

	COUNCIL POLICY	
	FEES AND CHARGES WAIVER OR REDUCTION COUNCIL POLICY	
	Policy Number	CP013
	Directorate	Organisational Services
	Owner	Executive Manager Governance and Customer Service
	Last Approved	29/09/2022
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1. PURPOSE

This policy establishes the guidelines for considering any request received from or on behalf of an individual, community organisation or group for a reduction or waiver of a fee or charge, and to provide a framework for the processing of such request to ensure appropriate decision making, documentation and record keeping.

2. SCOPE

This policy applies to all Council staff.

3. HEAD OF POWER

Local Government Act 2009

Local Government Regulation 2012

4. DEFINITIONS

To assist in the interpretation of this policy the following definitions apply:

“Charges for services or facilities” means charging for a service or a facility that Council provides in accordance with section 262(3)(c) *Local Government Act 2009*. For example, the hiring of a council hall.

“Cost-recovery fees” means a fee fixed by resolution of council or under a local law and for the purpose as defined in s97(2) *Local Government Act 2009*. For example, the issue or renewal of a licence permit.

“Disaster” means a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption (Fraser Coast Regional Council Local Disaster Management Plan, section 13(1) *Disaster Management Act 2003*).

“Disaster operations” means activities undertaken before, during or after an event happens to help reduce the loss of human life, illness or injury to humans, property loss or damage, or damage to the environment including, for example, activities to mitigate the adverse effects of the event (section 15 *Disaster Management Act 2003*).

“Event” means any of the following:

- a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening
- an explosion or fire, a chemical, fuel or oil spill or a gas leak
- an infestation, plague or epidemic
- a failure of, or disruption to, an essential service or infrastructure
- an attack against the state
- another event similar to those listed above

An event may be natural or caused by human acts or omissions.

(Section 16 *Disaster Management Act 2003*)

“Fees and Charges” include:

- Charges for services or facilities owned and operated by Council
- Cost-recovery fees

‘Fees and Charges’ do not include:

- General rates charges
- Separate charges on rateable land
- Special Charges
- Utility Charges
- Fees and charges fixed by legislation and payable to the Queensland government or another entity

“Immediate Recovery” means the immediate and/or short-term recovery or relief immediately following a disaster and aims to address and support the immediate needs of individuals and the community affected by an event. This includes providing services such as:

- the immediate provision of shelter, food and clothing
- the restoration of affected utilities and communications
- clearance of debris and other hazards resulting from an event

(Fraser Coast Local Disaster Management Group – Recovery Sub Plan (Docs no 3840195))

“Serious disruption” means:

- Loss of human life or illness or injury to humans
- Widespread or severe property loss or damage
- Widespread or severe damage to the environment

(Fraser Coast Regional Council Local Disaster Management Plan, section 13(2) *Disaster Management Act 2003*)

5. POLICY STATEMENT

Council’s policy position relating to the waiving or reduction of fees and charges for council services and facilities is:

- To assist individuals, organisations and groups to make a positive contribution to the quality of life for Fraser Coast residents through the provision of social services and community development activities, projects and programs.
- To ensure fairness to individuals, organisations and groups.

- To provide assistance to the community during the period of immediate recovery following a disaster.

This Policy is only for the purposes of considering a reduction or waiver of fees and charges and does not replace any permit application, booking or hire process put in place by Council.

An applicant granted a fee waiver may be liable to pay costs associated with their booking such as bonds, key deposits and security call-outs.

5.1. Application Requirements

All requests for a fee or charge reduction or waiver must be made in writing by or on behalf of the applicant/s and provide the following details:

- Applicants name and contact details
- What fees and charges are requested to be waived or reduced
- The Council facility or service that the request relates to
- A description of the activity / project / event
- How the proposed activity / project / event will provide a benefit to the local community
- Details as to why a fee waiver or reduction should be made

5.2. Assessment and Approval Process

All requests for reduction or waiver of fees and charges will be assessed in accordance with this policy, and Council's Annual Schedule of Fees and Charges. Following receipt of a properly made application:

- An assessing officer will review the request against the application requirements and Council's strategic plans.
- Additional input should be invited from other officers if deemed necessary by the assessing officer.
- In assessing the request, consideration should be given to the:
 - public or community benefit gained from the request
 - status of the applicant, for example a not-for-profit community organisation
 - impact of the decision in setting a precedent for others
 - ability for an applicant to raise funds
- All decisions must be documented and recorded within the record system and a central register.
- Unless scope exists in the Annual Schedule of Fees and Charges for the officer to decide the application, recommendations are presented to the assessing officer for approval. The approval delegation for the assessing officer is as follows:
 - Council (for fee waivers greater than \$5,000 in value)
 - Chief Executive Officer (for reduced fees, and fee waivers up to \$5,000 in value)
 - Director (for reduced fees, and fee waivers less than \$2,000 in value)
 - Executive Manager (for reduced fees, and fee waivers less than \$1000 in value)

- All applicants will be responded to in a timely manner.
- All applicants will be advised regardless of the outcome of the request.

Fraser Coast Regional Council reserves the right to reject any request, and to request further information in considering any application that it receives.

5.3. Conflict of Interest Provisions

Council staff responsible for assessing or deciding applications are required to declare any potential conflict of interest of any application they receive.

5.4. Disaster Provisions

In the event of a disaster and during the period of immediate recovery the Chief Executive Officer is delegated to:

- waive the application requirements in paragraph 5.1;
- waive the assessment and approval process in paragraph 5.2; and
- approve fee waivers and reductions in excess of the amount provided for in paragraph 5.2

to assist disaster operations.

Should the Chief Executive Officer approve any fee waivers or reductions under this paragraph, then the Chief Executive Officer must provide a report to Council at the next meeting of Council or as soon as reasonably practicable.

It is noted that the Chief Executive Officer is also able to apply to the Queensland Government for an exemption from state waste levies on types of waste generated as a result of a serious local event (section 27A *Waste Reduction and Recycling Act 2011*).

6. ASSOCIATED DOCUMENTS

Recording of Fees and Charges Waiver or Reduction Organisational Procedure
(eDOCS #4597367)

Fees and Charges Waiver and Reduction Register (eDOCs # 4651955)

Schedule of Fees and Charges

Fraser Coast Regional Council Corporate Plan

Fraser Coast Regional Council Local Disaster Plan

Fraser Coast Regional Council Local Disaster SubPlan - Recovery

7. REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than two years.

Version Control

Version Number	Key Changes	Approval Authority	Approval Date	Document Number
1	New Policy	Council	28/11/2018	3399073
2	Updated policy	Council	28/09/2022	3399073