

# Policy

## Donations (Financial Assistance)

Version 1.2

Adopted by Council at its meeting on xxx

Minute No:xxx

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Section: Community and Cultural Services  
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# Donations (Financial Assistance)

## Policy Objective

Encourage equity and fairness in allocation of funds.

## Definitions

**Community Benefit:** groups or organisations must operate from within the Tweed Shire local government area (LGA) or the funds must be used towards an activity, program or project that has a focus on community needs with a social benefit for Tweed Shire residents in the majority.

**Financial Assistance:** is a payment made to a group or organisation towards an activity, program or project where a reciprocal benefit is not received by Council. Requests for financial assistance from service clubs such as Lions, Rotary, Apex etc are excluded.

**Not For Profit:** is a non-government group or organisation that is not operating for the profit or gain of its individual members, whether these gains would be direct or indirect.

## Policy Background

Tweed Shire Council recognises a need to assist not-for-profit community groups and organisations that are interested in and working towards the enhancement and the well being of its residents.

## Policy

Requests for financial assistance and sponsorship may be made by not-for-profit groups or organisations that provide a community benefit to residents of the Tweed Shire LGA.

1. The four-year Delivery Program will provide an annual budget allocation for the Donations (Financial Assistance) Policy.
2. Council will advertise twice yearly in the *Tweed Link* inviting applications for Donations (Financial Assistance) Policy.
3. Applications must be made on the *Donations Policy Application Form* available for downloading from Council's website.
4. Requests for financial assistance to fund social activities for members of a group or organisation are not eligible.
5. Requests for financial assistance to fund festivals and events are not eligible.
6. Requests for financial assistance to reimburse groups or organisations for Council fees and charges are not eligible.
7. A panel comprising two senior Council officers and the Mayor will review applications to determine eligibility and make recommendations to Council.

8. Following the decision of Council, successful and unsuccessful applicants will be advised of outcome in writing by letter.
9. Payment will be made to successful applicants as soon as practicable following the decision of Council.
10. Council will publish twice yearly in the *Tweed Link* details of successful applicants.
11. Council will keep a register of donations "in kind", including donation back of charges, and reduction or waiving of headworks charges.
12. Council will publish in the Annual Report a list of the amounts and recipients of donations which have been made.

### Funding Guidelines

1. Activities, programs or projects will not be funded retrospectively.
2. Only one application per community group or organisation will be considered per financial year.
3. Projects must be completed within 12 months of funding.
4. Requests for financial assistance shall not exceed \$2,000.
5. A group or organisation shall not be eligible for any more than two donation grants in any consecutive three year period.
6. A recipient of financial assistance will be required to publicly acknowledge and/or provide recognition of the support of Tweed Shire Council when delivering the activity, program or project.

### **Related Legislation**

*Local Government Act 1993 s356 - can a council financially assist others?*

- (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 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.*
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

## **Compliance**

### Financial Assistance

Upon completion of activity, program or project or within 12 months of receiving the donation, the group or organisation will be required to furnish Council with a statement that funds have been expended for the purposes stated in their application, together with a brief description of project outcomes (to assist in assessment of future applications). Failure to comply will result in the recipient being refused any further financial assistance from Council.

### Not-For-Profit Status

An organisation may be required to provide documentation in relation to its not-for-profit or community group status (such as a Constitution or Memorandum and Articles of Association and /or ATO endorsement as an income tax exempt charity or a deductible gift recipient).

## **Forms**

1. Donations (Financial Assistance) Application Form

## **Review Period**

This Policy will be reviewed within 12 months of the election of each new Council or earlier in the event of any legislative changes or change in circumstances.

## **Useful Links**

[Tweed Shire Council website](#)

