

DONATIONS OF ASSETS TO COUNCIL POLICY

1. SCOPE

- 1.1 The policy applies to all items that have previously been donated or loaned to Council or are intended to be donated or loaned to Council, with exception to public art and items relating to the Wonders of Wynyard Exhibition Centre, which are covered by separate policies.

2. PURPOSE

- 2.1 This policy is to provide guidance to staff and Councillors when items and monies are bequeathed or donated to Council or intended to be bequeathed or donated to Council.

3. POLICY STATEMENT

- 3.1 An evaluation panel comprising of membership from relevant departments, including asset management, community activation and works and services, are to assess any actual or proposed bequests, donations or loans of items to Council in line with this Policy.
- 3.2 That Council's general policy position is not to accept bequests, donations or loans of items, subject to the exceptions outlined in Part 3.3, 3.4 and 3.5.
- 3.3 That the only exception to the prohibition contained in Part 3.2 are bequests and donations of assets where there is a deemed need for that asset as determined by Council's service standards, subject to the evaluation panel being satisfied that such bequests and donations of assets, and any conditions attached thereto, will not impose significant administrative and financial imposts. For the purposes of this policy, significant administrative and financial imposts are those where the ongoing lifecycle cost exceeds the current resource and adopted budget capacity.
- 3.4 Commemorative donations of items are also excluded from this policy and are governed by the matters addressed within Council's Commemorative Tributes Policy.
- 3.5 The Council may consider, and subsequently elect, to accept a bequest, donation or loan of items that imposes significant administrative and financial burdens when the evaluation panel determines there is a requirement for the asset in accordance with Council's service standards, or where the evaluation panel considers it to be of such cultural or historical significance to the Waratah-Wynyard area that it would be appropriate for Council to be the recipient of the items when it is in the absence of a more suitable repository.
- 3.6 Any bequests, donations and loans accepted by the evaluation panel on behalf of Council shall be subject to the donor or their legal representative completing an appropriate agreement, which may include transfer of title to Council and any other legal requirements.

DONATIONS OF ASSETS TO COUNCIL POLICY

- 3.7 Where practicable, prospective donors will be referred to appropriate potential alternative recipients of donated items.
- 3.8 A Bequests, Donations and Loans Register, incorporating current loan items in all buildings and facilities under Council control is to be established and a system of biennial approvals for the retention by Council of items included in the Register is to be developed. Approvals for the continued retention by Council of current loan items are to be obtained from donors or their legal representatives where feasible.

Legislative Requirements/Terminology

- Administration and Probate Act 1935
- Local Government Act 1993
- At the Waratah-Wynyard Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993; and carries the same meaning for the purposes of the Local Government Act 1993 and all other legislation administered by or concerning the Council.

Related Procedures/Guidelines

Nil