***Keywords: fees, charges***

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| ***Corporate Plan:*** | *Corporate Services: Financial Management* |
| ***Classification:*** | *Executive & Corporate Services – Financial Management – "Fees and Charges Policy and Schedule"* |
| ***First Issued/Approved:*** | *July 2010* |
| ***Review Frequency:*** | *Biannually* |
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| ***Responsible Officer(s):*** | *General Manager Corporate and Community Services* |
| ***Council File Reference:*** | *7.1.1; 7.1.3; 7.63.1* |
| ***Applicable Legislation:*** | *Local Government Act 1999 (Sections 145; Section188)* |
| ***Relevant Policies:*** | *Rates Policy* |
| ***Related Procedures:*** | *This policy is **not** subject to Public Consultation* |
| ***Delegations:*** | *As per Delegation Register* |

## 1. Purpose

The Local Government Act 1999 empowers a Council to impose fees and charges for various services that it provides, either as part of its statutory functions or on request.

Fees and charges other than those prescribed by any Act or Regulation in respect of a particular matter, may be fixed, varied, or revoked by by-law or by resolution of Council.

## 2. Definitions

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| User Charges | Fees that Council charges that are set by the Council itself. These user charges are charged for certain circumstances on a user pays basis eg hall hire. |
| Statutory Charges | Fees that Council charges that are set by legislation and gazetted. |

## 3. Principles

The policy is to assist in the development of a Fees and Charges schedule where Council's Fees and Charges are not of a statutory nature. Council will apply the principle of user pays and where possible recover the full cost of operating or providing the service or goods.

## 4. Policy Statement

Council will adopt a Fees and Charges Schedule on an annual basis separated between Statutory and User Charges. Where Council's Fees and Charges are not of a statutory nature, Council will apply the principle of user pays and where possible recover the full cost of operating or providing the service or goods. Where it can be demonstrated that members of the community are unable to meet the full cost, concessions may apply.

Section 44(1) of the Local Government Act 1999 permits a Council to delegate some of these powers to a Committee or officers but at this stage Council has not taken up this prerogative to any significant degree.

This policy operates as a direct consequence of the provisions of Section 188 (1) (Fees and Charges) of the Local Government Act 1999 (the Act) for South Australia, empowering a Council to impose fees and charges.

Section 188(6) of the Act provides for the Council to keep a list of fees and charges imposed under this Section on public display at the principal office of the Council. This document is the record of fees and charges for the Berri Barmera Council. Further, a list of fees and charges is available on Council's website at https://www.berribarmera.sa.gov.au.

As per the Goods and Services Tax Act 1999, GST at the rate determined by the Act will be charged on all fees and charges, except those given exemption under the Act.

The fees and charges register will identify all those charges that attract a Goods and Services Tax. All prices will be inclusive of a 10% GST where applicable. Bond monies will not attract GST unless those monies are not refunded due to breaches in relation to conditions of hire.

The review of fees and charges is to be undertaken at least annually.

The commencement of the review is to coincide with and be subordinate to, Council's strategic planning and the implementation of its annual business plan as part of the budget setting cycle.

All fees and charges are to be reviewed by each Council administrative delegate responsible for the maintenance and management of the service for which fees or charges may apply. This should be done in conjunction with the Finance team such that any budgetary analysis associated with fee changes can be undertaken and reflected in Council's budget setting process.

Proposed fees and charges will be finalised by Administration within enough time so that the Fees and Charges Schedule can be considered for adoption by Council as part of the budget setting cycle.

It is the responsibility of the Finance team to ensure the final annual review of fees and charges is integrated into the annual budget setting process.

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