



## **ClubGRANTS GUIDELINES**

***Gaming Machine Tax Act 2001***

**September 2023**

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# 1

## CLUBGRANTS GUIDELINES, CHAPTER 1 - OVERVIEW

ClubGRANTS is designed to ensure that larger registered clubs in NSW contribute to the provision of frontline services to their local communities; and to ensure that the disadvantaged in the community are better positioned to benefit from the substantial contributions made by those clubs. ClubGRANTS also facilitates contributions by larger clubs towards infrastructure to support sporting, health and community activities.

The *Gaming Machine Tax Act 2001* (the Act) outlines the legislative arrangements for the granting of a rebate of gaming machine tax levied on registered clubs. Under the Act, a tax rebate is made available to registered clubs of up to 1.85% of a club's gaming machine profits over \$1 million during a "tax year" (as defined in section 3(1) of the Act) provided that the Independent Liquor & Gaming Authority (the Authority) constituted under the *Gaming and Liquor Administration Act 2007* is satisfied that the required amount has been applied to expenditure on community development and support (refer to expenditure Categories 1 and 2, as provided for in these guidelines).

Under the Act, a further 0.4% of a club's gaming machine profits over \$1 million during a "tax year" is paid into the ClubGRANTS Fund on behalf of the club to be used for large scale projects or services associated with sport, health or community infrastructure (refer to expenditure Category 3, as provided for in these guidelines).

The Act authorises the Minister to publish guidelines that determine what constitutes the application of profits and to define the terms for Category 1, 2 and 3 projects and services for ClubGRANTS purposes.

In these guidelines, the gaming machine tax rebate of 1.85% of gaming machine profits over \$1 million for Categories 1 and 2 is referred to as the "ClubGRANTS liability".

In the Act, a distinction is made between three classes of expenditure:

**Category 1:** Expenditure on specific community welfare and social services, community development, community health services and employment assistance activities.

**Category 2:** Expenditure on other community development and support services.

**Category 3:** Contributions by clubs to the ClubGRANTS Fund.

To qualify for the gaming machine tax rebate of 1.85%, clubs must allocate at least 0.75% of those funds over \$1 million to Category 1 purposes, with the remainder allocated to Category 2 purposes (maximum 1.1%). Excess Category 1 expenditure may be used to cover shortfalls in Category 2, but the reverse does not apply.

As a general rule, it is important that funding preference is not given to projects or services that can be readily assisted by an existing Government funding program.

## 2 CLUBGRANTS GUIDELINES, CHAPTER 2 - CATEGORY 1 & 2 EXPENDITURE

### 2.1 CATEGORY 1 EXPENDITURE

Eligible **Category 1 expenditure** is for projects and/or services that contribute to the welfare and broader social fabric of the local community and are aimed at improving the living standards of low income and disadvantaged people.

#### 2.1.1 Community welfare and social services

- family support
- supported emergency or low cost accommodation
- counselling services
- domestic violence services
- child care and child protection
- aged, disability or youth services
- veteran welfare services
- services to victims of natural or other disasters<sup>1</sup>
- volunteer emergency services, such as surf life-saving and rural fire services.

#### 2.1.2 Community development

- neighbourhood centre activities
- community education programs
- youth drop-in facilities
- community transport services
- tenants' services
- state-wide or regional services developing social policies and providing advocacy for local community services.

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<sup>1</sup> Note paragraph 2.3.4 of the guidelines states "Expenditure Outside of New South Wales" - Expenditure on community development and support outside NSW is only recognised if it is made to locally based activities that are of a genuine cross-border nature or to nationally operating organisations with a presence in NSW or expenditure in accordance with 2.3.6 of the Guidelines.

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### **2.1.3 Community health services**

- early childhood health
- child and family services
- community nursing
- therapy, including art therapy
- community mental health services
- health promotion initiatives
- drug and alcohol services
- palliative care/women's health/dental/ disability services
- Aboriginal and Torres Strait Islander health services
- home and community care services

Funding for buildings and equipment for in-patient care may be recognised as Category 1 expenditure in certain limited circumstances, so long as the expenditure is identified by the ClubGRANTS local committee to be of very considerable potential importance and value to the local community. Otherwise such grants will only be recognised as Category 2 expenditure. Funding for medical research is not eligible as Category 1 expenditure.

### **2.1.4 Employment assistance activities**

- employment placement services
- group training
- employment advocacy
- community enterprises
- local job creation schemes

### **2.1.5 Treatment of expenditure 'in kind'**

Category 1 expenditure 'in kind' provided to the community is acceptable provided that claims for such expenditure do not exceed market value, are properly documented and are eligible for Category 1 expenditure as defined in these guidelines. Expenditure 'in kind' is not acceptable if the organisation receiving the expenditure makes a comparable reciprocal 'in kind' contribution to the club. 'In kind' expenditure cannot exceed 20% of combined Category 1 and Category 2 ClubGRANTS expenditure.

However, clubs may apply to the Authority for exemptions to the 20% limit. Applications for exemptions must be accompanied by such information as may be required by the Authority.

### **2.1.6 ClubGRANTS local committee recommendations**

Clubs must not allocate less than 75% of Category 1 funds in accordance with the local committee's recommendations.

Where a club does not meet this requirement, they must submit a report to L&GNSW within 45 days of finalising all Category 1 funding decisions, detailing:

- The recommendations made by the local committee
- The reason why the recommendations were not accepted
- The projects that the funds have instead been allocated to
- The exceptional circumstances that resulted in the club not meeting the requirement.

Liquor & Gaming NSW will conduct a yearly report at the end of each tax year to monitor clubs' observance of this requirement and report back to the Authority for it to consider whether the rebate is provided or not. This measure will commence in the 2023-24 tax year.

## 2.2 CATEGORY 2 EXPENDITURE

Eligible **Category 2 expenditure** is that expenditure allocated to community development and support activities and projects not listed under Category 1 and expenditure allocated to a club's core activities (such as sport, returned servicemen's league/veteran welfare, golf course and bowling green maintenance, including for wages paid to staff to carry out the maintenance).

Category 2 expenditure can be allocated for professional sport purposes including National Rugby League, except for monetary payments to professional or semi-professional sports persons and their coaches and managers.

There are several specific funding allocations that are disallowed under Category 2, as follows:

- professional entertainers and entertainment provided for club patrons and used for the purpose of directly promoting activities associated with the trading operations of the club;
- expenditure on a club's commercial activities or activities directly related to fulfilling its obligations under the legislative and licence requirements applying to its trading operations (for example, Occupational Health and Safety); and
- capital and related expenditure on club facilities where the project is primarily commercial in nature, or related to the upgrading or enhancement of gaming facilities, or when the facility is operated on a profit basis. However, this does not exclude funding for upgrading buildings, improving access to buildings, or upgrading communications technology or connections to utilities for club facilities, provided that the building or facility is not primarily commercial in nature, is not related to gaming and is not operated on a profit basis.

Despite the above, Category 2 funding may be allocated to establishing and/or improving a club's community care infrastructure or undertaking a capital upgrade to a club's core property or equipment in the circumstances described in paragraphs 2.2.4 and 2.3.8.

### **2.2.1 Tourism promotion**

Category 2 expenditure on the promotion of tourism is acceptable provided the expenditure is not specifically targeted to promoting the club.

### **2.2.2 Treatment of expenditure ‘in kind’**

Category 2 expenditure ‘in kind’ provided to the community is acceptable provided the claims for such expenditure do not exceed the market value, are properly documented and represent eligible expenditure as defined in these guidelines. Expenditure ‘in kind’ is not acceptable if the organisation receiving the expenditure makes a comparable reciprocal ‘in kind’ contribution to the club. As noted above, ‘in kind’ expenditure cannot exceed 20% of combined Category 1 and Category 2 ClubGRANTS expenditure.

### **2.2.3 Cultural activities, visual/performing arts**

Category 2 expenditure may be provided for non-profit cultural activities, or non-profit visual and performing art activities and programs.

### **2.2.4 Capital upgrades for emergency situations**

Capital expenditure on an upgrade that relates to a club's core property or equipment may be recognised as Category 2 expenditure provided that the primary purpose of the upgrade is to improve a local community's preparedness for, response to and/or recovery from an emergency. An emergency has the same meaning given by section 4 of the *State Emergency and Rescue Management Act 1989*.

Category 2 expenditure on a capital upgrade that would improve a club's capability or capacity to act as an evacuation centre is acceptable only if a Local Emergency Management Committee has endorsed the club as a potential emergency evacuation centre. These committees typically maintain a list of potential centres for each local government area as part of local emergency management plans established under the *State Emergency and Rescue Management Act 1989*.

Further, clubs must be able to demonstrate that proposed upgrades are consistent with, and do not duplicate, established emergency management arrangements and infrastructure in New South Wales. In the event of an emergency, existing arrangements in most cases provide local communities access to mobile catering, off-site commercial accommodation, backup power generators, and child friendly spaces/play equipment. This will depend on the location and type of emergency. Clubs should therefore consult their Local Emergency Management Committee before undertaking a proposed capital upgrade.

#### *Examples of eligible capital upgrades*

- Establishing backup power supplies, communications or other support capability necessary to set up a club as a potential emergency evacuation centre for a local community, where the Local Emergency Management Committee has confirmed that club's use for this purpose and the proposed upgrade is consistent with the role of an evacuation centre in an emergency.



- Expanding a dam on club property where the Local Emergency Management Committee advises that the expansion would improve the local community's capacity to respond to a bushfire.

## **2.3 EXPENDITURE GENERALLY**

### **2.3.1 Reciprocal contributions**

Expenditure is ineligible if the organisation receiving the expenditure makes a comparable reciprocal contribution to the club in return for the expenditure.

### **2.3.2 Political parties/industry organisations**

ClubGRANTS funds may not be provided to any registered political parties, any political candidates, any political campaigns or to any industry organisations.

### **2.3.3 Administration costs**

Category 1 or Category 2 expenditure may be provided for reasonable costs incurred in the provision of administrative support for the local committee. The maximum allowable amount of funding is limited to either \$1,000 per club or 10% of available combined Category 1 and Category 2 funds (whichever is lesser).

### **2.3.4 Gambling counselling projects and services<sup>2</sup>**

ClubGRANTS funds may not be provided for gambling counselling services except in the following circumstances:

- A registered club that is party to an existing contract with a counselling service that provides gambling counselling services to the club's patrons may make a claim under the ClubGRANTS Scheme for funds provided to that service.
- A registered club in an existing contract can claim 20% of funds provided to the gambling counselling service until the contract with the gambling counselling service expires. Once an existing contract expires, a rebate can no longer be claimed for funds provided to that service.
- An existing contract in paragraph 2.3.3 means a contract that a registered club has entered with a gambling counselling service before 10 February 2012.

### **2.3.5 Treatment of club bingo and charity housie**

#### *Club Bingo*

Club Bingo is disallowable expenditure under Category 1 and Category 2, as it is conducted for the purpose of promoting a club's services.

#### *Charity Housie*

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<sup>2</sup> This provision commenced on 10 February 2012

The market value of providing a venue, equipment or staff member for Charity Housie is allowable in-kind expenditure:

- under Category 1, provided the funds raised through Charity Housie are expended on activities or services covered by Category 1; or
- under Category 2, provided the funds raised through Charity Housie are expended on activities or services covered by Category 2.

Where a promoter of Charity Housie provides a club with an in-kind benefit to conduct Club Bingo, such as supplying personnel, the club must deduct the market value of this in-kind benefit from any in-kind benefit that the club provides to the charity.

For example, where a club provides a venue to conduct Charity Housie and the charity provides staff to conduct Club Bingo, the club must deduct the market value of the staff supplied from the market value of the venue provided to calculate the allowable in-kind expenditure.

### **2.3.6 Expenditure outside of New South Wales**

Expenditure on community development and support outside NSW is only recognised if it is made to locally based activities that are of a genuine cross-border nature or to nationally operating organisations with a presence in NSW or expenditure in accordance with 2.3.7 of the Guidelines.

### **2.3.7 Expenditure to support overseas travel and education programs**

Expenditure may not be allocated for overseas travel and/or education programs, unless approved by the Authority. To apply for this approval, the applicant must make a written request to the Authority and sufficiently demonstrate how the proposed travel meets expenditure eligibility criteria.

### **2.3.8 Expenditure to assist victims of interstate or international natural or other disasters**

Any registered club that qualifies for the gaming machine tax rebate under section 17 of the Act may make a claim through ClubGRANTS for funds provided to any interstate or international natural or other disaster relief fund but only if the following conditions are met:

- (a) The Minister has advised the club industry that expenditure provided to victims of a particular interstate or international natural or other disaster is eligible expenditure and has identified the natural or other disaster relief fund the funds should be deposited into;
- (b) The amount claimed cannot exceed 10% of a registered club's total eligible Category 1 and Category 2 ClubGRANTS expenditure;
- (c) The total amount expended must be shared equally between Category 1 and Category 2 funding; and
- (d) The expenditure is deposited into the relevant disaster relief fund within 12 months of the natural or other disaster's occurrence.

### **2.3.9 Expenditure on community care infrastructure**

Expenditure to establish and/or improve a club's community care infrastructure may be recognised as Category 1 and Category 2 expenditure.

Community care infrastructure includes:

- aged-care facilities
- facilities for people with a disability
- mental health facilities
- child-care facilities
- domestic violence shelters

Category 1 and Category 2 expenditure may not be allocated by a club for any expenditure associated with the ongoing operation of the club's community care infrastructure.

Despite paragraph 2.2, Category 2 expenditure may be allocated by a club to establish and/or improve a club's community care infrastructure if the facility is leased and operated by an accredited third party, whether on a not-for-profit or for-profit basis.

## **3 CLUBGRANTS GUIDELINES, CHAPTER 3 – CATEGORY 3 EXPENDITURE**

**Category 3 expenditure** is the portion of a registered club's gaming machine profits over \$1 million which is paid into the ClubGRANTS Fund to the NSW Government on behalf of the club to support and develop, by way of grants, large scale projects or services associated with sport, health or community infrastructure. The amount paid into the ClubGRANTS Fund on behalf of each club is 0.4% of the club's gaming machine profits over \$1 million during a gaming machine tax year.

### **3.1 CLUBGRANTS FUNDING**

ClubGRANTS funding can be provided for designing, building, upgrading, renewing, funding or acquiring land or property for projects and services that are within the categories of sport, health or community. Eligible streams for funding within the categories are determined by the Minister for each grant round and are published on the NSW Government's website.

Category 3 projects and services funded by ClubGRANTS cannot be funded under Category 1 or Category 2.

### **3.2 PAYMENTS FROM THE CLUBGRANTS FUND**

The Minister approves funding for projects submitted as grants from the ClubGRANTS Fund for sport, health and community infrastructure. The Minister may approve payment from the ClubGRANTS Fund for reasonable costs incurred in administering and managing the ClubGRANTS Fund.

### **3.3 CLUBGRANTS GRANTS PROCESS**

The Minister delegates the operations of administering and processing grant applications to the Office of Responsible Gambling. To determine funding allocation on projects, the Minister may call on:

- a) the expertise of an independent assessment panel, comprising assessors with subject matter expertise
- b) other government agencies with expertise in categories
- c) input from ClubsNSW
- d) and give consideration to projects and services which will benefit:
  - Aboriginal and Torres Strait Islander communities;

- regional and remote communities;
- disadvantaged communities; and
- culturally and linguistically diverse communities.

### **3.4 APPLICATION GUIDELINES**

The Minister approves the eligibility, criteria and application dates for grant rounds under ClubGRANTS Category 3. The Minister also approves the title of grant rounds. Should the grant round title not include the term “ClubGRANTS or Category 3”, then ClubGRANTS must be acknowledged as the source of funding in the Application Guidelines and other related material.

The Office of Responsible Gambling is to arrange for Application Guidelines to be placed on the NSW Government Grants and Funding Finder site at [nsw.gov.au/grants-and-funding](https://nsw.gov.au/grants-and-funding).

### **3.5 CLUBGRANTS FUND AND GRANT MANAGEMENT**

The Office of Responsible Gambling is responsible for operational management of the ClubGRANTS Fund, contract management of funded projects, acquittals and reporting.

## **4 CLUBGRANTS GUIDELINES, CHAPTER 4 - ACCOUNTABILITY & REPORTING**

### **4.1 GENERAL PRINCIPLES**

In allocating ClubGRANTS expenditure which is claimed to fall within Categories 1 or 2, a club needs to:

- (a) ensure that it can satisfy the Authority that the activities funded fall within Category 1 or Category 2 as defined in the guidelines; that appropriate expenditure has been applied to Category 1 and Category 2 purposes; and that it has maintained appropriate records;
- (b) indicate whether the Category 1 activities funded by the club are in line with the local community service priorities identified by the local committee, as must be noted in the club's ClubGRANTS expenditure return to the Authority and reported to the local committee;
- (c) ensure that it has provided to the local committee details of any long-term Category 1 funding commitments;
- (d) obtain a certificate of attendance from the local committee, and signed by the convenor of the local committee, and forward this to the Authority with the club's annual return;
- (e) follow the special provisions in section 4.5 relating to trusts and section 2.3.2 relating to benefiting organisations located outside NSW; and
- (f) satisfy the Authority that all relevant reports and statutory declarations have been sought from benefiting organisations.

### **4.2 REPORTING FORM**

Each registered club claiming a tax reduction under the ClubGRANTS expenditure must satisfy the Authority that appropriate expenditure has been applied to Category 1 and Category 2 purposes.

A standard electronic form has been developed for reporting Category 1 and Category 2 expenditure. The form must be completed by qualifying clubs and submitted to the Authority within 7 days of the end of the tax year i.e. by 7 September of that year.

On and after the gaming machine tax year commencing on 1 September 2022, ClubGRANTS qualifying clubs and local committees must use the system known as ClubGRANTS Online, provided by ClubsNSW, to accept applications, record funding decisions and manage acquittals.

Funding decisions recorded in ClubGRANTS Online will be considered formal reports to the Authority in relation to Category 1 and 2 expenditure.

ClubGRANTS Online must be made available to all clubs, committees and the public and must be maintained by ClubsNSW. ClubGRANTS Online access for ClubGRANTS local committees and the public is free of charge. Non-member clubs may be charged a reasonable cost-recovery fee.

If a club's expenditure is less than the ClubGRANTS liability, the difference must be paid to Revenue NSW. The shortfall will be added to the August quarter tax assessment payable by direct debit on 21 September. If the amount expended is more than 1.85%, the difference may not be accumulated and used to offset shortfalls in future years' ClubGRANTS expenditure.

Clubs must ensure that successful applicants receive their funding before 31 August in order for that expenditure to qualify for the current tax year. This means that cheques must be cleared, or cash advanced, before 31 August. The Authority will consider any funding received after this date to be part of the next tax year's ClubGRANTS expenditure allocations. This may mean that a club will need to make up the shortfalls in the current year's expenditure.

If a project cannot be completed and allocated ClubGRANTS funding remains unspent, a club may request permission in writing from the Authority to reallocate this funding to a similar project or organisation after the end of the tax year.

#### **4.3 REPORTS FROM BENEFITING ORGANISATIONS**

ClubGRANTS qualifying clubs are also responsible for requesting reports from organisations receiving ClubGRANTS funding from a club as to the manner in which that funding was applied.

Clubs must require all benefitting organisations to provide the following reports:

- An acquittal report (or progress report, if the project is incomplete) six months after receiving funding; and
- If the recipient submits a progress report, an acquittal report (or additional progress report) one year from the original project completion date listed by the organisation in the ClubGRANTS application.

Where an individual grant exceeds \$7,500, the club must also enter a formal contract with the benefiting organisation.

Acquittal and progress reports must detail expenditure to date.

Benefiting organisations must verify in-kind support by providing a statutory declaration confirming funds were spent as represented in their ClubGRANTS application.

Clubs should provide the acquittal or progress report to the relevant local committee in cases where funding has been granted in line with the local committee's identification of local community service priorities.

If a required acquittal or progress report is not received by a club from a benefiting organisation, no further Category 1 funding should be considered for future ClubGRANTS funds, except in exceptional circumstances.

Acquittal reports should be proportional to the amount of funding received.

#### **4.4 JOINT FUNDING OF PROJECTS AND POOLED FUNDING ARRANGEMENTS**

The joint funding of projects is allowable where each individual club directly forwards its own contribution to a project to the benefiting organisation, keeps a record of its own direct contribution to the project, and receives reports and returns from the benefiting organisation confirming how the club's Category 1 allocation was applied.

However, if several clubs' ClubGRANTS Category 1 funds are pooled and allocations made from a central fund administered, for example, through a local committee, pooled funding is not eligible for ClubGRANTS Category 1 expenditure. That is to say, clubs can still provide funds directly to a project or organisation that is in receipt of funds from other clubs as part of a joint funding project. However, the collective club funds for joint projects are not to be placed under the control of a third party, external to the club, purely for the purposes of distribution of those funds by that third party. This would not include the establishment of trusts.

#### **4.5 ESTABLISHMENT OF TRUSTS**

Club directors considering the establishment of a trust as a potential benefiting organisation need to carefully consider the administrative, financial and legal implications of doing so, and should seek professional advice. Ideally, trust proposals should be supported by the local committee.

Clubs should also ensure that ClubGRANTS allocations are spread, as far as possible, across a wide variety of activities.

As outlined previously, trusts involving pooled funding arrangements will not be recognised as eligible ClubGRANTS Category 1 expenditure. Neither Liquor & Gaming NSW, nor the Authority will assume responsibility for the control or administration of any trust or trust funds.

#### **4.6 NOTIFICATION TO LOCAL COMMITTEES OF ALL CATEGORY 1 FUNDING ALLOCATIONS**

Each club must advise its local committee in writing at the beginning of each tax year of their Category 1 funding allocations made in the previous tax year.

The information to be provided by each club must include the names of the funding recipients and the amount of funding for each Category 1 project, together with advice as to whether the club's Category 1 allocations were in line with the local community priorities identified by the local committee. Clubs must provide some evidence and/or written explanation to indicate how their Category 1 projects aligned with the local community service priorities identified by the local committee.

#### **4.7 REPORTING REQUIREMENTS**

Clubs must ensure all required information is provided in their reports to the Authority, including ABNs of organisations.



Clubs must include with their reports to the Authority:

- a signed statement by the Club Secretary confirming the provided information is true and correct, and
- the certificate of attendance at Local Committee meeting, signed by the local committee convener.

Clubs must ensure records of all transactions related to their ClubGRANTS Category 1 and Category 2 expenditure are maintained in ClubGRANTS Online, including documents that support information provided in their reports to the Authority.

Clubs must produce records to the Authority in a timely manner upon request, ensuring documents are clearly labelled.

Clubs must keep reports for at least five<sup>3</sup> years in the event of later review either of the club or of the benefiting organisation by the Authority. The Authority retains the option of removing recognition for ClubGRANTS expenditure if the activity is subsequently found to be non-complying with these guidelines.

#### **4.8 SPECIAL PROVISIONS FOR EXPENDITURE ACROSS LOCAL GOVERNMENT AREA (LGA) BORDERS**

Expenditure on community development and support that involves projects or activities that involve more than one LGA is recognised for ClubGRANTS purposes.

Clubs that allocate ClubGRANTS funding to such projects and activities must be able to demonstrate that the project or activity offers a service or benefit to communities within their own LGA.

#### **4.9 ADMINISTRATION COSTS INCURRED BY ORGANISATIONS PROVIDING ADMINISTRATIVE SUPPORT TO A LOCAL COMMITTEE**

Category 1 and Category 2 expenditure provided to reimburse organisations for reasonable costs incurred in the provision of administrative support for the local committee in their LGA is acceptable. The maximum allowable amount of funding is limited to either \$1,000 per club or 10% of available combined Category 1 and Category 2 funds (whichever is lesser). For ease of administration, any application for reimbursement of costs is to be made in the tax year following the year in which the costs were incurred.

In this context, administration support is taken to include the provision of goods, such as stationery and postage, the provision of services, such as staff to prepare for meetings or take minutes, or costs of local advertising of ClubGRANTS, but does not include such matters as equipment used at meetings or cost of room hire for meetings.

In order to qualify for this reimbursement, the organisation(s) providing the administrative support must apply in writing to the local committee for the relevant LGA and provide such

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<sup>3</sup> The requirement that registered clubs keep reports from benefiting organisations for five years instead of three commenced on 10 February 2012

documentation to verify the claim as may be requested by the local committee. A statement must also be included in any media release issued by the local committee, noting that some ClubGRANTS funds have been utilised for costs to the organisation providing administrative support.

Once a local committee has determined that reimbursement is warranted, the costs should be spread equitably across all participating clubs in the LGA and should not be funded from the Category 2 expenditure of a single club. The costs may also be allocated on a pro-rata basis if agreed by the local committee.

#### **4.10 PUBLICISING APPROVED PROJECTS**

Clubs and benefiting organisations should make every attempt to publicise the programs, projects or services for which funding has been provided.

In addition, clubs should make every attempt to maintain, on a publicly-accessible website, a list of all programs, projects or services for which funding has been provided in the current and previous gaming machine tax year. The list should be updated every six months.

Commencing no later than 31 October 2023 for the 2022-23 gaming machine tax year, ClubsNSW must maintain on its website a list of all Category 1 and Category 2 grants made by all clubs participating in ClubGRANTS.

ClubsNSW must:

- publish the relevant list by 31 October of each year for the previous gaming machine tax year ending on 31 August;
- make the list accessible on its website free of charge;
- make the list available in a .csv file format;
- retain the list on its website for no less than 3 years after it is first published.

The list must include, for every grant made:

- The relevant club that made the grant
- The name of the recipient
- The name of the program, project or service funded as set out in the ClubGRANTS annual return under the heading “Purpose of Recipients & Funds”
- The total amount of the grant
- Whether the expenditure was Category 1 or Category 2
- Whether the funding was in cash or in-kind

## **5 CLUBGRANTS GUIDELINES, CHAPTER 5 - CATEGORY 1 APPLICATION & FUNDING PROCESS**

### **5.1 THE APPLICATION PROCESS**

The gaming machine tax year commences on 1 September of each year.

It is customary for each local committee to set its own application closing date. Applicants should refer to the local committee list on the ClubsNSW website ([www.clubsnsw.com.au](http://www.clubsnsw.com.au)) for the relevant deadlines.

Category 1 application forms can be obtained from local committees or from the ClubsNSW website. Category 1 application methods vary between local committees and applicants are advised to refer to the ClubsNSW website for details. Advice regarding eligible Category 1 expenditure is available from the Authority.

There is no Category 2 application form.

### **5.2 APPLICATION DATES**

Applications for Category 1 grants open on 1 February and close on 31 May.

### **5.3 ADVERTISING**

ClubsNSW will advertise in state-wide and regional newspapers on an annual basis to invite Category 1 ClubGRANTS funding applications from community groups.

ClubsNSW may also advertise online, by radio or by way of other forms of print media to invite Category 1 ClubGRANTS funding applications from community groups.

### **5.4 EXPENDITURE APPROVALS BY CLUBS**

Clubs and local committees must process applications for ClubGRANTS funding in a timely manner and should ensure that letters of acknowledgment are sent to applicants promptly. Formal letters of offer should be made to successful organisations along with a request for a report to be forwarded to the club at the completion of the activity.

Unsuccessful applicants should also be notified.

## **6 CLUBGRANTS GUIDELINES, CHAPTER 6 - LOCAL COMMITTEE PROCESS**

### **6.1 THE ESTABLISHMENT OF LOCAL COMMITTEES**

ClubGRANTS, a State Government initiated scheme, should have a broad consultative and advisory process based on the establishment of locally appointed committees in which qualifying clubs and key community service agencies would participate.

Therefore, ClubGRANTS local committees must be established in each local government area (LGA) where the total ClubGRANTS Category 1 liability of local qualifying clubs exceeds \$30,000 in the tax year.

Local committees may also be established in line with these guidelines in LGAs where the total ClubGRANTS Category 1 liability is less than \$30,000, if all parties agree. If a local committee is not formed, the Department of Communities and Justice and the Office of Responsible Gambling must develop a list of social expenditure priorities for the relevant LGA and make this available to the relevant clubs, either directly or through ClubsNSW, for the purposes of determining priorities with respect to the Category 1 funding of community development and support projects.

When considering ClubGRANTS applications for funding, registered clubs in areas where a local committee has not been established may wish to contact the Department of Communities and Justice, the Office of Responsible Gambling or the relevant local council for advice regarding the suitability of specific applications in the context of the listed social expenditure priorities, or of the capabilities of the organisation proposing to undertake the activity for which funding is sought.

### **6.2 THE MEMBERSHIP OF LOCAL COMMITTEES**

The core local committee membership in each LGA is to comprise of:

- (a) Representative/s of ClubGRANTS qualifying clubs;
- (b) Representative/s of the local council;
- (c) Representative/s of the Department of Communities and Justice;
- (d) Representative/s of a community organisation endorsed by the Office of Responsible Gambling; and
- (e) Representative/s of the local Aboriginal community where appropriate.

Local committees may also comprise third parties where appropriate, such as community stakeholders suited to understanding and identifying community needs. These stakeholders must be independent from other representatives on the local committee.

A political representative, including elected councillors, are excluded from becoming local committee members. Political representatives may only be invited as participating or observing guests to a local committee meeting at the discretion of the committee.

The club representatives must ensure that all local committee information is forwarded to the club/s they are representing.

The respective responsibilities of local committee members are as follows:

- qualifying clubs are the ClubGRANTS funding bodies;
- local councils provide local area governance, and provide local community service planning input;
- the Department of Communities and Justice is the lead government agency providing a community service planning, co-ordination, and delivery role across the State; and
- community organisations endorsed by the Office of Responsible Gambling represent local non-profit community organisations.

A local committee may invite representatives of other government or non-government organisations to participate in meetings.

The local council representative will be responsible for convening the first meeting of the local committee. If the council is unable to undertake this task, the Department of Communities and Justice would be expected to convene the meeting. A qualifying club will normally be a member of the local committee in the LGA in which the club is located. Where a club's catchment area and activities cover more than one LGA, it may seek advice from other relevant local committees and allocate funds to organisations in those other areas. A club is at liberty to seek representation on the local committee of a neighbouring LGA, possibly via the representative of another club in that LGA, where the first club's catchment area and activities cover more than one LGA.

The Office of Responsible Gambling is responsible for publishing a register of local committees and the organisations forming their membership on the Liquor & Gaming NSW website. Local committees are required to provide the Office of Responsible Gambling this information, including any changes to its membership, to ensure the register remains updated.

## **6.3 THE KEY ROLES AND RESPONSIBILITIES OF CLUBS AND LOCAL COMMITTEES**

### **6.3.1 Mandatory provision of information by clubs**

Decisions about ClubGRANTS funding allocations are the responsibility of each club's board of directors. However, in all LGAs where it is required that a local committee be established, it is compulsory for all qualifying clubs in that LGA to participate in the local committee processes.

Clubs must advise the local committee of the URL of the webpage which contains their list of ClubGRANTS (see paragraph 4.10).

Where a club has not yet updated its website in accordance with paragraph 4.10, it is mandatory for clubs to disclose in writing to their local committee such information on their Category 1 grants, including those made in previous gaming machine tax years, should their local committee request this information. In addition, Liquor & Gaming NSW will place on its website an estimation of the funds available for the next gaming machine tax year for the relevant LGA as soon as possible after the end of each gaming machine tax year.

The information to be provided by each club must include advice on the funding recipients and amounts of funding for each Category 1 project, together with advice as to whether the club's Category 1 allocations in the previous year were in line with the local community priorities identified by the local committee. Clubs need to provide some evidence and/or written explanation to indicate how their Category 1 projects aligned with the local community service priorities identified by the local committee.

Qualifying clubs with long-term or pre-existing Category 1 commitments to organisations must also provide information on these commitments to their local committee.

### **6.3.2 Key roles of local committees**

The key roles of local committees are to:

- (a) determine the proportion of Category 1 expenditure that should be allocated in accordance with the local committee's recommendations;
- (b) identify the community service priorities for Category 1 expenditure in their LGA based on evidence provided by local government social plans and the Department of Communities and Justice advice on regional and whole-of-government community service priorities;
- (c) advise qualifying clubs in their LGA of the identified community service priorities for Category 1 expenditure;
- (d) assess Category 1 applications received by the local committee as to whether they align with the identified community service priorities;
- (e) inform qualifying clubs in their LGA of the outcomes of the assessment of Category 1 applications;
- (f) inform the Office of Responsible Gambling of the LGA they represent and the organisations forming the membership of the local committee, including when there are any changes to the membership of the local committee, to be published online;
- (g) in the case of Category 1 applications forwarded directly to a club without referral to the local committee and subsequently funded by that club, review the evidence received from clubs as to whether such applications align with the identified community service priorities and whether clubs are working in the spirit and intent of

the guidelines so as to ensure that there is no duplication of funding, and that a club's funding priorities are based on what are known needs in the community;

- (h) if requested by any qualifying club/s, determine a priority listing of Category 1 applications received by the local committee to assist those clubs requiring additional information to determine which projects to fund;
- (i) obtain written reports from local qualifying clubs listing the Category 1 projects funded by them, together with evidence from clubs as to whether these aligned with the community service priorities identified by the local committee;
- (j) provide each qualifying club with a certificate of attendance, signed by the local committee convenor, indicating their attendance or otherwise at local committee meetings, for forwarding with their annual return to the Authority at the end of the tax year; and
- (k) provide to the Authority information about a registered club claiming a tax reduction that has not complied with these guidelines as per the Act.

Local committees are also required to:

- (a) organise local promotion of ClubGRANTS, in conjunction with state-wide and regional advertising of the Scheme by ClubsNSW;
- (b) encourage clubs to publicise and disseminate information on ClubGRANTS funded projects within the local community;
- (c) distribute standard application forms and take enquiries about ClubGRANTS activities; and
- (d) discuss and review on an annual basis the operation and impacts of ClubGRANTS within the LGA.

Local committees are not authorised to veto or disallow Category 1 applications for funding. Local committees are authorised to assess and provide advice as to whether applications align with the identified local community service priorities and, where requested by qualifying club/s, to develop a priority listing of those applications to assist those clubs requiring additional information in order to determine which projects to fund.

In identifying the local community service priorities for Category 1 expenditure, it is expected that local committees would identify a sufficiently broad range of local priorities to allow the funding of a wide range of local community service projects by clubs.

## **6.4 THE OPERATIONAL PROCEDURES OF LOCAL COMMITTEES**

Local committees must provide a fair, transparent and consistent process for managing the local operations of ClubGRANTS, and provide a forum for qualifying clubs to discuss local committee advice and thereby avoid unnecessary duplication of grants.

Every local committee must operate in accordance with the following procedures:

- (a) Annually elect one of its members to chair the local committee.
- (b) Formally adopt rules and procedures for the conduct of local committee meetings, including a rule that the committee will meet on a frequency of:

- (i) at least once a year if the local committee operates in a local government area where the total ClubGRANTS Category 1 liability of local qualifying clubs is \$50,000 or less in the tax year.
  - (ii) at least twice a year if the local committee operates in a local government area where the total ClubGRANTS Category 1 liability of local qualifying clubs exceeds \$50,000 in the tax year.
- (c) Local committee members must declare in writing any situation where they or their organisation have any direct or indirect conflict of interest with the priorities set for the local area or with any application for funding. Any member who has declared a conflict of interest must withdraw from the meeting during the discussion of any such matter.
- (d) Ensure adequate notice (at least 14 days) of local committee meetings is given to all local committee members, including all qualifying clubs.
- (e) Keep an accurate record of proceedings of local committee meetings.
- (f) Ensure sufficient resources are made available, by agreement between the parties, for effective implementation of local committee activities and functions.
- (g) Appoint an agency or organisation to provide administrative support and to receive and collate Category 1 applications submitted to the local committee.

A local committee may determine other rules and procedures for the conduct of local committee meetings.

A local committee may, if the Chairperson thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, teleconferencing, email or by other means.

## **6.5 REQUIREMENT TO ADOPT A LOCAL COMMITTEE CHARTER**

Local committees are required to adopt a local committee charter. The charter can be adopted from a pro forma or “model” charter developed by ClubsNSW which satisfies minimum requirements. Alternatively, local committees may draft their own charter.