

CP.34 Write Off / Waive Fees or Debts

<i>Responsible Department</i>	Corporate Services
<i>Resolution Number</i>	C.4446
<i>Resolution Date</i>	20/04/2022
<i>Next Scheduled Review</i>	2024/2025
<i>Related Shire Documents</i>	Delegated Authority Register Manage Fee Waivers / Debt Write-Offs Process
<i>Related Legislation</i>	Local Government Act 1995 Section 6.12(1)(b) and (c) and (3)

OBJECTIVE

To provide clear guidelines for the equitable assessment of requests to write off or waive fees or debts within the parameters set by Council under delegated authority.

SCOPE

The Shire of Northam receives a number of requests to write off or waive fees and charges or debts. This policy ensures:

- Transparency and accountability to the community;
- An effective reporting mechanism to Council regarding the total value for write off / waiver of fees and charges or debts which are approved in any one financial year;
- An equitable assessment of each application or request received;
- A standard process for applicants to follow when requesting a write off / waiver of fees and charges or debts.

This policy applies to all requests to write off or waive fees or debts within the parameters set by Council under delegated authority (refer to the Shire of Northam Delegated Authority Register).

“Debt” a sum of money that is owed or due.

“Debtor” an individual, organisation or other party that transacts with the Shire where goods or services are provided, use of facilities are made available, fines and license fees are levied and any other transaction that results in an expected future payment to the Shire.

"Fee" means any fee or charge set out in the Shire of Northam’s Fees and Charges Schedule but does not include a bond.

"Not-for-profit organisation" means a non-commercial organisation, including a religious organisation or a sporting group, in which any profit made by the organisation goes back into the operation of that organisation and is not distributed to any of its members.

"Funded Bodies" means organisations that are externally funded or receive their core income from Federal or State Government (including LotteryWest) and significant commercial sponsorship to assist in their operations.

POLICY

1. Waiving Fees and Charges

Waiving of fees and charges must be undertaken in a consistent and transparent manner. The Chief Executive Officer may exercise their delegation to waive fees and charges that:

- Promote the Shire of Northam's mission and objectives;
- Provides a benefit to the Shire of Northam community;
- Are for an activity, event or program with a community service oriented purpose;
- Are for not-for-profit and non-government organisations; and
- Fall within the parameters set by Council under delegated authority, as detailed within the Delegated Authority Register.

Not-for-profit organisation

Where an organisation is a not for profit, and not a funded body a waiver of 100% of the total fees may be approved.

Funded Bodies

Where an organisation is a funded body, a waiver of 50% of the total fees may be approved.

The above items must be demonstrated prior to a fee waiver being approved.

2. Write Off Debts

Debts shall be considered for write off only when all reasonable attempts at recovery have been exhausted and are within the parameters set by Council under delegated authority, as detailed within the Delegated Authority Register. Recommendations for write off shall be made by the Executive Manager Corporate Services to the Chief Executive Officer following discussion with the business unit responsible for the raising of the debt.

In accordance with section 6.12(c) of the *Local Government Act 1995* all debts which require Council approval to be written off will be reported to Council.

3. Exclusions

The Chief Executive Officer will not consider a write off or waiver for fees or debts for:

- 3.1 Any activity, event or program that contravenes Council's existing policies;
- 3.2 The bond associated with the use of Council Facilities (only the waiver of fees for an activity, event or function will be considered);
- 3.3 Retrospective applications;
- 3.4 Requests from non-resident individuals or organisations which do not directly serve or represent the community of the Shire of Northam;
- 3.5 Requests from commercial organisations unless they clearly relate to community or not-for-profit projects and/or events occurring in, and directly serving the community of the Shire of Northam;
- 3.6 Requests that have the potential for income generation or profit or where an entry fee is being charged (excluding a gold coin donation);
- 3.7 Waiver requests from organisations or individuals who have monies owing to the Shire which relate to past booking and/or application fees;
- 3.8 Fund raising activities, for example, raffles, prizes for quiz nights, fetes and generic fundraising campaigns from individuals or National Charities.
- 3.9 State or Federal government organisations, including school community associations, such as P&C's and P&F's.
- 3.10 Sporting clubs and community organisation running regular fixtures, events and programs.

4. Reporting

Where the Chief Executive Officer has exercised delegated authority to write off or waive fees or debts the item is to be listed within the Delegated Authority Register accordingly.