

<b>Policy Name</b>	<b>Fees and Charges (Non Rates)</b>
<b>Policy Number</b>	CS35
<b>Responsible Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	13 July 2021
<b>Date of Next Review</b>	July 2024
<b>Applicable Legislation</b>	Local Government Act 1999
<b>Related Governance Documents</b>	Council Policy: Waivers, Discounts and Subsidies - Fees and Charges (Non-Rates) Schedule of Fees and Charges
<b>City Plan Theme</b>	Leadership

## 1. PURPOSE/OBJECTIVE

The objective of this policy is to provide guidance to Council in undertaking its annual fees and charges process.

It outlines the principles of how fees and charges are set according to criteria explained in this policy document.

Council recognises that there are reasonable and legitimate circumstances where fees and charges may be waived or reduced. In these instances, the *Council Policy Waivers, Reductions and Subsidies- Fees and Charges (Non-Rates)* will be applied.

## 2. SCOPE

This policy applies to all fees and charges listed in Council's Schedule of Fees and Charges over which Council has discretion under Section 188 of the *Local Government Act 1999* to determine the fee or charge.

The policy also applies to any new fee that may be introduced throughout the financial year and not previously included in the Schedule of Fees and Charges.

## 3. POLICY

### Legislative Requirements

This policy responds to the provisions of Section 188 (Fees and Charges) of the *Local Government Act 1999* (the Act) for South Australia, empowering a council to impose fees and charges.

Other numerous legislative Frameworks and Acts relating to specific areas of Council services are subsequently dealt with through policy and protocols directly relating to those areas of operations.

In addition to these State obligations, Council has obligations under national competition and pricing guidelines.

Council also has Goods and Services Tax obligations under Section 81.5 of the national *New Tax System (Goods and Services Tax) Act 1999*.

## Categories

Fees and Charges are categorised into two (2) key components.

- Statutory Fees and Charges are those that are set and regulated under the provisions of the legislation to Council business. These fees are non-discretionary and must align with the relevant statute or current Ministerial advice. They are not included in the Schedule of Fees and Charges but may be found in the respective legislation.
- Discretionary Fees and Charges are not regulated by legislative statute and are at Council's discretion to determine. These are listed in the Schedule of Fees and Charges.

## Pricing Principles

In determining Discretionary Fees and Charges, the following factors are to be taken into account:

- a) the cost of providing the goods or service;
- b) the collective users' ability to pay for the service;
- c) the demand for the goods or service by the community;
- d) comparative market pricing with other like enterprises performing similar services, including Competitive Neutrality principles if they are relevant to the good or service being provided;
- e) the environmental and social benefit of the goods or services provided.

## Annual Fees and Charges Review Cycle

The review of fees and charges is to be undertaken annually. The review is to coincide with Council's annual planning and budget deliberations.

## New or Varied Fee Provisions

Under the provisions of the Act, Council is to take reasonable steps to bring all fees and charges, or the variation of a fee or charge, to the notice of persons who may be affected.

- A new fee, or the methodology for setting a fee, may be approved by Council outside of the normal annual fees and charges review cycle.
- Council may also approve the variation of a current fee, or the methodology underpinning the fee, if it sees fit.
- Once approved by Council the Fees and Charges Schedule should be amended to reflect any variation.

## Availability

This Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a hard-copy may be purchased at a fee as set out in the Schedule of Fees and Charges.

The Policy will also be made available on Council's website.

## 4. ROLES AND RESPONSIBILITIES

Finance is responsible for executing Council's decision in setting fees and charges.

## 5. DEFINITIONS

For the purpose of this policy:

<b>Council</b>	means the City of Port Adelaide Enfield.
<b>GST</b>	means Goods and Services Tax on taxable supplies (goods or services) provided by the Council to residents.
<b>Fees</b>	A price payable for a service, admission, usage, licences etc. as described in Section 188 of the Local Government Act 1999 – Fees and Charges.
<b>Charges</b>	A price payable for a service, admission, usage, licences etc. as described in Section 188 of the Local Government Act 1999 – Fees and Charges.
<b>Fees and Charges Schedule</b>	means the table of fees and charges that is approved and adopted by Council.
<b>Statutory Fees</b>	means fees, charges and expiations set by statutory legislation and administered by Council.
<b>Discretionary Fees</b>	means fees and charges set by Council where it has discretion as to the provision of goods or services being offered and the price charged for it.
<b>Legislation</b>	means all relevant State and Federal legislation and Council By-Laws.

