

# POLICY

<b>Policy Name</b>	Donations Policy
<b>Policy Category</b>	Service Provision
<b>Department / Officer</b>	Corporate and Customer Services/Director
<b>Date Adopted</b>	18 December 1995
<b>Date/s Reviewed</b>	10 November 2008; 29 January 2013; 24 July 2017; 29 April 2019
<b>Review Frequency</b>	Every three years
<b>Strategic Plan Reference</b>	2.4 Encourage community participation and interaction 2.5 Cultivate a vibrant community culture 3.2 Promote a culture of innovation, creativity and collaboration 5.1 Cultivate and demonstrate community leadership 5.5 Sustainably manage Council's financial and infrastructure assets

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## 1. Introduction

Council values the cultural, community and sporting initiatives that enhance the quality of life in the local area.

This Policy enables Council to invest funds via a donation to acknowledge the contributions made by non-profit groups and individuals that contribute to the development/benefit of the community or that encourages community participation.

## 2. Purpose

The aim of this Policy is to:

- Consider requests for financial assistance by way of donation, sponsorship and subsidies to local service, cultural, sporting, and non-profit organisations which operate within, and provide benefit to the City of Victor Harbor community and communities of interest.
- Ensure that financial assistance/donations to community groups, organisations or individuals are provided in a fair, equitable and accountable manner.

## 3. Scope

Any applications or requests for donations which are not a part of Council's formal grant funding programs, or that have not been identified within Council's budget as a Council sponsored activity, will be considered as unsolicited donations and will be covered by this policy.

Commercial organisations and private individuals are not eligible for a donation under this policy.

Donation requests by charities, government organisations, government funded organisations, or associated groups or individuals are not eligible, except local education institutions and local organisations for in-kind support.

#### 4. Policy Statement (Summary)

Council is committed to investing funds to promote the ongoing development of community activities and projects and promote community participation in accordance with its community plan.

#### 5. Legislation and Compliance

Section 137 of the Local Government Act 1999 states that a Council may expend its funds as the Council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts.

Section 188 of the Local Government Act 1999 (the Act) states that a Council may provide for the reduction, waiver or refund, in whole or in part, of fees or charges.

The Director of Corporate and Customer Services will be required on an annual basis to include in the Council's Annual Report the details of approved donations.

Donations given in any financial year should not be seen as an ongoing commitment by Council.

#### 6. Definitions

For the purpose of applying this Policy the following definitions apply:

**City of Victor Harbor Community** – residents, ratepayers, clubs, and business owners/operators within the local government area of City of Victor Harbor.

**Communities of interest** – this term recognises that the City of Victor Harbor communities of interest may not fit strictly within the local government boundary. People's sense of belonging can be people and/or place based:

**People based** – people can identify with each other by experiences they have in common, based on topics of shared interest, values, lifestyle, consumption, social class, and a whole range of interlocking and fluid drivers of identity. This type of community is not necessarily geographically based.

**Place based:** People are bound together because of where they reside, work, visit or otherwise spend a continuous portion of their time. Such a community can be a neighbourhood, town, region or any other geographically specific place or spatial pattern.

**Donations** –includes the following categories:

- Financial and in-kind support.
- Contribution to an emergency or disaster appeal.
- Granting of fee reductions for use of Council controlled property and facilities.
- Reimbursement or exemption of Development Application Fees.

**Non Profit Community Group or Community Organisation** provides services which benefit the broader community. Any profit goes back into the operation of the group or organisation to carry out its purpose and is not distributed to any of its members.

## 7. Policy Content

Council will consider providing donations to encourage or enable broad community participation in social, cultural, sporting and community service activities; however, it is not the role of Council to distribute ratepayer money to charities.

Requests for donations will be assessed In accordance with the following categories and criteria:

### **Not for Profit Groups and Organisations**

Not for profit community groups and organisations, which have significant City of Victor Harbor / community of interest membership or participation and/or are undertaking a project showing significant local benefits, may be eligible for assistance.

Council will consider each request on an individual basis and subject to the receipt of satisfactory evidence of need. The maximum allowable donations under this Policy will be \$500.

### **Amateur Sporting Teams or Cultural Groups**

Council may provide an in-kind donations only to amateur sporting teams or cultural groups and organisations holding carnivals, tournaments, festivals or events within the Council area, particularly those that draw competitors from outside the Council area. Council's maximum donation per event is \$500.

See Council's Community Grants Policy for requests for funding for recreation and sporting teams, individuals or cultural groups and other categories such as Community Services; Arts and Culture; Volunteer Week; Local Heritage and Main Street.

#### **7.1 Application Process**

Any request for a cash or in kind donation must be made in writing on the attached Application Form. Applicants must provide adequate information to effectively assess the proposal.

The request must be in accordance with this policy and all relevant information is to be provided with the application.

Applicants are encouraged to discuss their proposal with the Corporate Administration Officer prior to lodging an application to assist them to provide necessary information.

Requests for financial and in-kind support will be assessed against the eligibility criteria. Requests that do not meet the eligibility criteria for assistance from Council will be advised accordingly, and if appropriate, provided with details of other funding opportunities, or alternatives.

Other than in exceptional circumstances, where an eligible request for a donation exceeds \$500 per annum, the applicant will be advised that their request will be determined through Council's annual budget or budget review process.

Recipients of cash donations will be required to acquit the donation within 3 months of expenditure of funds (copies of receipt(s) and a brief description of project outcomes). An acquittal form will be provided at the time of the donation. Donations not acquitted will be invoiced for repayment.

## **7.2 Assessment Criteria:**

Depending on the type and/or scale of the proposal, the following information will be used in the assessment of applications:

- Previous donations or in kind support provided by Council.
- Proof that funding is necessary for the activity or project to be able to proceed (may require sighting of recent financial statement or business plan).
- A clearly defined plan and budget.
- Details of the organisations contribution to the project whether financial or in-kind and any other funding sources which have been investigated.
- Details of whether an admission, service or other fee will be charged in connection with the project/activity.
- The number of people who will benefit.
- Clearly addresses Council's strategic priorities or how the project responds to an identified community need.
- Has significant short, medium and long-term benefits for the community.
- Has a realistic chance of success.
- Encourages community participation.
- Contributes to the local economy.
- Demonstrates cooperation with other organisations.
- Has met event risk management requirements.

Only one in kind support, donation, sponsorship or funding grant will be made by Council under any program, per financial year, per recipient/ organisation.

Applications for funding are to be for a specific purpose, and not be considered as a recurrent source of future funding.

Applications for donations will generally not be accepted for the purpose of covering operating costs (once-off 'seed' funding exempted).

### **7.3 Applications not normally considered eligible for a donation include:**

- Ongoing operational costs (e.g. rent, salaries, maintenance and administration).
- Reimbursement of expenditure already incurred.
- Projects for which there is a more appropriate funding source.
- Where the purpose is considered the responsibility of state or federal government.
- Projects that are clearly a duplication of an existing service.
- Requests from commercial organisations.
- Requests from individuals or groups for private functions.
- Multiple requests from Groups already receiving financial support from the Council.
- Charity fundraising purposes.

### **7.4 Conditions of Approval**

In the event that a donation is approved, the applicant must observe the following conditions:

- Use the donation only for the approved purpose.
- Seek prior approval for any significant changes to the purpose.
- If applicable acknowledge the Council's assistance in any material relating to the project.
- Spend monies within the agreed period, except with prior approval of the Council.
- Submit the donation acquittal form within three (3) months of the conclusion of the project/event (receipts and brief report on outcomes).

### **7.5 Contribution to an emergency or disaster appeal**

All eligible requests will be submitted to Council for consideration on a case-by-case basis.

### **7.6 Granting of fee exemptions or discount for use of Council controlled property and facilities**

Council sets fees and charges at community rates, and where applicable, commercial rates and generally a further discount will not be applied.

The Chief Executive Officer and the Director of Corporate and Customer Services will have delegated authority to approve requests for fee reduction for use of all Council buildings and public spaces (except where there is a specific or joint management agreement), with the Chief Executive Officer to a maximum of 100% and the Director of Corporate and Customer Services to a maximum of 50% per hire and maximum value of fee waiver of \$500 per annum per organisation where the donation criteria are met for City of Victor

Harbor and local communities of interest only.

The exemption or discount of fees shall be shown in Council's financial records as in-kind donations (i.e. hire revenue will be shown against the respective facility and a cost against in-kind donation).

Security Bonds are to be paid by users of Council facilities to mitigate any risk to Council arising from actions of the user (e.g. damage to facilities, breakages, poor cleaning, etc.). The Security Bond is refunded after the use, less any deduction considered appropriate to mitigate damage, etc. Waiver of the Security Bond should not occur under any circumstances. (Also refer Council's Civic Centre Room Availability Policy).

Depending on the type of activity, Council may require that a full risk assessment of the proposed event be undertaken and submitted to Council prior to the event, as a condition of approval for a fee exemption or discount.

## **7.7 Reimbursement and exemption of Development Application Fees**

### **7.7.1 Reimbursement**

Requests for reimbursement of Development Application Fees (where Council is the relevant authority) will be submitted to the Chief Executive Officer or Director Planning & Regulatory Services for assessment against the relevant eligibility criteria. Mandatory fees such as the Construction Industry Training Board or similar will not be considered for reimbursement.

### **7.7.2 Exemption – Heritage listed Buildings and/or places**

The following **fee exemptions** will apply when assessing Development Applications and calculating fees concerning Heritage listed buildings and/or Places:

#### **Lodgement Fees**

- Additional Lodgement Fee (exempted) for development over \$5,000
- Staged Consent Fee

*Note: Only the minimal lodgement fee is required to be paid.*

#### **Development Plan Assessment Fees**

- Development Plan Assessment Fee up to a maximum of \$300 (to be exempted)
- State Heritage Branch Referral Fee

*Note: All other associated planning fees must be paid*

#### **Building Rules Assessment Fees**

Building Rules Assessment Fee up to a maximum of \$250 (may be exempted)

*Note: All other associated building fees must be paid.*

## **8. Risk Management**

This Policy assists Council to make fairly and equitably responses to requests for donations in accordance with the legislative provisions and Council's Delegations Register

## **9. Implementation/Delegations**

The Director of Corporate and Customer Services has delegated authority to approve eligible requests within Council's approved budget allocation of \$500 or less for financial and in-kind support relating to this Policy.

The power to exempt fees in relation to development concerning Heritage listed buildings and/or places (as provided by Council on 19 July 2010) is delegated to the Director of Planning and Regulatory Services and other delegates as set out in Council's Delegation's Register.

All donations are totally discretionary and will require an approved decision of Council.

## **10. Related Documents**

Major Festivals and Events Policy  
Civic Room Availability Policy  
Conflict of Interest Policy  
Fraud and Corruption Prevention Policy

## **11. Availability of Policy**

This policy is available on Council's website at [www.victor.sa.gov.au](http://www.victor.sa.gov.au). It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.