

Fee Exemptions and Reductions Policy

POLICY STATEMENT	<p>1.1 Council’s fees and charges are set annually by Council in accordance with the provisions of the <i>Local Government Act 1993</i>. Section 207 of this Act states that “A council may remit all or part of any fee or charge paid or payable under this Division”.</p> <p>1.2 This policy defines the conditions under which Council may consider refunding, exempting or reducing fees and charges on a case by case basis.</p>
DEFINITIONS	<p>2.1 Financial delegation – a delegation allowing an employee to authorise/approve the expenditure or reimbursement of funds from within an approved budget.</p> <p>2.2 Fees and Charges – Council fees and charges contained within the schedules adopted annually in accordance with the <i>Local Government Act 1993</i>.</p>
OBJECTIVE	<p>3.1 To ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council’s adopted fees and charges.</p>
SCOPE	<p>4.1 This policy applies to fees and charges set by Council in accordance with Section 205 of the <i>Local Government Act 1993</i>. It does not apply to the remission of rates or cancellation of fines associated with infringement notices.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 Applications for fee exemptions or reductions shall be made in writing setting out the basis upon which the request is made.</p> <p>5.2 The application shall be referred to the relevant departmental manager with financial delegation to waive or reduce the fee.</p> <p>5.3 The assessment of requests for the waiver or reduction of fees shall be undertaken in accordance with the following principles:</p> <ul style="list-style-type: none"> • Compliance with relevant legislation; • Fairness, consistency and equity; and • Transparency <p>5.4 Department managers shall have delegation to waive or reduce fees relevant to their function areas to a maximum value of \$500.</p> <p>5.5 Any request involving a reduction in fees totalling more than \$500 shall be referred to the Chief Financial Officer or Finance Manager for consideration.</p> <p>5.6 Amounts over \$1,500 shall be referred to the General Manager for determination.</p> <p>5.7 A response to the application will be provided in writing, detailing the basis upon which the request is approved or denied and shall be recorded within Council’s record management system.</p> <p>5.8 Appeals in relation to the decision of officers regarding fee exemptions or reductions shall be made to the General Manager, or in the case of decisions made by the latter, a report will be prepared for the consideration by the Council.</p> <p>5.9 A register will be maintained of all fees and charges either waived or reduced throughout the year and a table with these details will be included within Council’s Annual Report.</p>

GUIDELINES	<p>6.1 Council may consider refunding, exempting or reducing fees and charges on a case by case basis, in the following instances:</p> <ul style="list-style-type: none"> • The fee or charge has been incorrectly applied by Council; • The fee has been overpaid by a customer; • Legislative or administrative processes have changed that make the fee no longer relevant; • The fee has been paid to Council to perform a specific action that has not subsequently been carried out; or • The fee relates to the activities of an organisation based within the Kingborough Municipal Area that can demonstrate a community benefit associated with the request to waive or reduce fees. <p>6.2 Council will not waive, reduce or refund fees that relate to the following:</p> <ul style="list-style-type: none"> • General rates and charges applied in accordance with Council Policy 3.14 (except for Council approved remissions); • Levies collected by Council on behalf of the State Government (eg Fire and building levies); • Charges incurred directly by Council associated with the provision of a service (eg advertising fees for development applications); or • Fees relating to the provision of a service for which Council has already incurred a direct or indirect cost.
COMMUNICATION	7.1 Authorised Officers, Councillors and staff.
LEGISLATION	<p>8.1 The following legislation is applicable to this policy:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Building Act 2016</i> • <i>Dog Control Act 2000</i> • <i>Environmental Management and Pollution Control Act 1994</i> • <i>Food Act 2003</i> • <i>Land Use Planning and Approvals Act 1993</i> • <i>Urban Drainage Act 2013</i> • <i>Local Government (Highways) Act 1982</i> • <i>Public Health Act 1997</i>
RELATED DOCUMENTS	<p>9.1 Council Policy 1.1 – Delegated Authority</p> <p>9.2 Council Policy 1.1A – Delegated Authority Land Use Planning and Approvals Act 1993</p> <p>9.3 Council Policy 3.14 – Rates and Charges</p> <p>9.4 Council’s Annual Plan – Schedule of Fees and Charges</p> <p>9.5 Council’s Annual Report – Table of waived or reduced fees and charges</p>
AUDIENCE	10.1 Public