

# Donations Policy

For donations under s.356 of the  
*Local Government Act*

<b>Date policy was adopted:</b>	28 June 2023
<b>Resolution number:</b>	013/23
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<b>Directorate</b>	Corporate Services
<b>Responsible Branch</b>	Finance

## 1. OUTCOMES

Under s.356 of the *Local Government Act 1993*, Queanbeyan-Palerang Regional Council (QPRC) may exercise a function by resolution to provide various forms of assistance to the community through grants, donations, rental rebates, rate relief, non-financial contributions, in-kind donations and sponsorships. This assistance, referred to collectively as donations, provides the community with funding for activities and programs that align with Council's strategic objectives.

This policy establishes an equitable, transparent and accountable management framework to guide the provision of consistent funding administration and assessment processes across Council.

## 2. POLICY

- 2.1 Council is committed to providing financial assistance for the development of positive and beneficial projects within the community which address identified objectives in the *QPRC Community Strategic Plan*. Preference will be given to organisations that are based, or have a branch, in the QPRC area.
- 2.2 Council will assess applications and proposals for financial assistance against established criteria and will ensure compliance measures are met prior to the granting of any donation.
- 2.3 Council will make certain that rigorous processes are in place to ensure consistency, fairness, transparency and accountability. Funded projects will be monitored to ensure the benefit to the community is realised and worthwhile.
- 2.4 Funded projects will be required to provide timelines. Approved requests for financial assistance will require lodgement of evidence to Council, through the acquittal process on completion of the project, that funds have been expended for the purpose for which the funds were approved.
- 2.5 All Council employees, Councillors or Committee members must declare any conflict of interest in assessing any application or proposal for funds, in accordance with the QPRC Code of Conduct.

## 3. CONTENT

Under the Annual Community Grants Program, Council provides financial assistance within eight categories.

### 3.1 Category 'A' Funding – General Assistance

Council may make donations to eligible local community groups that are not-for-profit community organisations, incorporated or unincorporated and in some cases, to individuals. The aim is to support a wide range of activities that build community capacity, foster social networks and information exchange, facilitate cooperation and build on existing community strengths.

### 3.2 Category 'B' Funding – Hire/Lease Fees

Financial assistance may be provided to community, not-for-profit or charitable organisations that wish to hire or lease a Council facility but are unable to meet this cost. The grant will be non-monetary and will be recognised financially as a donation and as income for the facility. The grant will be either full or partial payment of venue hire or lease

### **3.3 Category 'C' Funding – Rates, Fees and Annual Charges**

Council may consider refunding fees or charges for not-for-profit community Organisations and s355 committees on a one-off basis for development application fees and associated charges. Council may also consider donations towards annual waste, water and sewerage charges for community organisations. Council may also consider a one-off rates rebate for sporting, recreational and other community organisations that are able to demonstrate registered not-for-profit status.

**NOTE 1:** Churches and religious bodies are exempt from rates under s.555 of the Local Government Act 1993, however are required to pay all charges in relation to water, sewer and waste services.

**NOTE 2:** There is no legislative requirement for Council to provide relief to sporting, recreational and community organisations for rates and charges. Any donation provided for this purpose is at Council's discretion.

### **3.4 Category 'D' Funding - Rental Rebate**

Council may assist community organisations using Council's leased or licensed properties or facilities by providing a rental rebate for a specified period. This category does not include Council facilities that are covered by specific legal commercial leasing and licensing agreements as approved by Council and/or leases and licenses where the lessee/licensee is not a charitable or not-for-profit, incorporated organisation.

### **3.5 Category E Funding – Heritage Grants and Special Heritage Grants**

In conjunction with the NSW Heritage Office, Council has established a Local Heritage Places Fund. This provides grants for work on heritage properties including those listed in one of the applicable local environmental plans, or on the State Heritage Register as it applies to Braidwood, or to properties within a heritage conservation area in the Queanbeyan-Palerang Regional Council Local Government Area. The aim of the project is to encourage and support as much positive work on heritage items as possible.

### **3.6 Category G Funding – Cultural Grants**

Council may provide financial assistance to arts and cultural groups and to individual artists to develop their own projects and to improve the Queanbeyan-Palerang community opportunities for involvement in art and cultural activities.

### **3.8 Category H Funding - No Fee Hire of Council Community Spaces**

To encourage the increased use and availability of Council owned community spaces, a no fee hire of some spaces will be available for regular community, not-for-profit or charitable organisations that are unable to afford to hire these spaces. Special conditions apply including that availability can only be confirmed two weeks in advance of any regular booking. A minimal annual fee and key deposit will also apply.

Each fund has its own criteria, assessment protocols and application process. These can be found on the QPRC website.

#### 4. DEFINITIONS

*Donation* - a voluntary, freely given form of financial assistance given by Council that meets QPRC's strategic goals and objectives. There are generally no formal conditions or reporting measures, excluding those relating to a rental rebate, placed on recipients of donations other than that the funds are expended within the intent for which they were given.

*Facility* - any Council-owned asset or venue such as halls, reserves, parks, showgrounds and sportsgrounds that may be hired for a fee.

*Grant* - a payment made by Council to an independent organisation or individual for a specific purpose or project that demonstrates community benefit and assists in meeting QPRC's strategic goals and objectives. Grants are subject to an application process and are generally equitably distributed among a range of individuals, organisations or groups.

*In-kind donation* - rather than contribute direct funding, Council may undertake works using its own resources. Such in-kind donations will be costed the same way in which Council's own works are costed, including for labour and plant.

*Non-financial contribution* - the provision of a Council service, product or facility free of charge or at a subsidised rate. A non-financial contribution may be subject to eligibility criteria and shall meet QPRC's strategic goals and objectives.

*Rental rebate* - assistance in the form of a subsidy given by Council to community lessees/licensees of Council-owned or managed properties or facilities. The level of rental rebate will vary between 0 – 100% of the market rental value of the property.

*Sponsorship* - is provided in exchange for a negotiated mutual benefit that meets QPRC's strategic goals and objectives. A sponsorship can be of a financial or non-financial nature.

#### 5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 Section 356 of the *NSW Local Government Act 1993* states:

5.1.1 A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

5.1.2 A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

5.1.3 However, public notice is not required if:

- (a) the financial assistance is part of a specific program, and
- (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
- (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

**5.1.4** Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

**5.2** Section 610E of the *Local Government Act 1993* states:

1. A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.
2. However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F(2) or (3).

**5.3** Section 377 of the *Local Government Act 1993* states, inter alia:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

...

- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons.

**5.4** Under this policy, financial assistance including community grants and the waiving of Council fees or charges is considered to be a donation, provided in accordance with s.356 of the *Local Government Act 1993*.

**5.5** This policy is to be read in conjunction with the following documents:

- *NSW Local Government Act 1993*
- QPRC Code of Conduct
- Pricing policies for waste, water and sewerage services.

## 6. REVIEW

This policy will be reviewed during the term of each elected Council or as required by changes to:

- (a) Legislation; or
- (b) Council's functions, structure or activities