

POLICY: DONATIONS - SECTION 356
(a) Annual Submissions Based Support
(b) Special Financial Consideration

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OBJECTIVE: To provide a mechanism to support individuals and groups such that the functions of Council are achieved in terms of social welfare, cohesion or image, through financial or "in-kind" support, or through the discounting of fees.

Section 356 of the Local Government Act (1993) 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 Operating 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% of the Council's proposed income from the ordinary rates levied for that year;*
 - (d) *The program applies uniformly to all persons within the Council's area or to a significant group of persons within the area.*

DEFINITIONS

Community Groups, Charities and others

Local organisations applying for donations should generally be non-profit, have significant local membership and a community based charter.

Individuals

Those individuals seeking a donation should either reside, work or have some definite connection to the Council area to be eligible.

GUIDELINES

Part A – Annual Submission Based Support

Community Groups and Charities

Local organisations applying for assistance should generally be non-profit, have a significant local membership and a community based charter. A proposed recipient who acts for private gain is not ineligible for assistance, however, the activity pursued should be for the benefit of the overall community and achieve the goals of the Council.

Council shall call for applications for an annual submission from community groups, charities and others seeking assistance (including financial, or “in-kind” and discounting of fees) for the coming year and these applications should be received during January/February each year for inclusion in the budget calculations for the next financial year. A report will be presented to Council as part of the annual Operational Plan.

Each applicant shall provide:

- (a) information about their organisation, including purpose of organisation and membership
- (b) financial information about their organisation
- (c) If an event, budget for the event
- (d) Contribution to the Bathurst community
- (e) Details of other sources of public funding
- (f) Details of any previous funding from Council

Part B – Special Financial Considerations

Applicants will only be considered where the group or individual can demonstrate that they were unable to make a submission as provided for in Part A.

Requests for special financial consideration by individuals and groups will be considered by Council if they satisfy the guidelines. Documentary evidence must be provided by the individual or group to verify the use of the funds donated or they must be returned to Council. A report will be provided to Council for its consideration.

Each applicant shall provide:

- (a) Reason why application was not submitted by due date
- (b) information about their organisation, including purpose of organisation and membership
- (c) financial information about their organisation

- (d) If an event, budget for the event
- (e) Contribution to the Bathurst community
- (f) Details of other sources of public funding
- (g) Details of any previous funding from Council

Part C – Recognition of Council's Funding

Council's donation must be publicly acknowledged.

Part D - Miscellaneous Donations

1. School Magazines/ Citizenship Prizes

\$60 donated annually to each of the schools in the Council area towards the cost of printing the school magazine and up to \$60 per school for their annual presentation night.

2. Schools and Churches – DA Fees – Advertising Signs

That Council donate the Development Application fee to Schools and Churches when a Development Application is lodged for a sign to display the name of the school or Church.

3. HACC Centre Meeting Room – Booking Fees

The room is available free of charge to eligible groups who are involved in the operation of the HACC Centre.

The list of eligible groups will be determined by Council from time to time. The present list is:

Bathurst Regional Council
Bathurst Community Day Centre (Inc)
Home Care Service
Meals on Wheels

For Bathurst Regional Council area;

- (A) Schools and University – being a recognised and accredited Education institution or;
- (B) Local Community Organisation – Non-funded, non professional organisations or charities where monies raised are dispersed into the local community,

The following discounts will apply:

- (i) For Category A – a 40% discount on the Scheduled Fee and
- (ii) For Category B - a 20% discount on the Scheduled Fee

In extreme circumstances, non-profit organisations and community groups may apply for a greater refund of the booking fees. Applications for such refunds must be in writing and will be considered by the Council. In **all** cases the prescribed booking fees must be paid in advance before the Room is used.

4. Art Gallery – Usage by Local Groups (Fees)

The Gallery may be available for exhibition by local groups such as educational bodies, associations etc. Such requests will be subject to Councils operational procedure for use of the gallery and upon application, the fee may be waived.

Where functions are co-sponsored by BRAGS, and another organisation or group, the co-host organisation or group may be required to pay a fee (subject to above). BRAGS is not required to pay a fee when co-hosting an event with the Gallery, or hosting an event to raise funds for the Gallery.

5. Art Gallery/Library Meeting Room – Booking Fees

The Room is available free of charge to eligible groups who are directly involved in the operation of the Library or Art Gallery.

The list of eligible groups will be determined by Council from time-to-time. The present list is;

Bathurst Regional Council
Bathurst Regional Art Gallery Society
Art Gallery Guides
Family History Group of Bathurst Inc

For Bathurst Regional Council area;

- (A) Schools and University – being a recognised and accredited Education institution or;
- (B) Local Community Organisation – Non-funded, non professional organisations or charities where monies raised are dispersed into the local community,

The following discounts will apply:

- (iii) For Category A – a 40% discount on the Scheduled Fee and
- (iv) For Category B - a 20% discount on the Scheduled Fee

In extreme circumstances, non-profit organisations and community groups may apply for a greater refund of the booking, security and public liability fees. Applications for such refunds must be in writing and will be considered by the Council. In **all** cases the prescribed booking fees must be paid in advance before the room is used.

6. Bathurst Memorial Entertainment Centre - Hire

For Bathurst Regional Council area;

- (A) Schools and University – being a recognised and accredited Education institution or;
- (B) Local Community Organisation – Non-funded, non professional, organisations or charities where monies raised are dispersed into the local community,

The following discounts will apply:

- (v) For Category A – a 40% discount on the Scheduled Fee and
- (vi) For Category B - a 20% discount on the Scheduled Fee

That Council charge the Bathurst Eisteddfod Society the normal fees applicable to the hire of the venue and further that Council donate to the Eisteddfod Society under Section 356, the difference between the total fee charged and a set fee of \$10,000 per annum to be paid by the Eisteddfod Society.

That Council provide a 20% discount of the scheduled local organisations theatre hire fee to Bathurst Carillon Theatrical Society.

That Bathurst Regional Youth Council be provided with a subsidy of up to \$2,000 per annum for the use of facilities at BMEC. This amount to be annually increased by CPI.

7. Waiving of Excess Water Accounts – Flood Prone Properties

Council waive excess water accounts in respect of flood prone premises where the water is used to clean up after flooding.

8. Carrington Park – Promotion – Grandstands

Council provide temporary grandstands at Carrington Park for crowds anticipated to be in excess of 5,000 people funded from the Carrington Park Vote, subject to the provision of substantiated material by the promoters.

The promoter's substantiated documentation must include:

1. Evidence of past events with crowds in excess of 5,000 people;
2. Evidence of promotion of an event that provides a genuine expectation of in excess of 5,000 people; or
3. Evidence of ticket sales substantiating 5,000 spectators.

9. Use of Council Plant and Equipment

Where Council agrees to hire its plant and equipment or to make it available to community groups as approved by Council, such plant and equipment shall only be hired or made available provided the regular or relief operator operates such plant and equipment.

10. Water – Residents who use Home Dialysis or Similar Machine

That a further allowance of 250 kilolitres per year be granted to residents who require the use of a home dialysis or similar machine, subject to provision of a Doctor's certificate advising of the necessity of home usage of such equipment which requires high water usage.

11. Garbage – Residents who use Home Dialysis or Similar Machine

That residents who use Home Dialysis or similar machines, include the waiving of an additional garbage service fee to assist with additional waste removal.

12. Policy for Fun Runs, Rallies and Sporting Events

- (1) All events are categorised in one of five ways:
 1. Commercial/Semi-commercial
 2. Community/Charity
 3. Sporting Contests
 4. Large (greater than 150 visitors)
 5. Council budgeted
- (2) When required, Council shall supply and install barricades, except where Council is satisfied that the organisers have sufficient experience in the standards of barricade placement appropriate to the particular situation, then Council will supply only;
- (3) Any Council plant, labour and materials provided for Category 1 and 5 events shall be charged at actual cost;

- (4) Any Council plant, labour and materials up to \$500 shall be donated to Category 2, 3 and 4 events, with any costs over \$500 charged at full cost to the organisers;

In order for the above fee structure to be self-regulating, a definition of each Category Event is required. In this regard, Categories 2, 3 and 5 are self-explanatory. To qualify for Category 4, Organisers must show, that more than 150 visitors will be attracted to the City. An event will be deemed Category 1 if it is a private money generating venture.

Council will make the facilities at the top of Mount Panorama available for school sporting events free of charge.

13. Development Application Fees – Developments on Council Properties

Development application fees automatically be waived for developments by community/sporting groups on Council property.

14. Pool – Community and School Users

Any subsidies for the Bathurst Aquatic Centre will be as adopted in the Council's Revenue Policy for that year.

15. Clean Up Australia Day

Council shall make available a truck for removal of litter collected, to the organisers of Clean Up Australia Day activities, provided the vehicle is operated by volunteer Council staff.

16. Food Inspection Fees – Local Community Groups

That local community groups eg sporting bodies, schools, churches etc operating food premises at Mount Panorama, Kings Parade and the Royal Bathurst show be inspected on each day of operation and be charged for only one inspection unless major matters of non-compliance require follow-up at subsequent inspections. The fee to be charged to be in accordance with Council's Revenue Policy. And further, that all non-local commercial food operations be inspected each day of operation and a fee charged for each inspection in accordance with Council's revenue policy.

17. Anzac Day

Bathurst – provision of a number of barricades and no parking signs which are utilised by the RSL's own traffic control and the Police.

Rockley – detour to be erected for the short service to be held in Stevens Park.

Trunkey Creek – detour to be erected for service (usually held prior to Anzac Day).

18. Annual Donations:

- Monkey Hill UHF Radio Repeater Association Inc - \$800 towards the cost of public risk insurance.
- Sofala & District Agricultural & Horticultural Show Society Inc - \$350 to assist with improvements.
- Sofala Progress Association - \$600 for cleaning toilets in Sofala.
- Lions Club of Bathurst - \$2,000 towards cost of purchasing Flags for Evans Bridge (Funded from Promotion Budget)

19. Donations - Loans to Service Clubs, Sporting Clubs and Non-Profit Organisations

Council's functions are detailed in Chapter 5 of the Local Government Act (1993) and, in particular, section 23 states:

A council may do all such things as are supplemental or incidental to, or consequential on, the exercise of its functions.

GUIDELINES

1. The council may lend money to any Service Club, Sporting Club or Non-Profit Organisation, which is not conducted for private profit, which has its purpose, the provision of one or more of the following:
 - * community services and facilities
 - * public health services and facilities
 - * cultural, educational and information services and facilities
 - * sporting, recreational and entertainment services and facilities
 - * environment conservation, protection and improvement services and facilities
 - * waste removal, treatment and disposal services and facilities
 - * pest eradication and control services and facilities
 - * public transport services and facilities
 - * storm water drainage and flood prevention, protection and mitigation services and facilities
 - * fire prevention, protection and mitigation services and facilities
 - * land and property development
 - * housing
 - * industry development and assistance
 - * tourism development and assistance

2. A rate of interest will be charged on the loans that is equivalent to Council's current borrowing rate plus 1% (this being the loan administration fee). The interest will be charged on the amount outstanding at the end of each month in arrears.

Any reduction in the rate of interest charged, will only be by way of a Section 356 contribution approved by a resolution of Council.

3. The loan shall be used for the purpose of:
 - (a) constructing or improving facilities for use in connection with the activities of the organisation or club; or
 - (b) for the erection or improvement of buildings associated with or incidental to those facilities, on lands which are owned by, vested in, or under the care, control and management of, the Council or of which the club, organisation or governing body is the owner or lessee.

4. All applications for loans must include details of:
 - (a) Financial position of the Club/organisation
 - (b) How repayments are to be met
 - (c) Credit references (if deemed appropriate by Council)
 - (d) Name of Organisation (including details of principles)
 - (e) Address of Organisation
 - (f) Purpose of Organisation and reason for the loan request
 - (g) Articles of Association or Constitution are to be provided
 - (h) Public Liability Insurance
 - (i) Projected current and future use of community facility

5. Council at all times reserves the right to:
 - (a) Obtain a credit reference from the Credit Reference Association

 - (b) Approved or Disapprove any application it receives on any grounds that the Council deems appropriate

 - (c) Call in any loan at any time:
 - (i) if the repayment schedule is not adhered to
 - (ii) the purpose of the club or organisation ceases to comply with the purpose(s) listed in clause 1, or
 - (iii) the club or organisation ceases to exist or is conducted for a private profit.

6. The interpretation of this clause is solely at the discretion of Council.

20 Rates – Village Halls

The amount of rates levied annually is to be donated to the Village Halls, in recognition of their value to their local communities, the recipients being:

Rockley School of Arts Hall
Sofala Progress Association Hall
The Lagoon School of Arts Hall
Trunkey Church of England Hall

21. Senior Sports Persons

State Representation

- (a) For all persons selected in a State ie. NSW Team, financial assistance in the amount of \$100 is given to each person selected in a State Team.
- (b) For any Team selected to represent NSW State a total amount of \$500 be given to the Team to represent the State.

National Representation

- (a) For all persons selected in a National Team, financial assistance in the amount of \$200 is given to each person selected in a National Team.

- (b) For any Team selected to represent Australia, a total amount of \$1000 be given to the Team to represent the Nation.

General Compliance

For a person or team to be eligible for these grants they must comply with the following:

- (a) The person is 18 years of age and over.
- (b) Be a resident of Bathurst.
- (c) Be a representative of the Local Sporting Organisation as controlled by the Bathurst Sports Council.
- (d) Obtain a letter from the State or National Organisation supporting their selection in the State or National Teams.
- (e) Undertake to publicly acknowledge Council as a financial sponsor of their attendance at the State or National Titles.