Fee Waiver Policy

Strategic Reference	**Leadership** *Priority Area 2 – Engagement & Communication* Action 5.2.8 – Council acknowledge and welcome all diverse groups that make up and contribute to our community.
File reference	AR22/2755
Responsibility	Community & Corporate Department
Revision Number	3
Effective date	August 2022
Last revised date	October 2026
Minutes reference	308/26, 330/25, 182/22
Next review date	October 2031
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 individuals, 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 individual, 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.

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:

"Community benefit" means having a purpose or activity that provides a practical benefit to the broader 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.

"Statutory fees and charges" means fees and charges set under legislation, regulations or another statutory authority, where Council has limited or no discretion as to the provision of the good or service being offered or the price that is charged for it.

"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 188(1)(a) to (c):

(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 Discretionary Fees – Waiving Principles

5.1.1 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.

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

5.2 Application and Assessment

5.2.1 Council may, as part of its annual budget setting deliberations, apply a global 'no charge' for specific fees, which will be noted within Council's Fees & Charges Schedule.

5.2.2 All waiver requests that are not automatic must be made via the Fee Waiver and In-Kind Support Application Form.

5.2.3 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.

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

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

5.3 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.

5.4 Funeral or Memorial Services

Council recognises that a request may be made to waive or reduce to hire fee for a Council community facility used to conduct the funeral or memorial service of a person who made a significant contribution to Council or the Coorong community.

The Chief Executive Officer, or delegate, may assess and approve such a request on a case-by-case basis where the deceased person was:

- A former Elected Member or Council employee;
- A current or former Council volunteer; or
- A community member who made an exceptional contribution to the Coorong community

In determining the request, consideration must be given to the person's length and nature of service or contribution, the community benefit of recognising that contribution and any direct costs that Council will incur.

This does not limit the Chief Executive Officer's ability to make decisions in other circumstances.

Requests made under clause 5.4 may be made by a family representative, funeral director or community organisation and must be documented in writing. Due to the time-sensitive nature of funeral arrangements, the standard application form is not required.

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. Document History

This Policy will be reviewed at least every five (5) 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
2	18 November 2025	330/25	Policy reviewed; no changes made
3	20 October 2026	308/26	Policy renamed to 'Fee Waiver Policy' to reflect holistic intent of policy (rather than it just applying to community groups) Reference to 'automatic' fee waivers inserted at clause 5.2.1 as part of annual budget deliberations

			New sub-clause (5.4) inserted regarding fee waivers applicable to funeral or memorial services

Appendix 1 – Community Group Classification Flowchart

I represent a **COMMUNITY*, SPORTING** or **ADULT/COMMUNITY EDUCATION** group

YES

Based solely within Council district?

YES

FEE WAIVER GRANTED

I represent a **CULTURAL** or **PERFORMING ARTS** organisation

YES

Based in or outside of Council district?

YES

FEE WAIVER GRANTED

I represent a **CHARITABLE** or **NOT-FOR-PROFIT** organisation

YES

Based in or outside of Council district?

YES

FEE WAIVER GRANTED

I represent a **STATE GOVERNMENT EDUCATIONAL INSTITUTION^**

YES

Based in or outside of Council district?

YES

FEE WAIVER GRANTED

I represent a **SOCIAL, HEALTH** or **WELLBEING** group

YES

Based in or outside of Council district?

YES

I have a stand-alone or recurring booking?

YES

FEE WAIVER GRANTED

I represent a **FINANCIAL INSTITUTION** or **UTILITIES/SERVICE PROVIDER** providing community relief support following an emergency/natural disaster

YES

Based in or outside of Council district?

YES

FEE WAIVER GRANTED

I represent a **STATE** or **FEDERAL GOVERNMENT DEPARTMENT** that is not education related

YES

FEE WAIVER NOT GRANTED

I represent an **INDEPENDENT EDUCATIONAL INSTITUTION**

YES

FEE WAIVER NOT GRANTED

I represent a **SOLE TRADER** or **ORGANISATION** (including community hub/centre) staging an education/information session with a tuition/entrance charge to patrons

YES

FEE WAIVER NOT GRANTED

* *includes progress associations, service clubs (ie. Rotary/Lions) and other incorporated/unincorporated associations*
^ *early learning centre, kindergarten or school*