

<b>Policy Title</b>	<b>Remission or Rebate of Fees and Charges</b>
<b>Council Resolution</b>	Item 15 (30 July 2018) as per Council Minutes
<b>Responsible Directorate</b>	Corporate Governance
<b>Due for Review</b>	Four (4) years from Council Resolution Date
<b>Strategic Plan Reference</b>	<u>Leading our Community</u> 4.1 Govern in the best interests of our community 4.1.1 Manage Council for maximum efficiency, accountability and transparency 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes.
<b>ECM</b>	Council Policies by Directorate

## PURPOSE

To provide guidance on the circumstances in which the General Manager may remit or rebate fees and charges levied under Part 12, Division 7 (Fees and charges) of the *Local Government Act 1993* (**the Act**).

## SCOPE

This policy applies to any remissions, reductions or rebates of fees and charges levied under Part 12, Division 7 of the Act.

It does not apply to:

- rates or charges levied under Part 9 (Rates and Charges) of the Act
- fines payable pursuant to an infringement notice, Court order or other enforcement process
- any other fee or charge not levied under part 12, Division 7 of the Act.

## STATUTORY REQUIREMENTS

Section 205 of the Act provides that Council may set fees and charges.

Section 206 of the Act requires Council to maintain a register of fees and charges.

Section 207 of the Act provides that a Council may remit all or any part of any fee or charge paid or payable to Council.

Section 22 of Act enables Council to delegate certain powers and functions to the General Manager. However, under section 22(2) of the Act, Council may only delegate the following powers to the General Manager where it has determined appropriate policies and procedures to be followed:

*“(b) the remission or rebate of rates and charges, and*

*(c) the making of grants or the provision of benefits.”*

<b>Acts</b>	<i>Local Government Act 1993</i>
<b>Regulations</b>	N/A
<b>Other relevant documents</b>	N/A

## DEFINITIONS

<b>Council</b>	Includes the General Manager or any person holding a delegation from the General Manager under section 207 of the Act
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<b>Remit</b>	In relation to a fee or charge includes waiving that fee or charge.
<b>Fees and charges</b>	Fees or charges levied under Part 12, Division 7 of the Act

## **POLICY STATEMENT**

### **Criteria for Granting Remissions or Rebates**

1. Fees and charges may be remitted or rebated (either fully or partially) by the General Manager in the following circumstances:
  - a) where the rebate or remission of the fee or charge is requested by a not-for-profit organisation in connection with a community purpose in the municipality (for example, the fee for using a Council facility to host a charitable event)
  - b) to rectify a processing or administrative error made by Council
  - c) where an application in respect of which a fee or charge has been paid is withdrawn early in the assessment process and limited Council resources have been expended on the application.
2. A remission or rebate must not be granted where there is any actual or perceived conflict of interest between the person approving the remission or rebate and the applicant.
3. In considering whether to remit or rebate fees and charges the Council will consider the following:
  - a) whether the remission or rebate is for a purpose permitted under this policy
  - b) the merits of the request
  - c) the amount of fees or charges to be remitted and consequent impact on Council's revenue
  - d) the administrative processing costs already borne by Council
  - e) the precedent which might be set if the fees or charges are remitted, and
  - f) the likely liability consequences for Council if the fees or charges are not remitted or rebated.

### **Delegations**

4. A Council officer must not grant any remission or rebate unless they have been delegated the power under section 207 of the Act and can produce a written record of that delegation.
5. Council may authorise the General Manager to further delegate the powers under section 207 to appropriate officers within Council.

### **Record Keeping**

6. All requests to remit or rebate fees and charges must be in writing on an approved form.
7. Records of all remissions or rebates are to be kept and maintained in accordance with approved procedures.

## **BACKGROUND**

From time to time it is necessary and appropriate for Council to consider waiving or refunding fees or charges which it levies in accordance with its powers and responsibilities under the Act.

For convenience and practicality, it is necessary for Council to delegate the power to waive fees and charges to the General Manager, and for the General Manager to further delegate those powers to Council employees.

Under the Act, for Council to delegate those powers, it is required to have determined an appropriate policy or procedure.