

Subject **DONATIONS - SECTION 356**

Description: This document describes Council's policy towards the provision of donations under Section 356 of the Local Government Act, 1993.

Section 356 states that:

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.

Objective: The objectives of this policy are:

- (a) To ensure an equitable distribution of Section 356 funds.
- (b) To ensure expenditure is within the allocation agreed to in the annual estimates.

PART 1 - POLICY

1. The principal means of providing assistance to local organisations, in lieu of cash donations, is the provision of free of charge use of the Community Store at Bridge Street.
 2. The allocation of the use of the Community Store is set out in “Community Store Policy” and “Community Store – Operating Practice Note”.
 3. There will, from time to time, be applications from non-local organisations or for projects and proposals that can not be accommodated by the allocation of the use of the Community Store. Such applications will be considered by Council on their merits.
 4. Applications involving the use of Council Plant are required to be on the basis of supervision and operation by approved Council staff to the satisfaction of the Director of Engineering Services. Section 67 (2) of the Local Government Act requires full cost recovery.
 5. All expenditure created by resolution of Council for use of plant, equipment or property of Council, or work undertaken at less than the approved scale of charges are to be recorded as Section 356 expenditure. Section 67 (3) of the Local Government Act and Clause 217 (a4) of the Local Government (General) Regulations 2005 require that the cost of such resolutions be recorded and reported in the Annual Report of Council.
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6. Any application, of an urgent nature, which is not submitted in sufficient time to be considered by Council, is to be treated as Section 67 (1) works, that is. private works will require a payment in advance; subject to a subsequent decision of Council.
7. All applications for expenditure under Section 356 must be made to Council in writing.

PART 2 - EXEMPTIONS

The following are approved annual applicants for donations and the amounts prescribed have been included in Council's Budget.

School Presentation Nights

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|-------------------------|-------|
| Uralla Central School | \$200 |
| Bundarra Central School | \$200 |
| St Joseph's School | \$100 |
| Kingstown School | \$100 |
| Kentucky School | \$100 |
| Rocky River School | \$100 |

Bundarra CWA

In recognition of the use of the CWA building to house the Bundarra Library, Council will donate an amount equivalent to the annual rates and charges each year.

PART 3 - CRITERIA

In formulating this policy, Council considered:

1. The requirement to consider applications for donations of money, plant, time, equipment and property.
 2. The need to define annual amounts to be included in the Budget Estimates for this purpose.
 3. That a system was required to prevent the haphazard and *ad hoc* consideration of donations.
 4. The requirement to organise the application and approval process to prevent lengthy delays.
 5. All applications are to be in writing.
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PART 4 - OTHER MATTERS

Nil

Review: This policy is to be reviewed as necessary or every four (4) years in accordance with Section 165, Local Government Act, 1993.

**Resolution No: 265/97; (*Amended after December 1999 Council Meeting*);
Reviewed: June 2000: 249/00; (*Amended after October 2003 Council Meeting*);
March 05: 94/05; August 08: 279/08; Reviewed September 09; Reviewed and
Revised February 2011 (45/11), Adopted without Change August 2013 (249/13)**
