



<b>Policy Name</b>	<b>Fees and Charges Discounts</b>
<b>Policy Number</b>	CS36
<b>Responsible Section</b>	Finance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	12 April 2022
<b>Date of Next Review</b>	April 2025
<b>Applicable Legislation</b>	Local Government Act 1999
<b>Related Governance Documents</b>	Fees and Charges (Non-Rates) Policy Grants and Sponsorships Policy Schedule of Fees and Charges
<b>City Plan Theme</b>	Leadership

## **PURPOSE/OBJECTIVE**

Council recognises that there are reasonable and legitimate circumstances in which it would be appropriate to waive, reduce or subsidise fees and charges.

The objective of this policy is to provide guidance for the assessment and implementation of reductions or subsidies to fees and charges within Council’s Schedule of Fees and Charges (“the Schedule”).

It outlines the principles and methodology of how reductions to fees and charges, through waiver, discount or subsidy are established according to criteria explained in this policy.

In addition, this policy explains the process by which a new or amended fee waiver, discount or subsidy can be introduced and approved by Council, if not previously established and approved through the annual update to the Schedule.

## **SCOPE**

This policy applies to the waiving, discounting or subsidising of fees and charges listed in the Schedule.

It also applies to the waiving, discounting or subsidising of any new fee that may be introduced and authorised for publication throughout the financial year, not previously included in the Schedule.

This policy should be read in conjunction with Council's Fees and Charges Policy in order for Council staff to be fully informed of the governance framework applicable to fees and charges.

It does not apply to Council rates and rebates; please see CS08 Valuation and Rating Policy for guidelines concerning relief for rate payers.

The correction of an error in processing a fee or charge is not considered to be a reduction or discounting of a fee, but rectifying a mistake.

## **POLICY**

### **Legislative Requirements**

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

The Act (at section 188(3)) states that a Council may provide for:

- (a) specific fees and charges;
- (b) maximum and minimum fees and charges;
- (c) annual fees and charges;
- (d) the imposition of fees and charges according to specified conditions or circumstances;
- (e) the variation of fees or charges according to specified factors;
- (f) the reduction, waiver or refund, in whole or in part, of fees and charges

In addition to these provisions, the Act states at Section 188 (5) that fees may be fixed, varied or revoked:

- (a) by by-law; or
- (b) by decision of the Council

Council may delegate the power to fix, vary or revoke a fee under Section 188(1)(a) to (c):

- (a) for the use of any property or facility owned, controlled, managed or maintained by the Council;
- (b) for services supplied to a person at their request;
- (c) for carrying out work at a person's request.

## **Categories**

In general, Fees and Charges are categorised as follows:

- a) **Statutory fees and charges** are those that are set and regulated under the provisions of the legislation relevant to Council business. These fees are not documented in the Schedule and can be found in the respective legislation;
- b) **Discretionary fees and charges** are not regulated by legislative statute are at Council's discretion to determine and are found in the Schedule.

Accordingly the process allowing a reduction to a fee is reliant upon whether the charge is statutory or discretionary in nature.

## **Statutory Fees - Waiver, Reduction and Subsidy Principles**

Statutory fees, charges and expiations are by their nature non-discretionary, and so once set and approved, Council has no discretion in their initial application.

Some legislative provisions and arrangements allow for circumstances where a variation of a statutory fee may occur including arrangements prescribed in Council by-laws.

In these cases, Council is obliged to adhere to those provisions and arrangements and any other relevant policies and protocols and only consider reductions in statutory fees and charges where permitted by law.

In conjunction with these provisions, the following criteria is to be considered to assist in reaching a decision to reduce a statutory charge:

- demonstrated financial hardship of an individual or not for profit entity;
- error in charging the initial fee or charge;
- Council's cost of recovering exceeds the value of the fee/charge to be recovered

Revision of a statutory fee, charge or expiation made under the above criteria that may result in a reduction being applied to the original charge, will require the approval of Council as stipulated under **Legislative Requirements** in this policy.

## **Discretionary Fees - Waiver, Reduction and Subsidy Principles**

Discretionary fees and charges approved and set by Council are able to be reduced according to any Council approved price reduction framework which may be in the form of:

- (a) a matrix (Appendix 1 - Subsidy Fee Structure) according to a particular type or user or group, or;
- (b) a case-by-case assessment at Council's, or its delegate's, discretion.

The criteria for allowing a fee or charge subsidy must be based on a current or future benefit, quantitative or qualitative, accruing to Council as a result of that individual or groups characteristics.

This accruing benefit may be in the form of:

- ongoing service to the community that otherwise would, or may have to be, performed by Council;
- individuals and groups establishing a going concern that may otherwise be Council's responsibility.

Fee and charge reductions may also be in the form of concessional levels of full price fees for individuals or groups according to a recognised inability to pay the full price, such as pensioners or students. Any individual or entity meeting these criteria, upon application, will receive a fifteen percent (15%) reduction to the full price published in the Schedule (rounded to the nearest dollar).

Council or its delegates may also reserve the right to waive, reduce or cancel a discretionary fee to an individual or group on a case-by-case basis arising from extraordinary circumstances.

Examples of these circumstances are provided below, but are not limited to:

- support for charitable or commemorative initiatives
- death or incapacitation of an individual subsequent to making a booking for a service
- targeted support in the event of a pandemic or other declared public emergency
- to support the necessary service provision to a member of our community where there are compelling circumstances.

### **Review of Decisions**

Council has an overarching Policy, namely the - Public Integrity - Complaints & Investigations policy, whereby an individual or group may review a decision made by Council or a delegate. This policy includes requests for a review of a Council decision under Section 270 of the Act, which relates to a disputed decision of Council or a delegated authority.

For the purposes of reviewing decisions to grant or otherwise waiver, subsidise or reduce a fee or charge, this policy is subordinate to the processes and procedures prescribed in the Public Integrity - Complaints & Investigations Policy.

### **New or Amended Fee Reduction (Variation)**

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

- Council may introduce or amend a fee waiver, subsidy or discount outside of the normal fees and charges review cycle
- This variation may refer to the conditions under which a fee reduction will be granted or the quantum of the reduction to the fee
- Once approved this fee variation should be added to the Schedule.

## APPENDIX I

### Revised Fee Subsidy Structure (Community Centres and Other Community Facilities)

**Table 1 - Subsidy & Criteria Matrix**

No subsidy	<ul style="list-style-type: none"> <li>• Non-Port Adelaide Enfield resident</li> <li>• Business Entity</li> <li>• State or Federal Government Agency</li> <li>• Sporting Groups not open to the public</li> <li>• Activities are being provided for local residents and charged over \$10.00 per session.</li> </ul>
25% subsidy	<ul style="list-style-type: none"> <li>• Port Adelaide Enfield resident/ratepayer</li> <li>• Activities are being provided for local residents and charged under \$10.00 per session.</li> </ul>
50% subsidy	<ul style="list-style-type: none"> <li>• Not for profit organisations (incorporated)</li> <li>• Community groups, not incorporated</li> <li>• Fundraising event (e.g. quiz night)</li> <li>• Religious groups</li> </ul>
75% subsidy	<ul style="list-style-type: none"> <li>• New community group looking to establish themselves (maximum of 1 year hire discount)</li> </ul>
100% subsidy	<ul style="list-style-type: none"> <li>• Registered Charity providing services for local residents.</li> <li>• Registered Not for Profit fundraising event when monies raised are for Council residents benefit</li> <li>• Community groups and agencies who enter into a partnership agreement with Council for the benefit of local residents.</li> <li>• Registered senior groups</li> </ul>

Note: applicant is only able to apply for one subsidy category.

The subsidy matrix includes but is not exclusive to the following Council community facilities:

Beefacres Community Hall	Klemzig Community Hall
Clearview Community Hall	Lefevre Community Stadium
Devon Park Community Hall	Mansfield Park Community Hall
Enfield Community Centre	Osborne Community Hall
Enfield Library Community Room	Ottoway Community Hall
George Crawford Reserve Hall	Parks Library Hall and Community Room
Greenacres Library Community Room	Port Adelaide Library Community Room
Hillcrest Community Centre	Queenstown Community Hall
Kilburn Community Centre	Semaphore Library Community Room
Kilburn Community Hall	Windsor Gardens Community Hall (Danby Avenue)
The Lights Community Stadium	

## DEFINITIONS

For the purpose of this policy:

<b>Charity</b>	means a registered organisation whose aim is to provide assistance or raise money for people in need.
<b>Community Group</b>	means an association of people with common aims and objectives that meets regularly and where participation in group activities is encouraged.
<b>Community Facilities</b>	means Council owned Community Centres and Halls and reserves
<b>Council</b>	means the City of Port Adelaide Enfield.
<b>Do not live in the Council area</b>	means the principal residence is not located in the Council area but excludes residents that share a common boundary with Council e.g. Gilles Plains, Holden Hill.
<b>Schedule</b>	means the table of fees and charges that is approved and adopted by Council annually. The fees and charges schedule is published on Council's website to enable public access to this information.
<b>Statutory Fees and Charges</b>	means fees, charges and expiations set by statutory legislation and administered and set by statutory legislation.
<b>Delegate</b>	Is any Council officer whose position is identified in the Sub Delegations Manual
<b>Discretionary Fees and Charges</b>	means fees and charges set by Council where it has discretion in regard to the provision of the goods or services being offered and the price charged.
<b>Legislation</b>	means all relevant State and Federal legislation and Council By-Laws.
<b>Locally-based</b>	means community organisations which conduct their activities within the Council area and/or for the primary benefit of Port Adelaide Enfield residents.
<b>New Community Group</b>	means a group that is establishing itself for the first time with member having common aim and objectives in anticipation that within a 12 month period the group will have the capacity to grow
<b>Not for profit</b>	means an organisation is not operating for profit and no financial benefit is given to its members rather and monies gained goes back into the operation of the organisation to carry out its purpose.
<b>Partnership Agreement</b>	means a signed formal agreement with Council where an activity or activities is a direct benefit to the health and well-being of local residents who will not be charged for their attendance.
<b>the Act</b>	means the Local Government Act 1999 for South Australia.
<b>Waiver Reduction Subsidy</b>	means a monetary reduction to a Fee or Charge approved by Council under the provisions of the Local Government Act 1999.
<b>Public Benefit</b>	means having a purpose aimed at achieving a universal or common good and has a practical benefit, directed towards the general community, not exclusively to a specific section of the community.
<b>Financial hardship</b>	means an individual or group who does not have the capacity to pay Council a fee or charge.