



2/020 Fees and Charges Waiver Policy

1.0 Objective

This Policy aims to define the Council's position on requests to waive various fees and charges, partially or fully. Its purpose is to ensure these requests are managed consistently, transparently and equitably.

2.0 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.

2.1.1 Types of fees considered for a waiver/reduction

The types of fees considered in this Policy for a waiver/reduction are:

- Surrender Fees and Charges
- Waste Disposal Charges
- Trading in Public Places Fees
- Community Facility Hire Fees

Note: Facility/Building Lease and Seasonal Licence Charges are in a separate policy.

2.1.2 Exclusions to the Policy

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, for example, an event covered by Council's Events Program.
- Fines and penalties, which should be referred to existing appeal mechanisms.
- Insurance fees.
- Venue hire bonds.
- Damages and additional cleaning fees.
- Bad debts write off.
- Council rates and property charges.



3.0 Policy

3.1 Eligibility Framework

General

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

- Waivers will be capped at a cumulative threshold of \$30,000 per applicant per financial year.
- Must be requested before the fee or charge is incurred or paid.
- Applications should be received at least 10 working days prior to the service/event delivery for waivers of less than \$10,000.
- Applications should be received at least 30 working days prior to the service/event delivery for waivers above \$10,000 to be approved by Council.

Eligibility Principles

A fees or charges waiver will not be considered where:

- The activity is a program, service, function or event that:
 - 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.
 - 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.
- It is a not for profit group that is auspiced by a private or commercial event, or one being run by a group/organisation based outside the Town of Port Hedland or immediate surrounds.

Application, Decision Making and Authorisation Framework

General

Each application will be assessed by the relevant Delegated Officer in accordance with the financial delegations stated in *Delegation 1.2.23 Fees Waivers and Community Concessions* of the Delegation Register.

Delegated Officers should ensure that fees and charges waiver requests are considered fairly, equitably and transparently, in accordance with the Fees and Charges Waivers Assessment Matrix (attached with this Policy).



The Council and Town of Port Hedland will determine what is of benefit to the community for the purpose of this Policy.

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 Town of Port Hedland community.
- The activity supports Council's vision and priorities as defined in the strategic Council Plan documents.
- The nature of the applicant, e.g., is the applicant a not-for-profit organisation registered with the Australian Charities and Not for Profit Commission?
- The applicant performing the activity is based in the Town of Port Hedland.
- The applicant performing the activity provides services/benefits to residents or the wider Town of Port Hedland community.
- The scope for waiving the fee or charge within the context of business unit 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:

- Increase demand from certain groups relative to others.
- Result in inequitable access to Council facilities or services because of subsidising certain users/groups.

Other circumstances

At the discretion of the Delegated Officer, the following may be granted a full or partial fees or charges waiver at Council operated facilities:

- Bereavement/compassionate events to recognise a community member who has contributed "over and above" to the life of the community.
- Activities, exhibitions or events that are run by local community not for profit groups substantially for community benefit or jointly delivered with Council to contribute to Council Plan objectives or actions.

In deciding such application, the Delegated Officer will consider:

- Whether the event is generally open to all and widely advertised.
- The cost to attend (very low or no cost events).
- The benefits to the community.
- The extent of volunteer involvement.
- What Town facility is being used.



Amount of reduction

When considering fees and charges waiver requests, the Policy Assessment Matrix determines the % reduction.

Note: For an organisation with a charitable status, it must be registered and recognised by the Australian Charities and Not for Profits commission.

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

4.0 Definitions

A table of definitions as they relate to the Policy.

Term	Definition
Charity	An entity determined by the Australian Charities and Not-for-profits Commission (ACNC) to be a charity. A charity is a type of not-for-profit organisation however the main difference between the two is that a nonprofit doesn't need to be 'charitable status,' whereas as a charity needs to meet very specific guidelines.
Not for profit	Not for profit organisations provide services to the community and do not operate to make a profit for its members (or shareholders, if applicable).
Community benefit	A demonstrated community need within the Town of Port Hedland which aligns with the Council's strategic priorities.
Concession	Dispensation to reduce part or all fees that the Town would ordinarily charge.
Fee	Any fee that is recorded on the Fees and Charges schedule for the current year.
Fee Waiver	An agreement that you do not have to pay the required fee recorded on the fees and charges schedule.
Commercial purposes	The conduct of an activity by an entity/organisation whose primary objective is directed at making a profit.
MOU	A Memorandum of Understanding (MOU) is an agreement between two or more parties outlined in a formal document. It is not legally binding but contains certain information that the parties agree to, such as the project or reason for the MOU, the time period and the duties and responsibilities of each party.



Governance to complete this section

Version Control	Version No.	Resolution No.	Adoption date
	1.0	CM202425/169	27 October 2024
Review frequency	Every two years.		

<u>ASSESSMENT MATRIX FOR FEES AND CHARGES WAIVERS</u>					
CRITERIA		Each criteria in each section is worth 4 points	Each criteria in each section is worth 3 points	Each criteria in each section is worth 2 points	Each criteria in each section is worth 1 point
1	Organisational Status, Structure and Capacity to undertake a range of Administrative and Management Responsibilities	Organisation is locally based, stand alone, registered not for profit or charity	Organisation is locally based, has a regional focus, is stand alone and registered not for profit or charity	Organisation is locally based service, outlet or project that is part of a larger registered not for profit or charity	Organisation is locally based service, outlet or project.
		Voluntary management committee, comprised mainly of local area representatives	Mostly voluntary management committee, comprised mainly of local area representatives. Minor remuneration	Some voluntary management committee, comprised partly of local area representatives. Paid remuneration.	Limited or no local area representation on the advisory committee or similar
		Dependent on assistance from volunteers for all administrative and management functions	Paid staff undertake some of the administrative and management functions and volunteers assist with other tasks	Paid staff undertake majority of administrative and management functions with added assistance provided by umbrella organisation	Umbrella organisation carries out majority of administrative and management functions
		Does not distribute net proceeds to any third party or proprietary	Distributes no more than 25% of net proceeds to a third party or proprietary	Distributes between 25% to 50% of net proceeds to a third party or proprietary	Distributes more than 50% of net proceeds to a third party or proprietary
2	Extent of Service/Event provided by Organisation	Broad community (more than 30%) is a beneficiary of the service or event	Service/event is significantly used by number of specific sections of the local community	While organisation provides a direct service/event to a reasonable number in the local community. It forms part of a larger service/event provision	Service/Event is only used a by a small number of the local community or organisation members only
3	Social and Community benefit and provision of direct competition to commerical ventures	Service/event needs identified social/community needs, with majority of service users from low socio-economic or disadvantaged backgrounds	Service/event meets identified social/community needs, with most service users a range of socio-economic backgrounds	Service/events meets a broad social/community need	Service/event is valued by community but it is not focussed on meeting an identified social/community need
		No direct competition to commerical ventures	While main business is not a commerical activity, some aspects of the business are in direct competition	While they are in direct competition with commerical providers they provide added or diffentiated service/event to users	In direct competition with commerical providers
4	Ability to charge fees and raise revenue and access other sources of funding	Limited or no ability to raise revenue, nor membership fees charged	Some ability to raise revenue and charge membership fees which may be varied to reflect abilty of members/users to pay	Has ability to charge membership fees and raise revenue	Operates on a profit basis
		No access to other sources of funding - Federal, State and/or Local	Limited access to other sources of funding - Federal, State and/or Local (no more than 5% total)	Access to other sources of funding - Federal, State and/or Local funding which provides between 5% and 30% of total funding	Access to other sources of funding - Federal, State and/or Local funding which provides more than 30% funding
5	Does their Service/Event impact on Council's need provide similar service or event as per the current Service Delivery/Event Delivery Council Plans	Without this service/event provision Council would be required to provide additional service	Lack of service/event provision would have some impact on Council's provision	Service/event is not core responsibility of local government but could be provided	Service/event is not responsibility of local government
Total		Each criteria in each section is worth 4 points	Each criteria in each section is worth 3 points	Each criteria in each section is worth 2 points	Each criteria in each section is worth 1 point
<u>CALCULATING THE SUBSIDY</u>					
		CATEGORY A	CATEGORY B	CATEGORY C	CATEGORY D
Points Range		31 points or more	24 points to 30 points	17 points to 23 points	0 points to 16 points
Range of subsidy		50%	35%	20%	No subsidy