



WALCHA COUNCIL

ADMINISTRATION POLICY

DRAFT Community Grants and Donations Policy

Applicability

All Councillors, Council Staff and Community Members

Publication Requirement

Internal and External

Assigned Responsible Officer

General Manager

Document Status

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1.0				

Amendment Record

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1. POLICY OBJECTIVE

Council provides various forms of financial assistance to the community through grants, sponsorship, donations, and the waiving of Council fees and charges. This policy will assist Council in assessing these requests.

This policy serves to ensure Walcha Council:

- Complies with the provisions of Section 356 of the Local Government Act 1993; and
- Provides a framework within which requests to Council for financial assistance are assessed and accounted for in an open and transparent manner.

2. POLICY SCOPE

This policy applies to all requests for financial assistance from Council and all events staged within the Walcha Region.

3. POLICY STATEMENT

Section 356 of the Local Government Act states:

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

Section 610E of the Local Government Act states:

1. A council may waive payment of, or reduce, a fee (whether expressed as a 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).



Section 377 of the Local Government Act 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:
 - a. A decision under Section 356 to contribute money or otherwise grant financial assistance to persons.

Under this policy, financial assistance including community grants, and the waiving of Council fees and charges are considered as a donation, and provided in accordance with section 356 of the Local Government Act 1993 (NSW).

The value of all assistance provided under this Policy will be recorded as an expense to the donations budget with a relevant offset to the budget area that has incurred the associated costs or fee waiver.

4. POLICY COMMITMENT

Walcha Council is committed to providing transparency of the Community Grants and Donations application and decision process to all community members.

5. DEFINITIONS

Application period means the period not less than 21 days after the Council publishes a public notice:

- in a newspaper that is circulating generally in the local government area; and
- on the Council's website.

Council refers to the Walcha Council

Donation is any form of financial or in-kind assistance provided by Council and can be in the form of cash, goods or services, including the reduction of fees and charges to eligible groups and organisations.

Employee refers to any employee, contractor, volunteer etc. of the Council

Community Organisation refers to a not-for-profit (NFP) society, association or club established for community service purposes except political or lobbying purposes. (ATO definition)

Eligible Community Organisation means a community organisation that:

is an incorporated not-for-profit organisation or a company limited by guarantee that has been endorsed by the Australian Taxation Office as a charity, tax exempt fund or deductible gift recipient.

Note – Unincorporated groups are eligible to apply, providing that their application is made through an eligible community organisation acting as an auspice.

- a. has public liability insurance over \$20 million.
- b. has acquitted all previous Walcha Council grants.
- c. has no outstanding debt to Council.
- d. has more than 80% of members who are residents within the Walcha local government area
- e. is not:



- i. a State or a government entity, including a government entity or its subsidiary under the Government Owned Corporations Act 1993; or
- ii. a community organisation with a licence under the Gaming Machine Act 1991 for gaming machines; or
- iii. a political party under the Electoral Act 1992; or
- iv. a religious body or religious organisation declared by the Governor-General by proclamation pursuant to the Marriage Act 1961 (Cwlth) to be a recognised denomination for the purposes of the Commonwealth Act.

Funded entity means an eligible community organisation approved by Council to receive a grant.

Grant Agreement means a written agreement between a funded entity and Council about giving a grant.

6. OUR RESPONSIBILITIES

6.1 Grants to Community Organisations

The Council may give a grant to a community organisation only under this policy. The grant may be for any of the following types:

- a. a monetary payment;
- b. works undertaken by the Council to a specified value.

6.2 Guidelines

The Council may make guidelines about:

- a. matters to be considered in deciding a grant under this policy; or
- b. the matters to be considered by the Council in deciding whether the grant will be used for a purpose that is in the public interest; and
- c. the matters to be considered by the Council in deciding whether an organisation is:
 - i. an entity that carries on activities for a public purpose; or
 - ii. another entity whose primary object is not directed at making a profit.
- d. the criteria for a community organisation to be eligible for a grant from the Council; or
- e. the form in which documents may be given under this policy; or
- f. another matter the Council considers appropriate for the administration of this policy.

6.3 Applying for a grant

During the application period, an eligible community organisation can make an application to the Council for a grant. A grant application must:

- a. be submitted on the approved form to the Council (WO/2022/00409); and
- b. be accompanied by any information requested; and
- c. provide copies of financial records (eg. bank statement) to support the need for the grant.



6.4 Exclusions

Council generally does not make donations under this policy for:

- a. Retrospective applications (events that have already taken place);
- b. Federal or State Funded initiatives;
- c. Organisations raising funds on behalf of another organisation which is the recipient of financial assistance from the State or Federal Government (for example P & C's, Hospital Auxiliary);
- d. Financial assistance to individuals, or organisations raising funds on behalf of an individual;
- e. Sponsorship of individuals or teams to attend or participate in representative sporting events.

6.5 Assessing an application for a grant

The Council may give the grant only if it is satisfied the grant:

- a. Fits with the objective of this policy; and
- b. complies with all applicable laws; and
- c. is consistent with the Community Strategic Plan; and
- d. is consistent with the Long-Term Asset Management Plan; and
- e. is consistent with the Annual Budget; and
- f. complies with any applicable guideline made under this policy.

If a community grant application meets most of the applicable guideline criteria (but not all), the community grant may still be approved so long as the information provided allows Council to:

- a. consider whether the community organisation is an eligible community organisation; and
- b. consider if the grant is in the public interest; and
- c. is within the allowable budget for donations.

6.6 Assessment Delegations

Council Officers will check that the application meets the criteria. The full Council will then further review applications to finalise a recommendation that will go to next Ordinary Council meeting for consideration.

6.7 Conflict of interest

If a Council Officer or Councillor is connected to, or a member of, a particular organisation or group that is submitting an application, they must declare a conflict of interest and not be involved in any discussion or voting surrounding that organisation's application.

6.8 Deciding an application for a grant

The Council must give written notice of the decision to the applicant within 10 business days after the decision is made. The decision notice must include the following information:

- a. the decision and the day it was made;
- b. whether the application is approved subject to conditions or refused;
- c. a list of the conditions that the application was approved with (if applicable);
- d. if the application is refused, the reasons for the refusal.
- e. a statement about the requirement of the successful applicant to submit a report on the outcomes of the grant, included what the money was spent on (if applicable);



6.9 Westpac Rescue Helicopter Services

The Westpac Rescue Helicopter service will receive the amount of \$5000 each year, and the organisation **is not required** to submit an application.

7. RELATED LEGISLATION, POLICIES AND REVIEW

7.1. Related Legislation and Policies

The following are relative to this policy:

- Local Government Act 1993 NSW;
- Local Government (General) Regulation 2005 (NSW)
- Provision of Financial Assistance Under Section 356 of the Local Government Act
- Asset Disposal Policy
- Statement of Business Ethics

7.2. Review

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 4 years or following an ordinary election of Council, or earlier if there are relevant statutory or State Government policy changes.

7.3 Related Documents

- DRAFT TEMPLATE Community Grants and Donations Application Form (WO/2022/00409)
- DRAFT Community Grants Event Funding Guidelines (WO/2022/00400)