



POLICY

C023 Fee Waiver and Reduction Policy

1 Purpose

This Policy establishes Council's position in relation to requests to partially or fully waive various types of fees and charges. Its purpose is to manage these requests in a consistent, transparent, and equitable manner that is aligned with Council's goals and priorities.

2 Scope

This Policy applies to Council-set discretionary fees and charges as defined in the Fees and Charges Schedule of the Annual Budget and should be read in conjunction with that document.

The policy applies to any not-for-profit organisation, incorporated association, or unincorporated community group that provides a community benefit to the residents of the Shire and wishes to apply to have a fee and/or charge waived or reduced. Fee waivers and reductions may also be considered at the CEO's discretion in exceptional circumstances, including but not limited to, those experiencing family violence and those impacted by natural disasters and extreme weather events.

2.1 Exclusions

Exclusions to the scope of this Policy include:

- Statutory fees, which should only be waived, fully or partially, pursuant to relevant legislation.
- Circumstances in which another Council policy that includes a fee waiver component is more applicable.
- Fines and penalties, which should be referred to existing appeal mechanisms.
- Insurance fees.
- Venue hire bonds.
- Bad debts write off.
- Reversal of incorrectly charged fees.
- Council rates and property charges.

3 Definitions

Council means Hindmarsh Shire Council

Charity	means an entity determined by the Australian Charities and Not-for-profits Commission (ACNC) to be a charity.
Community benefit	means a demonstrated community need within the Hindmarsh Shire that aligns with Council's strategic priorities.
Fee waiver	means the reduction of a fee or charge, either partially or in full.
Not-for-profit	means the same as section 126(1) of the <i>Local Government Act 2020</i> , a body that a) operates exclusively for charitable, civil or other social purposes; and b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation. This is deemed to include, but is not limited to, sporting clubs, arts societies, and special interest groups.

4 Eligibility Framework

The overarching principles for setting fees and charges are that the waiver of fees and charges:

- Should only be required infrequently.
- Should have a negligible impact on revenue forecasts in the adopted Council budget.
- Will be capped at a cumulative threshold of \$1,000 per applicant per financial year, requests for waivers or reductions over this amount must be submitted by the CEO to Council for approval.
- Should be requested before the fee or charge is incurred or paid. This is considered more efficient for all parties than the fee being paid at the time of application and rebated at a later date.

A fee waiver will not be considered where:

- The activity is a program, service, function, or event that:
 - Is part of 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, Council.
 - Is contrary to, or inconsistent with, another Council Policy.
 - Is already supported by Council via a financial or in-kind contribution.
 - Is subject to an existing agreement, including but not limited to Memorandums of Understanding.
 - 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.

4.1 Exceptional Circumstances Eligibility

Requests for fee waivers or reductions from members of the community may also be considered at the discretion of the CEO on a case-by-case basis. Examples of exceptional circumstances include but are not limited to, where a person is experiencing family violence, where the person has been impacted by a natural disaster or extreme weather event, or where there is significant financial hardship. Requests for waivers or reductions due to exceptional circumstances should

be made in writing and may require additional evidence. All requests under this clause will be handled confidentially.

5 Application, Decision Making, and Authorisation Framework

Requests must be made by submitting the Fee Waiver Request Application Form.

Each application will be assessed by the relevant department's Manager or Director, in accordance with the financial delegations stated in the Responsibilities section of this Policy.

Managers and Directors should ensure that fee waiver requests are considered fairly, equitably, and transparently. All staff are to ensure policies, processes, procedures, and application forms, as appropriate, transparently reflect and promote accessibility of fee waivers.

When considering a request to waive 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 Hindmarsh 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 Hindmarsh Shire.
- The applicant performing the activity provides services/benefits to residents or the wider Hindmarsh Shire community.
- The scope for waiving the particular fee or charge within the context of departmental budgets, policies, and the broader business activity/market.

To encourage fairness and equity, user groups should be made aware that an application may be unsuccessful where they result in inequitable access to Council facilities or services.

5.1 Reduction/Waiver Amount

It is preferable when considering fee waiver requests, that Council officers apply a 50% reduction rather than a full waiver. This reduces the financial impact to Council and covers the administration costs involved in processing the fee waiver or discount.

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

6 Responsibilities

Managers	<ul style="list-style-type: none">• 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.• Recording on the request form and register if a Conflict of Interest exists and, if so, details of the conflict.
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	<ul style="list-style-type: none"> Assessing and recommending to the CEO approving or declining fee waivers relevant to their business unit, less than \$500 per fee or charge.
Directors	<ul style="list-style-type: none"> Assessing and recommending to the CEO approving or declining fee waivers relevant to their business unit, from \$500 up to \$1,000 per fee or charge. Assessing and recommending to the CEO approving or declining the waiving of statutory fees and charges in exceptional circumstances, in accordance with the relevant legislation. 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.
Chief Executive Officer	<ul style="list-style-type: none"> Approving or declining fee waiver recommendations from Managers or Directors of up to \$1,000 per fee or charge. Applications over \$1,000 are reviewed by the Chief Executive Officer and submitted to Council for approval via a formal resolution.

7 Conflict of Interest

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

8 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*.

9 References

Related documents	Legislation
Hindmarsh Shire Council Fees and Charges as contained in the Annual Budget Hindmarsh Shire Council Financial Hardship Policy	<i>Local Government Act 2020</i>

10 Document Control

Fee Waiver and Reduction Policy		Policy Category	Council
Version Number	1.0	Policy Status	Adopted
Approved/Adopted By	Council	Approved/Adopted on:	26 June 2024
Responsible Officer	CEO	Review Date	26 June 2026
Version History	Date	Version	Description

	June 2024	1.0	New Policy
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FEE WAIVER/REDUCTION APPLICATION

This form is to be used by any organisation or group that provide a community benefit to the Shire, to apply for a fee or charge to be waived or reduced in accordance with Council’s Fee Waiver and Reduction Policy. This does not apply to Council rates and rebates.

The group must confirm that it is a not-for-profit, incorporated association or community group that is based in the Shire or has a demonstrated link to communities in the Shire. The community benefit is a demonstrated community need in the Shire that aligns with Council’s strategic objectives.

Collection Notice

We will handle any personal information you have provided in this form in accordance with the Privacy and Data Protection Act 2014. Our privacy policy contains information about how you may access your personal information and seek correction of such information; as well as how to complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint. For more information, please see our Privacy Policy or contact our team on (03) 5391 4444. Your personal information will not be disclosed to any other party unless Council is required to do so by law, has gained your consent to do so or an information privacy principle exemption applies.

Contact Details*

Full Name:

Organisation:

Address:

Phone Number:

Email:

Fee Waiver or Reduction Request Details

Type of Fee	Scheduled Fee (\$)	Requested Fee (\$)

Activity Details

Activity to be undertaken

Description of Benefit to the Community

Location of Activity

Recurring/Once Off (please provide detail)

Applicant Signature

Signature:

Name printed:

Date:

This form can be returned to any of our Customer Service Centres or Libraries, or via the postal and email addresses below.

Hindmarsh Shire Council
PO Box 250, Nhill VIC 3418
info@hindmarsh.vic.gov.au

OFFICE USE ONLY

Date received:

Reviewed by:

Conflict of Interest: Y/N

If yes, conflict description:

Approval Granted:

Amount to be charged:

Signature: