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<i>Related legislation:</i>	<i>Local Government Act 2020</i> <i>Local Laws 1- 6 of 2010</i> <i>General Local Laws 2020 - proposed</i> <i>Planning and Environment (Fees) Regulation 2000</i> <i>Building Regulations 2018</i>		
<i>Related strategic documents, policies, or procedures:</i>	<i>Pricing Policy 2018 - Adopted 20 March 2018</i> <i>Council Grants Policy - Adopted by Council - November 2015</i> <i>Special Grant Program Guidelines - updated August 2016</i> <i>Property Leasing and Licensing Policy - February 2011</i> <i>Rates and Charges Collection and Hardship Policy – October 2016</i> <i>Events Grant Program – Adopted by Council February 2018</i>		

Date	Version Number	Details of Version	Modified by
31/05/2020	1	DRAFT	Management Accountant

1. Purpose

The purpose of this Policy is to ensure that consideration of requests for financial support through Council fee waivers are managed in a consistent, transparent and equitable manner, in line with Council goals and priorities.

2. Scope

This Policy applies to staff of Mount Alexander Shire Council.

The Policy will apply to fees and charges as defined in the Fees and Charges Schedule of the Annual Budget

2.1. Exclusions to the Policy

Exclusions to the scope of this Policy include:

- Statutory fees, which should only be reduced or waived pursuant to relevant legislation.
- Where an agreement exists, such as a Memorandum of Understanding (MOU).
- Where a policy exists, e.g. Council's Events Policy, where a fee waiver component is already included.
- Where support is already provided through a council donation or contribution.
- Fines and penalties, which should be referred to existing appeal mechanisms.
- Insurance fees.
- Venue hire bonds.

3. Background

Section 77 of the *Local Government Act 2020* (the Act) allows Council, by resolution, to determine a fee, charge, fare or rent in relation to any property, undertaking, good, service or other act, matter or thing.

Council sets fees and charges for services having regard to Council's Pricing Policy 2018. When setting fees, considerations include:

- Cost recovery principles and marketplace competition.
- User capacity to pay.
- Equity in the subsidisation of services.
- Community service benefits.
- Statutory or service agreement limitations.
- Results of benchmarking of similar services.
- The impact of the striking of a fee or charge.

Fees and charges for Council services are approved by Council annually during the budget process and are publically available. Where appropriate, the fees and charges may differentiate between full and subsidised rates. The budget also includes statutory fees and charges set by the State Government.

Council regularly receives requests from organisations and individuals to reduce or waive fees and charges. This Policy is designed to meet community expectations that Council resources are distributed fairly, procedures are reasonable and decisions are consistent. This Policy also ensure fee waivers are as clear, fair, financially sustainable and transparent as possible.

Further, all fees of \$100 or greater that are waived or refunded are to be recognised in the financial statements as both income and expenditure to ensure that the total level and effect can be monitored. For those fee waivers less than \$100, each unit Manager is responsible for recording the relevant details in a register.

4. Policy

4.1. Eligibility Framework

General

The overarching principle for setting fees and charges during the budget process, is that the waiver or reduction of fees and charges:

- Should only be required infrequently.
- Should have a negligible impact on revenue forecasts in the adopted Council budget.
- Will apply up to a maximum of \$1,000 per fee or charge.
- Should be requested before the fee or charge is incurred, as requesting a refund of the fee or charge at a later date creates an administrative burden.

Amount of reduction

It is preferable for fees or charges to be reduced by 50% rather than waived in full. This enables discounts to be applied consistently to similar eligible requests and also covers the administration costs involved in the fee waiver or refund.

Only fees of \$1,000 or less per fee or charge will be considered for a fee waiver.

Statutory fees may only be waived or reduced in exceptional circumstances, and in accordance with the relevant legislation.

Eligibility Principles

A waiver or reduction will be refused where:

- The activity is a program, service, function or event that:
 - Is part of Mount Alexander Shire Council (for example, where the activities of one business unit are regulated by a permit issued by another business unit).
 - Is undertaken by a contractor engaged by, and conducting works on behalf of, Mount Alexander Shire Council.
 - Is contrary to, or inconsistent with, a Council Policy.
 - Is a primary or core service of State or Federal Governments.
 - Duplicates existing Council programs or activities.
- It is reasonably likely to result in a disproportionate increase in the number of requests from the benefiting organisation(s) or from similar organisations.

When considering a request to waive or reduce fees or charges, the decision must have regard to the merits of the application as well as the following:

- The activity to which the fee or charge applies demonstrates specific benefits to the Mount Alexander Shire community.
- The activity supports Council's vision and goals as defined in the Council Plan.
- The nature of the applicant e.g. is the applicant a not-for-profit organisation or recognised by the Australian Charities and Not for Profit Commission?
- The applicant performing the activity is based in Mount Alexander Shire.
- The applicant performing the activity provides services/benefits to residents or the wider Mount Alexander Shire community.
- The scope for waiving the particular fee or charge within the context of departmental budgets, policies and the broader business activity/market.

4.2. Decision Making and Authorisation Framework

General

Managers and coordinators should ensure that discounts or waiver requests are considered fairly, equitably and transparently.

In order to encourage fairness and equity, user groups should be made aware that an application may be unsuccessful where they:

- Increase demand from certain groups relative to others.
- Result in inequitable access to Council facilities or services as a result of subsidising certain users/groups.

Staff are to ensure policies, processes, procedures and application forms, as appropriate, transparently reflect and promote accessibility of waivers and fee reductions.

5. Responsibilities

Position	Responsibility
Managers	<ul style="list-style-type: none"> • Ensuring their staff are aware of this Policy. • Developing processes and procedures within their business unit for handling requests to waive or reduce fees and charges in line with this Policy. • Ensuring that requests to waive or reduce fees and charges, and the decisions made upon those requests, are appropriately documented in accordance with organisational requirements. • Approving and signing-off on waivers and reductions greater than \$500 per fee or charge.
Co-ordinators	<ul style="list-style-type: none"> • Administering fees and charges as contained in the Fees and Charges Schedule of the adopted Council budget. • Ensuring that requests to waive or reduce fees and charges, and the decisions made upon those requests, are appropriately documented in accordance with organisational requirements. • Approving and signing-off on waivers and reductions less than \$500 per fee or charge.

6. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy

Term	Definition
MOU	A Memorandum of Understanding (MOU) is an agreement between two or more parties outlined in a formal document. It is not legally binding but contains certain information that the parties agree to, such as the project or reason for the MOU, the time period and the duties or responsibilities of each party.
TRIM	TRIM is Council's document management system for all records management.

7. Human Rights Statement

Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).