications between \$1 and \$500 will be reviewed by the relevant Council officer.

5.3.4 Applications over \$500 will be reviewed by the Chief Executive Officer and submitted to Council for approval via a formal resolution.

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5.4 Conflict of Interest

If a Council officer involved in the fee waiving process has a conflict of interest (whether it be actual, potential or perceived) they will be required to declare the conflict and remove themselves from the process. Another staff member at a similar delegation level will be required to assess and approve the application in the absence of the conflicted staff member.

6. Availability/Accessibility

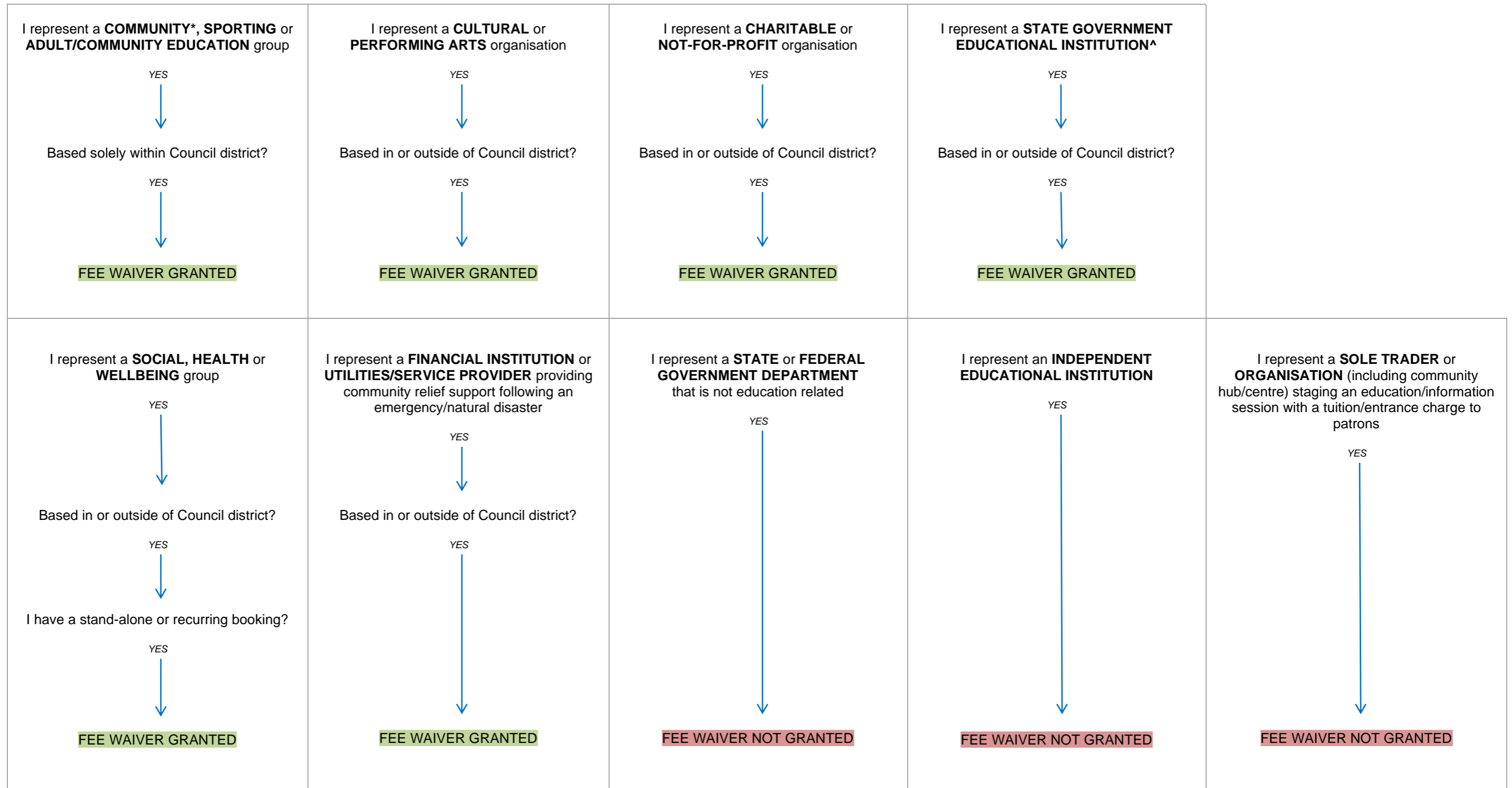
This Policy is available for inspection at Council's offices during normal business hours & Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au)

7. Availability/Accessibility

This Policy will be reviewed at least every three (3) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	16 August 2022	182/22	New policy

Appendix 1 – Community Group Classification Flowchart



* includes progress associations, service clubs (ie. Rotary/Lions) and other incorporated/unincorporated associations

[^] early learning centre, kindergarten or school