



## ***Fees & Charges Policy***

<b>Policy Classification</b>	Council Policy
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<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i> <i>Local Government (Financial Management) Regulations 2011</i>
<b>Related Policies or Documents:</b>	Schedule of Fees & Charges Rating & Rebate Policy Grant Policy
<b>Associated Forms:</b>	NA
<b>Responsible Manager:</b>	Chief Executive Officer Directors Finance Department
<b>Approved by Council:</b>	14 June 2022
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## **Fees & Charges Policy**

### **1. Preamble**

1.1. Section 188 (Fees and Charges) of the Local Government Act, 1999 empowers a Council to impose fees and charges as set out below:

- ) For the use of any property or facility owned, controlled, managed or maintained by the Council;
- ) For services supplied to a person at his or her request;
- ) For carrying out work at a person's request;
- ) For providing information or materials, or copies of, or extracts from, Council records;
- ) In respect of any application to the Council;
- ) In respect of any authorisation, licence or permit granted by the Council;
- ) In respect of any matter for which another Act provides that a fee fixed under this Act is to be payable;
- ) In relation to any other prescribed matter.

1.2. Fees or charges under Sec 188 1(a), 1(b) and 1(c) need not be fixed by reference to the cost to the council. Fees or charges under Sec 188 1(d) must not exceed a reasonable estimate of the direct cost to the council in providing the information, materials, copies or extracts.

### **2. Purpose**

2.1. A Council may provide for:

- ) Specific fees and charges;
- ) Maximum fees and charges and minimum fees and charges;
- ) Annual fees and charges;
- ) The imposition of fees or charges according to specified conditions or circumstances;
- ) The variation of fees or charges according to specified factors;
- ) The reduction, waiver or refund, in whole or in part, of fees or charges if:
  - o A fee or charge is fixed or prescribed by or under this or another Act in respect of a particular matter; or
  - o This or another Act provides that no fee or charge is payable in respect of a particular matter, a council may not fix or impose a fee or charge in respect of that matter.

2.2. Fees and charges may be fixed, varied or revoked by by-law or by decision of the Council. The Council must keep a list of fees and charges imposed under this section on public display (during ordinary office hours) at the principal office of the Council.

2.3. If Council fixes a fee or charge under this section; or varies a fee or charge under this section, Council must up-date the list and take reasonable steps to bring the fee or charge, or the variation of the fee or charge, to the notice of persons who may be affected.

2.4. The Fees and Charges Schedule lists all fees and charges.

### 3. Scope

- 3.1. This policy applies to all persons subject to Fees & Charges applied by Kangaroo Island Council.

### 4. Definitions

- 4.1. **CEO** means the Chief Executive Officer of the Kangaroo Island Council.
- 4.2. **Council** means the Elected Body.
- 4.3. **Kangaroo Island Council (KIC)** means the administration.
- 4.4. **Act** means the Local Government Act, (1999).
- 4.5. **Employee** and/or **Employees of Council** including managers, staff, contractors, agency personnel, volunteers and work experience placements who are performing duties/tasks on behalf of the Council.
- 4.6. **Statutory Charges** are fees associated with permits and licences and are set by the State or Australian Governments: for example, *Aerodrome Fees Act 1998 (SA)*, *Development Act 1993 (SA)*, *Environment Protection Act 1993 (SA)*, *Landscapes South Australia Act*, *South Australian Public Health Act 2011*, *Road Traffic Act 1961 (SA)*.
- 4.7. **User Fees/Charges** are associated with Council activities provided to the community through the sale of goods and services, or rental of property or facilities. Fees of this type can be Camping Fees, Boat Launching Fees, Library Service Fees and Community Hall Hire Fees.

### 5. Policy Statement

5.1.1. It is Council's policy that there will be no waiver to any fees and charges except:

- ) Statutory Concessions & Fees and Charges encompassed by Council's Rates & Rebates Policy.
- ) Emergency aircraft (including RFDS and aircraft engaged in firefighting activities) will be exempt from landing charges.
- ) Food Safety Inspections that are carried out to suppliers of food, charitable in nature and free of cost to consumers.

5.1.2. There is an option for Community groups to seek sponsorship from Council for the equivalent of the fees payable, on those fees and charges set and administered by Council. An application for sponsorship will need to be completed before the need to pay the fees. An example would be sponsorship to cover application fees for development of a sporting group or a charity to use a Council facility. Sponsorship Application Forms can be found on Council's website.

### 5.2. Application of the Goods and Services Tax (GST)

5.2.1. Kangaroo Island Council will use its best endeavours to comply with the New Tax System (Goods and Services Tax) Act 1999 and the regulations pertaining to that Act.

### 5.3. Landscapes South Australia Levy

5.3.1. Each year the Government will gazette the annual charge to be levied on the Kangaroo Island Council pursuant to the *Landscapes South Australia Act*.

5.3.2. The Kangaroo Island Council must comply with the requirements of the *Landscapes South Australia Act*, as such, is obliged to collect a levy on behalf of the State Government, for no gain to Council. Council does not determine how the levy is spent and does not retain the revenue collected.

### 5.4. Pricing Policy

5.4.1. Council does not determine Statutory Charges.

5.4.2. User Fees/Charges are determined on the basis of the principle of user pays. Where possible, Council seeks full recovery of the cost of operating or providing the service or goods. Where it can be demonstrated that the imposition of full cost recovery would create hardship in the community, either at the individual or organizational level, then Council may apply a lesser quantum to non-statutory fees and charges, either by way of a class of persons or types of organizations, or by way of a percentage reduction.

5.4.3. Fees and charges are set giving regard to the following:

- ) The cost of providing the service, inclusive of overhead costs;
- ) The importance of the goods or service to the community;
- ) Market comparison of fees and pricing structures with other enterprises which offer a similar service;
- ) The level of service/facility provided by the Council;
- ) Increase in statutory charges set by regulation.

### 5.5. Expiation Fees for By-Laws Adopted by Council

5.5.1. The maximum penalty set for Breach of By-Laws adopted by Council, under the *Local Government Act, 1999* Section 246(3) (g), is \$1250.00 . Expiation fees can be set, according to Section 246(5), to an amount up to 25% of the maximum, that being \$250.00

5.5.2. Refer to schedule of fees and charges for penalties provided by way of expiation fees.

### 5.6. Private Works

5.6.1. Private Works are works carried out by Council staff, in Council time, using Council equipment.

5.6.2. Private Works include, but are not limited to:

- ) Paving and road making;
- ) Kerbing and guttering;
- ) Fencing and ditching;
- ) Tree planting and tree maintenance;
- ) Demolition and excavation;
- ) Block clearing and tree felling;
- ) Road opening and closing;
- ) Setting up for private events, street banners.

5.6.3. Private works may be carried out in circumstances where Council staff have the necessary skills, qualifications and equipment under their control required to undertake the work, and may be redirected (with the equipment under their control) to the private works without compromising Council's work program.

5.6.4. Private works may only be carried out on the basis of approved documentation that is to include a detailed, itemised scope of works by an authorised Council officer and acceptance by the person for whom the works are being undertaken.

5.6.5. Private works are to be carried out on the most appropriate cost recovery method as shown in the Schedule of Fees and Charges as adopted.

5.6.6. The Private Works margin is set to match the requirements of performing works at a commercial operational level and takes into account other relevant policies of Council.

## **6. Review and responsibilities**

6.1.1. This Fees & Charges Policy shall be reviewed by Council and the Audit & Risk Committee every two years, with the Fees & Charges Schedule updated annually as part of the Annual Business Plan and Budget process.

## **7. Availability and Grievances**

This Policy will be available for inspection via the Council's website: [www.kangarooisland.sa.gov.au](http://www.kangarooisland.sa.gov.au). Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, Kangaroo Island Council, PO Box 121, Kingscote SA 5223.

SIGNED:



Chief Executive Officer

Date: 14 June 2022

<b>History:</b>		
1 July 2008	Version 1	Draft adopted by Council
12 September 2008	Version 2	Hall Hire Fees Updated
14 November 2008	Version 3	Include Authorisations & Permits Fee
26 June 2009	Version 4	Draft adopted by Council
02 July 2010	Version 5	Draft adopted by Council
30 June 2011	Version 6	Draft adopted by Council
18 January 2012	Version 7	Expiation Fees Updated
13 June 2012	Version 8	2012-13 policy Adopted by Council
11 July 2012	Version 9	Statutory Fees Updated
12 June 2013	Version 10	Annual Policy Review by Council 2013-14
11 June 2014	Version 11	Annual Policy Review by Council 2014-15
09 June 2015	Version 12	Annual Policy Review by Council 2015-16
21 June 2016	Version 13	Annual Policy Review by Council 2016-17
13 June 2017	Version 14	Annual Policy Review 2017-18 Ref# C180:2017
12 June 2018	Version 15	Annual Policy Review 2018-19 Ref# C176:2018
12 June 2019	Version 16	Annual Policy Review 2019-20 Ref# C214:2019
12 May 2020	Version 17	Council Policy Review ref: C232:2020
11 May 2021	Version 18	Council Policy Review ref: C154:2021
14 June 2022	Version 19	Changes to clause 5.1.1