

	<h1>Fee Exemptions and Reductions Policy</h1>	<b>(Policy No. 1.17)</b>		
		<small>LAST REVIEW</small> September 2017	<small>NEXT REVIEW</small> September 2020	<small>MINUTE REF</small> C497/21-17
<b>POLICY STATEMENT:</b>	<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>			
<b>OBJECTIVE:</b>	<p>2.1 To ensure a consistent and equitable approach to the management of the refund, exemption or reduction for Council’s adopted fees and charges.</p>			
<b>SCOPE:</b>	<p>3.1 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>			
<b>PROCEDURE: (POLICY DETAIL)</b>	<p>4.1 Applications for fee exemptions or reductions shall be made in writing setting out the basis upon which the request is made.</p> <p>4.2 The application shall be referred to the relevant departmental manager with financial delegation to waive or reduce the fee.</p> <p>4.3 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"> <li>• Compliance with relevant legislation;</li> <li>• Fairness, consistency and equity; and</li> <li>• Transparency</li> </ul> <p>4.4 Department managers shall have delegation to waive or reduce fees relevant to their function areas to a maximum value of \$300.</p> <p>4.5 Any request involving a reduction in fees totalling more than \$300 shall be referred to the Deputy General Manager, Chief Financial Officer or Finance Manager for consideration.</p> <p>4.6 Amounts over \$1,500 shall be referred to the General Manager for determination.</p> <p>4.7 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>4.8 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>			
<b>GUIDELINES:</b>	<p>5.1 Council may consider refunding, exempting or reducing fees and charges on a case by case basis, in the following instances:</p> <p>a) The fee or charge has been incorrectly applied by Council;</p> <p>b) The fee has been overpaid by a customer;</p>			
	<p>c) Legislative or administrative processes have changed that make the fee no longer relevant;</p>			

	<p>d) The fee has been paid to Council to perform a specific action that has not subsequently been carried out; or</p> <p>e) 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> <p>5.2 Council will not waive, reduce or refund fees that relate to the following:</p> <p>a) General rates and charges applied in accordance with Council Policy 3.14 (except for Council approved remissions);</p> <p>b) Levies collected by Council on behalf of the State Government (eg Fire and building levies);</p> <p>c) Charges incurred directly by Council associated with the provision of a service (eg advertising fees for development applications); or</p> <p>Fees relating to the provision of a service for which Council has already incurred a direct or indirect cost.</p>
<b>COMMUNICATION:</b>	6.1 Authorised Officers, Councillors and staff.
<b>LEGISLATION:</b>	<p>7.1 The following legislation is applicable to this policy:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Building Act 2016</i></li> <li>• <i>Dog Control Act 2000</i></li> <li>• <i>Environmental Management and Pollution Control Act 1994</i></li> <li>• <i>Food Act 2003</i></li> <li>• <i>Land Use Planning and Approvals Act 1993</i></li> <li>• <i>Urban Drainage Act 2013</i></li> <li>• <i>Local Government (Highways) Act 1982</i></li> <li>• <i>Public Health Act 1997</i></li> </ul>
<b>DEFINITIONS:</b>	<p><u>Financial delegation</u> – a delegation allowing an employee to authorise/approve the expenditure or reimbursement of funds from within an approved budget.</p> <p><u>Fees and Charges</u> – Council fees and charges contained within the schedules adopted annually in accordance with the <i>Local Government Act 1993</i>.</p>
<b>RELATED DOCUMENTS:</b>	<p>Council Policy 1.1 – Delegated Authority</p> <p>Council Policy 1.1A – Delegated Authority Land Use Planning and Approvals Act 1993</p> <p>Council Policy 3.14 – Rates and Charges</p> <p>Council’s Annual Plan – Schedule of Fees and Charges</p>
<b>AUDIENCE:</b>	8.1 Public