

# **Attachment C**

**Support for Charities Guidelines 2018**

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# Support for Charities Guidelines

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## Purpose

To provide guidance for internal City of Sydney staff when responding to:

- Requests for endorsement of charitable campaigns and projects
- Requests for financial support to charities
- Invitations to the City to support or purchase tickets (including tables/seats) at fundraising events.

## Scope

The City of Sydney recognises the valuable work that charities and charitable organisations do in providing services, support and fundraising for a range of community, environmental, cultural and economic initiatives and needs.

The City receives many requests for support from charities and for charitable fundraisers. These requests can take the form of requests for financial or in-kind support, purchase of a table at a fundraising event and/or endorsement of a charity by City participation in a charitable event. To ensure that these requests are considered in a transparent and equitable manner, the *Support for Charities Guidelines* has been developed.

The overarching Policy which guides requests from charities and for charitable fundraisers is the *Grants and Sponsorship Policy*. The *Grants and Sponsorship Policy* is the primary document, and the *Support for Charities Guidelines* provide guidelines for circumstances that are not clearly a cash or value-in-kind grant or sponsorship request.

These guidelines do not apply for requests to be a designated charity for a City produced event. These requests are assessed by Director City Life and are decided by the Chief Executive Officer in consultation with the Lord Mayor.

## Definitions

The Charities Act 2013 defines

Term	Meaning
A <b>charity</b> as	<p>An entity:</p> <ul style="list-style-type: none"> <li>(a) <i>that is a not-for-profit entity; and</i></li> <li>(b) <i>all of the purposes of which are:</i> <ul style="list-style-type: none"> <li>(i) <i>charitable purposes that are for the public benefit; or</i></li> <li>(ii) <i>purposes that are incidental or ancillary to, and in furtherance or in aid of, purposes of the entity covered by subparagraph (i); and</i></li> </ul> </li> <li>(c) <i>none of the purposes of which are disqualifying purposes; and</i></li> <li>(d) <i>that is not an individual, a political party, or a government entity</i></li> </ul>
A <b>charitable purpose</b> as	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>(a) <i>the purpose of advancing health;</i></li> <li>(b) <i>the purpose of advancing education;</i></li> <li>(c) <i>the purpose of advancing social or public welfare;</i></li> <li>(d) <i>the purpose of advancing religion;</i></li> <li>(e) <i>the purpose of advancing culture;</i></li> <li>(f) <i>the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;</i></li> <li>(g) <i>the purpose of promoting or protecting human rights</i></li> <li>(h) <i>the purpose of advancing the security or safety of Australia or the Australian public;</i></li> <li>(i) <i>the purpose of preventing or relieving the suffering of animals</i></li> <li>(j) <i>the purpose of advancing the natural environment;</i></li> <li>(k) <i>any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j)</i></li> <li>(l) <i>the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country if:</i> <ul style="list-style-type: none"> <li>(i) <i>In the case of promoting a change, the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k); or</i></li> <li>(ii) <i>In the case of opposing a change, the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.</i></li> </ul> </li> </ul> <p>For the purpose of these guidelines, the above definitions will be used.</p>

## Related policies

- Grants and Sponsorship Policy
- A City for All, Social Sustainability Policy (2016)
- Creative City, Cultural Policy and Action Plan 2014 – 2024 (2014)
- Environmental Strategy and Action Plan 2016-2021 (2017)
- Economic Development Strategy (2013)
- Tickets Allocation Policy (internal use only)

## Legislative Framework

In relation to the provision of support through cash in the form of grants or sponsorships, the Local Government Act 1993, s356, 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 management 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.*

S377 of the Act states:

*A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*

*- A decision under section 356 to contribute money or otherwise grant financial assistance to persons.*

There are no requirements under the Local Government Act 1993 in relation to the provision of support through assistance other than cash.

## Guidelines statement

Charities endorsed by the City of Sydney

The City receives many requests for endorsement by charities. Endorsement is distinct from a request for cash or in-kind support, which is managed through the Grants and Sponsorship Policy. A charity may request endorsement in the form of City participation in an event, for example:

1. staff providing services (eg staff taking part in a charity walk or run, or holding a fundraising morning tea);

2. the purchase of ribbons (or other small tokens) to be worn by frontline staff;
3. the City providing space or a location for sales or collection of materials in a City building (eg the public leaving donations of dog food for the RSPCA at Neighbourhood Services Centres);
4. the involvement of staff in volunteer work.
5. marketing and public relations support;
6. requests for tickets to City of Sydney produced events such as New Year's Eve or Chinese New Year;
7. the purchase of a table at a fundraising event.

To ensure that the City is consistent in the way in which it treats requests for charitable endorsement, the following guidelines will be used to determine if a charity should be endorsed. In line with the Grants and Sponsorship Policy, priority will be given to endorsing charities/charitable fundraisers which:

- (a) Contribute toward a coordinated approach to service delivery and the development of responses to emerging social, cultural environmental or economic issues.
- (b) Strengthen formal and informal support networks, reduce isolation and increase community participation and opportunities.
- (c) Increase access to the achievement of basic rights for people with the greatest need.
- (d) Promote a balanced debate aimed at achieving social harmony.
- (e) Raise funds for a cause or organisation which is in keeping with the City's priorities.
- (f) Raise funds for a cause or organisation experiencing exceptional circumstances involving genuine hardship.
- (g) Are reputable and not-for-profit.
- (h) Provide a benefit or service to the people of the City of Sydney or support an issue which falls within the City's role as a Capital City Council.
- (i) Are not for political purposes.
- (j) Are not for overtly religious activities that could be perceived as divisive within the community.

All requests will be assessed by Grants staff using the above guidelines and the definitions of charity and charitable purpose under the Act.

Approval for requests 1 – 4 above will be given by the Director City Life in consultation with the Director Workforce and Information Services if staff participate during working hours. The WHS manager will also be consulted should the participation have implications for health and safety (such as participation in novel physical activities). The Director City Life may approve the purchase of ribbons (or other small tokens) up to a maximum value of \$200 per charity per year, and will hold a budget for this purpose.

Approval for request 5 above, support in the form of publicity and promotion, (such as the display of posters or flyers in Neighbourhood Service Centres, Community Centres and Libraries, and

inclusion in ‘What’s On’ and use of other marketing tools including use of the City’s logo), will be given by the Director City Engagement, if the request involves significant marketing resources or time.

Approval for request 6 (tickets to City events) and 7 (fundraisers) above will be given by the Chief Executive Officer in consultation with the Lord Mayor. The Chief Executive Officer will hold a budget for that purpose. Invitations to attend fundraising events will be managed by the Protocol Manager, and will be provided firstly to Councillors, then to Executive and then to relevant staff.

### Cash and In-Kind Support for Charities

The City of Sydney’s Grants and Sponsorships Policy provides the framework for the provision of cash or in-kind support to all organisations. All decisions on grants or sponsorships for charities must be made in accordance with the Grants and Sponsorships Policy and the delegated authorities determined by that Policy.

The Grants and Sponsorships Policy can be viewed at:  
<http://www.cityofsydney.nsw.gov.au/community/grants-and-sponsorships>

### References

<b>Laws and standards</b>	<ul style="list-style-type: none"> <li>Local Government Act 1993, s356, s377</li> </ul>
<b>Policies, procedures and guidelines</b>	<ul style="list-style-type: none"> <li>Grants and Sponsorship Policy</li> <li>Grants and Sponsorship Procedure</li> <li>Humanitarian Aid Response Guidelines</li> </ul>

### Approval status

The Chief Executive Officer / Council approved this policy/procedure on XXX.

(A copy of the CEO’s signature should be inserted here.)

### Approval history

Stage	Date	Comment	TRIM Reference
Original Policy	January 2013	Endorsed by the Executive	2013/027019
Review	May 2018	Policy revoked, Guidelines adopted by Executive	2018/260079

### Ownership and approval

Responsibility	Role
Owner	Director City Life



Approved  
23 May 2018



Monica Barone, Chief Executive Officer