

Grants, Donations and Sponsorships Policy

Leadership

An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

Document Type	Council Policy
Document Reference No.	326540
Version No.	1.0
Council File Reference	Policies (CGMT)
Adoption Date	16 November 2022
Resolution Number	MN 2022/255
Document Owner	Manager Governance and Corporate Performance
Responsible Branch	Corporate Strategy and Resourcing
Responsible Business Unit	Governance
Review Schedule	Two years
Review Date	16 November 2024



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1. Objectives

The objectives of this Policy are:

- To establish a framework to manage grants, donations and sponsorships.
- To guide the application process, allocation and evaluation of funding to address community needs under section 356 of the *Local Government Act 1993*.

Council's Grants, Donations and Sponsorships provide financial and in-kind support to initiatives and projects that build the social, cultural, environmental and economic life of the Wingecarribee Shire. Through this funding, Council partners with the community and businesses to achieve the broader objectives and aspirations of Council's long-term [Community Strategic Plan - Wingecarribee 2031](#).

Council's Grants, Donations and Sponsorships are based on the following Policy Principles:


- **Priority** – funding is allocated to priority areas to meet identified Council and community needs. Priorities are identified through Council's Community Strategic Planning.
- **Impact** – funding is provided to programs and events that demonstrate the greatest ability to positively impact identified needs and value for money. Council actively encourages partnerships with a variety of organisations to deliver on its objectives.
- **Community wellbeing** – funding is provided to programs and events that will improve the general wellbeing of the local community as a whole.
- **Equity and inclusion** – funding will be accessible to a diverse range of groups and people and will not support initiatives that discriminate or disadvantage groups within the community. Council acknowledges the range of capacity in organisations to apply for funding and all applications will be considered on their individual merits. Applications are encouraged from people of all abilities, ethnicity, cultures, ages and sexual orientations.
- **Responsiveness** – funding programs are responsive and may adapt to changing community needs and funding opportunities in changing circumstances over time.
- **Accountability** – use and acquittal of funds should demonstrate measurable outcomes and accountability in the purpose, use, aims and objectives of the original application or request.
- **Governance** – staff and Councillors administering this Policy are bound to act ethically, fairly and with transparency, abide by Council's Code of Conduct and follow the application procedure. Application forms and acquittal requirements will be proportionate to the size of the funds awarded and the expected outcomes of the relevant funding program. Grant recipients are accountable for ensuring that acquittals accurately reflect approved expenditure. Council will ensure there are systems and opportunities for feedback on grants, donations and sponsorship processes.
- **Eligibility and Procedure** – applicants must meet the defined eligibility criteria and follow the application procedure.

2. Policy Statement

2.1 General Principles

The general principles for Council's Grants, Donations and Sponsorships include:

- 2.1.1. Council will provide financial assistance in accordance with the requirements of section 356 of the *Local Government Act 1993*, which is set out in Part 3 of this Policy.

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- 2.1.2. Council will provide financial assistance only when the benefit to the community can be clearly defined.
 - 2.1.3. Council will provide financial assistance to organisations whose values, identity and policies align with Council's strategic direction and comply with Council's policies and legislative requirements.
 - 2.1.4. Council may seek independent advice concerning any financial assistance arrangement to ensure the potential recipient's values, identity and policies support Council's strategic direction and image.
 - 2.1.5. Council will not provide financial assistance to an organisation if the arrangement could compromise, or be seen to compromise, Council's ability to exercise its regulatory and planning functions.
 - 2.1.6. A financial assistance agreement must not impose or imply conditions that could limit, or appear to limit, Council's ability to carry out its functions fully, impartially or ethically.
 - 2.1.7. Council reserves the right to decline a financial assistance agreement where the organisation, their activities or their proposals are in conflict with Council's core values as set out in the Local Government Act 1993, Council's Community Strategic Plan and other relevant adopted plans and strategies.
 - 2.1.8. Financial assistance will not be sought from, accepted from or provided to:
 - political parties;
 - mining companies whose main business is the extraction or sale of coal, oil or gas; or
 - businesses involved in gambling (but not excluding licenced clubs in support of Council's events and functions through in kind sponsorship) or the manufacture, distribution, and wholesaling of tobacco related products or alcohol related products (but not excluding the negotiation of sponsorship agreements with licenced clubs, restaurants, hotels or other licenced venues or with the manufacturer of alcohol related products such as local wineries or distilleries and/or their distributors in support of Council's events and functions through cash or in kind sponsorship).

2.2 Grants

A grant involves resources (financial or in-kind) given to a recipient for a specified project or purpose as outlined in the funding guidelines, which result in community benefit.

Grants can be provided by:

- o An organisation to Council (an incoming grant); or
- o Council to an individual or organisation (an outgoing grant).

Incoming grants are not covered by this Policy and are subject to a separate grant approvals process.

Outgoing grants are covered by section 356 of the *Local Government Act 1993*, which is set out in Part 3 of this Policy.

This Policy requires that:

- 2.2.1. Council's outgoing grants align with outcomes identified in Council's Community Strategic Plan – Wingecarribee 2031, [Delivery Program and Operational Plan](#) or otherwise resolved by Council.
- 2.2.2. Relevant Guidelines for various streams of outgoing grants will be publicly available on Council's website, and outline the funding priorities, eligibility and assessment criteria, and administration

practices, including application processes, decision making, agreement making and monitoring and support services.

- 2.2.3. Changes to the funding streams and funding pool for outgoing grants must be approved by Council.
- 2.2.4. Council will actively promote outgoing grants rounds and invite applications for outgoing grants via an open call. Applications will only be accepted during the advertised round dates for specified outgoing grants.
- 2.2.5. Assessment of applications will be undertaken by Council staff with subject matter expertise and/or relevant Advisory Committees of Council, and recommendations will be recorded with reference to the assessment criteria.
- 2.2.6. Funding will be approved in accordance with the relevant Guidelines for various streams of outgoing grants.
- 2.2.7. Allocations of all outgoing grants will be included in [Council's Annual Report](#).
- 2.2.8. All applicants will be notified of the outcome of their application in a timely manner.
- 2.2.9. Recipients of outgoing grants must enter into a funding agreement with Council and meet all requirements outlined in the agreement including project delivery, reporting and acquittal.
- 2.2.10. Council reserves the right to request return of funds should the recipient of the outgoing grant not use the funds for the specified purpose.

2.3 Donations

A donation is a financial, in-kind or material contribution to an individual or organisation, with no expectation of any activity or benefit in return. It assumes a philanthropic motivation and is voluntarily and freely given.

Donations can be provided by:

- An individual or organisation to Council (an incoming donation); or
- Council to an individual or organisation (an outgoing donation).

If an incoming monetary donation is received by Council, Council will quarantine those funds to be spent for the purpose of which the donations was made.

Outgoing donations are covered by section 356 of the *Local Government Act 1993*, which is set out in Part 3 of this Policy.

This Policy requires that:

- 2.3.1. Donations align with outcomes identified in Council's Community Strategic Plan – Wingecarribee 2031, Delivery Program and Operational Plan and demonstrate a significant contribution to the social, economic and/or environmental well-being of the Wingecarribee Shire community.
- 2.3.2. Political donations will not be accepted by Council.
- 2.3.3. Potential donation arrangements will be risk-assessed for the possibility of an actual or potential conflict of interest.
- 2.3.4. Donors to Council must provide evidence of the philanthropic motivation for their donations.
- 2.3.5. Donations of public infrastructure will be assessed against Council's Asset Management Plans and accepted if deemed to be of community benefit.
- 2.3.6. Not-for-profit organisations, registered charities, unincorporated community groups and individuals may apply to Council for a general donation.

- 2.3.7. Applications will be considered where there is a:
- need for essential emergency support to an organisation where an unforeseen circumstance results in an impact on service delivery
 - an opportunity to meet identified community need that cannot be addressed in other funding programs
 - an opportunity to meet the needs of people affected by a national or international event that caused human suffering.
- 2.3.8. Assessment of applications will be undertaken by Council staff with subject matter expertise, and recommendations will be recorded with reference to the assessment criteria.
- 2.3.9. All applicants will be notified of the outcome of their application in a timely manner.
- 2.3.10. All donations will be included in Council's Annual Report.

2.4 Sponsorships

Sponsorship is a commercial arrangement by which a sponsor provides a financial or in-kind contribution to an organisation or business to support an activity in return for certain specified benefits. Sponsorships can be applied to events, infrastructure, activities and assets. Some of the benefits available may include naming rights, branding on event signage, face-to-face opportunities and complimentary tickets to an activity.

Sponsorships can be provided by:

- An organisation or business to Council (an incoming sponsorship); or
- Council to an organisation or business (an outgoing sponsorship).

Council will not enter into any sponsorship agreements contrary to the General Principles in clause 2.1 above.

Sponsorships must contribute to one or more of the following outcomes:

- Create a valuable strategic alliance for Council.
- Promote Council's reputation, brand and community vision – as set out in Council's Community Strategic Plan – Wingecarribee 2031.
- Provide extensive coverage and promotional/publicity opportunities across a range of media outlets.
- Provide an opportunity for measurable economic, social, recreational, environmental and/or cultural benefits to Council and the Wingecarribee Shire.
- Provide opportunities for the community to participate and contribute in activities/events in the Wingecarribee Shire.

As a general guide, sponsorship levels can be classified in the following ways, and appropriate Council staff will determine applicable sponsor benefits proportionate to financial levels:

Financial contribution	Level of sponsorship	Examples of Sponsor benefit
Over \$10,000	Highest level of financial contribution. Agreements may provide support across multiple activities/events and/or a season of events or annual program	<ul style="list-style-type: none"> • Significant presence on marketing collateral related to the event, season or program (including logo on all material) • Recognition on social media platforms related to the event,

Financial contribution	Level of sponsorship	Examples of Sponsor benefit
		<ul style="list-style-type: none"> season or program (including logo on all material) • Naming rights • Opportunities for significant presence at events/activities in a premium position • Invitation to season or program functions eg media launch, opening/closing ceremonies • Acknowledgement in speeches • Significant event/activity tickets
\$5,001-\$10,000	Medium level of contribution to an individual event or activity	<ul style="list-style-type: none"> • Moderate presence on marketing collateral related to the event or activity • Moderate recognition on social media platforms related to the event, season or program • Opportunity for physical presence at event/activities • Mention in speeches • Event/activity tickets
\$1,000-\$5,000	Low level of contribution to an individual event or activity	<ul style="list-style-type: none"> • Limited presence on marketing collateral related to the event or activity • Opportunity for material distribution at event or activity • Moderate number of FOC event/activity tickets
Under \$1,000	Lowest contribution amount considered for an individual event or activity	<ul style="list-style-type: none"> • 1 social media mention • Very limited presence in marketing campaign

This Policy requires that:

- 2.4.1. Sponsorships must be assessed in accordance with [ICAC's Guidelines for Sponsorship in the Public Sector \(2006\)](#)ⁱ.

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- 2.4.2. Council will maintain a Sponsorship Register as set out in 2.4.17. Council must consider actual or potential conflicts of interests with a potential sponsor or sponsorship recipient and manage accordingly. Where Council accepts a conflict, Council will record its decision making process and its strategy for managing the conflict.
- 2.4.3. Council will not enter any sponsorship with any business or organisation where the association would jeopardise the integrity or values of Council or impact upon Council's standing and reputation in the community.
- 2.4.4. Sponsorship of any Council project, program or event will not entitle any sponsor to influence any decision of Council.
- 2.4.5. Sponsorship must have financial commitment from the sponsor to help offset the costs associated with the activity and/or enhance the activity.
- 2.4.6. Council must not explicitly endorse a sponsor or sponsorship recipient or their products.
- 2.4.7. Sponsors are not able to use Council's communication channels for direct sales for their products or services.
- 2.4.8. No Council official will personally benefit from a sponsorship and all sponsorship contributions will be payable to Council.
- 2.4.9. The processes for requests for incoming and outgoing sponsorships will be broad and open, and applications to Council for outgoing sponsorships will be assessed in accordance with predetermined criteria which have been published in advance or which are circulated to organisations that submit an expression of interest.
- 2.4.10. Council may also choose to consider unsolicited proposals for incoming sponsorships which are not in response to any action that Council has taken.
- 2.4.11. A written, legally binding sponsorship agreement will be prepared for each sponsorship arrangement by appropriate Council staff. Those staff must provide details of sponsorship agreements to the Coordinator Governance for Council's Sponsorship Register.
- 2.4.12. Council can consider offering a guarantee for exclusivity of presence or profiling based solely on the business category or type that classifies a sponsor. Exclusivity of business category of a sponsor must be outlined in the sponsorship agreement. For example, Council will endeavour to limit the number of sponsors per activity/event who represent similar business categories.
- 2.4.13. A Sponsorship Register will be kept and maintained for inspection, auditing and annual reporting purposes by the Coordinator Governance, and will be made available to the public on Council's website. The Register is to contain the following details:
- Sponsorship Provider;
 - Sponsorship Recipient;
 - Effective date of agreement;
 - Period of agreement and/or expiry date of agreement;
 - Summary of terms of the agreement; and
 - Monetary or in-kind value of sponsorship.
- 2.4.14. All sponsorship agreements will be included in Council's Annual Report.

3. Scope

This Policy provides a framework for distribution of funds under section 356 of the *Local Government Act 1993*, which 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 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.

This Policy applies to the following arrangements, from the adoption date of this Policy onwards:

- Any individual, organisation or community group applying for Council funding.
- All outgoing grants, donations and sponsorships provided by Council by way of financial and in-kind support under section 356 of the *Local Government Act 1993*.
- All incoming donations and sponsorships received by Council.

It does not apply to incoming grants, or ClubGRANTS which are administered by Council but are the responsibility of ClubsNSW.

In-kind developer contributions made to Council through Voluntary Planning Agreements or developer contributions under the *Environmental Planning & Assessment Act 1979* are excluded from this Policy and are not donations under this Policy.

4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

4.1 Councillors

Councillors shall:

- Provide leadership in adhering to the requirements of this Policy.
- Authorise incoming sponsorship agreements where the value of funding or in-kind support to Council is more than \$50,000 or any sponsorship proposals involving naming rights by a resolution of Council.
- Authorise all outgoing sponsorship agreements by a resolution of Council.

4.2 General Manager

The General Manager shall:

- Lead Council staff (either directly or through delegated authority) in their understanding of and compliance with this Policy and related documents.

- Seek incoming sponsorships, consider requests for outgoing sponsorships and negotiate sponsorship agreements, or appoint a delegate to do so, in accordance with the principles of this Policy.
- Authorise incoming sponsorship agreements, except those where the value of funding or in-kind support to Council is more than \$50,000 or any sponsorship proposals involving naming rights which must be authorised by a resolution of Council.

4.3 Chief Financial Officer

The Chief Financial Officer shall:

- Ensure that any cash donations received by Council are restricted appropriately and allocated to align with the purpose in which they were collected.

4.4 Directors, Group Managers and Managers

Directors, Group Managers and Managers shall:

- provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

4.5 Manager Governance and Corporate Performance

The Manager Governance and Corporate Performance shall:

- provide guidance to Council officials as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- coordinate investigations of alleged non-compliance with this Policy.

4.6 Coordinator Governance

The Coordinator Governance shall:

- Provide advice and assistance to Council officials in relation to this Policy.
- Maintain the Sponsorship Register and upload the Register on Council's website on a quarterly basis.
- Include information about sponsorship agreements in Council's Annual Report.
- Review this policy every two years or as otherwise required.

4.7 Council staff

Council staff shall:

- Read, understand and comply with this Policy.

5. Performance Measures

The success of this Policy will be measured by:

- No reports of breaches to this Policy.

6. Definitions

Conflict of interest As per Council's Code of Conduct.

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

Non-pecuniary interests are private or personal interests the Council official has that do not amount to a pecuniary interest. These commonly arise out of family or personal relationships, or involvement in sporting, social, religious or other cultural groups and associations and may include an interest of a financial nature.

Council official	Includes Councillors, members of Council staff, administrators, Council committee members, delegates of Council, Council advisors and those advocating on behalf of Council.
Donation	The provision of financial, in-kind or material contribution to an individual or organisation with no expectation of any activity or benefit in return. It assumes a philanthropic motivation, and is voluntarily and freely given. Political donations will not be accepted by Council.
Donation (incoming)	A donation from an individual or organisation to Council.
Donation (outgoing)	A donation by Council to an individual or organisation.
Financial assistance	Financial mechanisms provided by Council to an organisation or individual to support activities that are in line with Council's Community Strategic Plan.
Grant	Resources (financial or in-kind) given to a recipient for a specified project or purpose as outlined in the funding guidelines, which result in community benefit.
Grant (incoming)	A grant from an organisation to Council. Incoming grants are not covered by this Policy and are subject to a separate grant approvals process.
Grant (outgoing)	A grant by Council to an individual or organisation.
In-kind support/funding provided by Council	An arrangement whereby Council foregoes revenue (either in full, or a percentage) on things that would normally incur a fee or charge. This may include park hire, venue hire, garbage bins and Council services.
Not-for-profit	An organisation which provides services to the community and does not operate to make a profit.
Partnership	A common arrangement whereby all parties are working towards a common goal, and where the project is either actually or implicitly jointly owned.
Registered charity	An organisation registered with the Australian Charities and Not-for-profits Commission.
Sponsor	A person or organisation that provides a financial or in-kind contribution with the intention of receiving negotiated commercial benefits.
Sponsorship	A commercial arrangement in which a sponsor provides a financial or in-kind contribution to an organisation or business to support an activity in return for

certain specified benefits. Examples of benefits include promotion, marketing, speaking opportunities and/or tickets. Sponsorship is not philanthropic and does not include selling of advertising space, partnerships, joint ventures and unconditional gifts, donations, bequests or endowments.

Sponsorship (incoming)	A sponsorship made from an organisation or business to Council.
Sponsorship (outgoing)	A sponsorship from Council made to an organisation or business.
Sponsorship Agreement	An agreement signed by both parties outlining all aspects of sponsorship, including benefits, communication and payment schedule.

7. Related Material

7.1 Related Legislation

The following legislative materials are related to this Policy:

- *Independent Commission Against Corruption Act 1998*
- *Local Government Act 1993*

7.2 Related Policies and Procedures

The following documents are related to this Policy:

- Code of Conduct
- Code of Conduct Procedures
- Community Strategic Plan – Wingecarribee 2031
- Delivery Program and Operational Plan including Fees and Charges
- ICAC Sponsorship in the Public Sector Guidelines (2006)
- Wingecarribee Community Assistance Scheme Guidelines
- Wingecarribee Environment and Sustainability Grant Guidelines
- Wingecarribee Heritage Assistance Grants Guidelines

8. Non-compliance with this Policy

Non-compliance with this Policy should be reported to the Manager Governance and Corporate Performance who will investigate and determine the appropriate course of action.

9. Document Control

9.1 Version Control

Version	Adoption Date	Notes
1.0	16 November 2022	Initial adoption of document

10. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

16 November 2022

ⁱ ICAC's Guidelines for Sponsorship in the Public Sector (2006) set out the following ten sponsorship principles:

1. A sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, a public sector agency's ability to carry out its functions fully and impartially.
2. There should be no actual conflict between the objectives and/or mission of the sponsored agency and those of the sponsor.
3. In general, a public sector agency with regulatory or inspection responsibilities should not seek, or accept sponsorship from people or organisations which are, or may be, subject to regulation or inspection by the agency during the life of the sponsorship. Where adhering to this principle would unduly limit the agency's sponsorship prospects, the agency should develop alternative strategies to ensure it can carry out its regulatory or inspection responsibilities in relation to sponsors in an open, fair, accountable and impartial manner.
4. Sponsorship of a public sector agency or activity should not involve explicit endorsement of the sponsor or the sponsor's products.
5. Where sponsorship involves the sponsor providing a product to the agency, the agency should evaluate that product for its fitness for purpose against objective criteria that are relevant to the agency's needs.
6. It is inappropriate for any employee of a public sector agency to receive a personal benefit from a sponsorship.
7. In most circumstances, the public interest is best served by making sponsorship opportunities widely known. To this end sponsorships should be sought and granted by using broadly based, open processes that are not limited solely to invited sponsors.
8. Public sector agencies should assess sponsorship proposals against predetermined criteria which have been published in advance or which are circulated to organisations that submit an expression of interest.
9. A sponsorship arrangement is a contract and should be described in a written agreement.
10. All sponsorship arrangements should be approved by the CEO or another designated senior officer of the agency and described in the agency's annual report in a form commensurate with the significance of the sponsorship.