



COMMUNITY DEVELOPMENT AND SUPPORT EXPENDITURE SCHEME GUIDELINES

July 2008

Gaming Machine Tax Act 2001

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1 COMMUNITY DEVELOPMENT AND SUPPORT EXPENDITURE SCHEME

The Community Development and Support Expenditure (CDSE) Scheme is designed to ensure that larger registered clubs in NSW contribute to the provision of front-line 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.

The Gaming Machine Tax Act 2001 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 1.5% of their gaming machine profits over \$1 million provided that the Casino, Liquor and Gaming Control Authority (the Authority) is satisfied that an equivalent amount has been applied to expenditure on community development and support.

The Act authorises the Minister to publish guidelines that determine what constitutes the application of profits for CDSE purposes.

In these guidelines, the gaming machine tax rebate of 1.5% of gaming machine profits over \$1 million is referred to as the “CDSE liability”.

In the Act, a distinction is made between two 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.

To qualify for the gaming machine tax rebate of 1.5%, clubs must contribute at least 50% of those funds to Category 1 purposes, with the remainder allocated to Category 2 purposes. Category 1 expenditure in excess of 50% 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.

CDSE Paper No. 1: Guidelines (page 7)

CDSE Paper No. 2: Accountability and Reporting (page 13)

CDSE Paper No. 3: Applications and Funding Process (page 22)

CDSE Paper No. 4: Local Committee Process (page 24).

2 CDSE PAPER NO. 1 — GUIDELINES

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
- child care and child protection
- aged, disability or youth services
- services to victims of natural or other disasters
- 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.

2.1.3 Community Health Services

- early childhood health
- child and family services
- community nursing
- 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 CDSE 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 reflect the actual cost to the club, are properly documented and are eligible for Category 1 expenditure as defined in these guidelines. 'In kind' expenditure cannot exceed 20% of combined Category 1 and Category 2 CDSE.

However, clubs may apply to the Commissioner of the Office of Liquor, Gaming and Racing (OLGR) for exemptions to the 20% limit. Applications must be accompanied by such information as may be required by the Commissioner.

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. However, there are a number of specific funding allocations that are disallowed under Category 2, as follows:

- professional or semi professional sporting bodies/persons when any of the expenditure is to be used to finance the professional or semi professional sporting activity, or non-professional sporting expenditure that is used to make monetary payments to the sports persons or persons directly participating in the sporting activity. However this does not exclude funding for such items as coaching, equipment or uniforms for non-professional sporting bodies/persons;

- 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.

2.2.1 Capital Expenditure

Category 2 claims by clubs relating to capital expenditure to enhance non-gaming related club facilities can only be sourced from the balance of funds available after expenditure requirements for Category 1 have been fulfilled.

2.2.2 Tourism Promotion

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

2.2.3 Treatment of Expenditure 'in kind'

Category 2 expenditure 'in kind' provided to the community is acceptable provided that claims for such expenditure reflect the actual cost to the club, are properly documented and represent eligible expenditure as defined in these guidelines. As noted above, 'In kind' expenditure cannot exceed 20% of combined Category 1 and Category 2 CDSE.

2.2.4 Administration costs

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 Category 2 funds (whichever is lesser).

2.2.5 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.

2.2.6 Political parties/industry organisations

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

2.2.7 Expenditure outside of New South Wales

Expenditure on community development and support outside NSW is only recognised if it is made in respect of services provided to victims of natural or other disasters within Australia, to locally based activities that are of a genuine cross-border nature or to nationally operating organisations with a presence in NSW.

2.2.8 CDSE Local Committee recommendations

It is recommended that clubs allocate a minimum of 75% of Category 1 funds in accordance with the Local Committee's recommendations.

3 CDSE PAPER NO. 2 — ACCOUNTABILITY AND REPORTING

3.1 GENERAL PRINCIPLES

In allocating CDSE, 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 on the club's CDSE return to the Authority and report this to its 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 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 3.5 relating to trusts and section 3.9 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.

3.2 REPORTING FORM

Each registered club claiming a tax reduction under the CDSE Scheme 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 ie by 7 September of that year.

If a club's expenditure is less than the CDSE liability, the difference must be paid to the Office of State Revenue. 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 1.5%, the difference may not be accumulated and used to offset shortfalls in future years' CDSE 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 CDSE allocations. This may mean that a club will need to make up the shortfalls in the current year's expenditure.

3.3 OTHER CDSE REPORTING REQUIREMENTS

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

3.3.1 Reports from Benefiting Organisations – Expenditure up to and including \$5,000

Clubs must request organisations receiving CDSE funds of up to and including \$5,000 to provide a report detailing the application of the CDSE funds. Where a previously funded project has not been completed within the current tax year, a progress report must be provided.

Where a benefiting organisation has received funding in line with the local committee's identification of local community service priorities, the club should request the benefiting organisation to supply a copy of a report on the project to the relevant local committee.

The type of report required depends on the level of funding. For cash amounts of less than \$500, a receipt will suffice. For in-kind funding valued at less than \$500 (such as free use of club meeting rooms), a letter of acknowledgement from the benefiting organisation or individual is required.

In the case of cash or in-kind expenditure for funding of between \$500 and \$5,000, a written report from the recipient as to the application of the funding is required.

If a report (or progress report) is not received from a benefiting organisation, no additional Category 1 funding should be considered, other than in exceptional circumstances.

3.3.2 Reports from Benefiting Organisations - Expenditure over \$5,000

Where an individual grant for CDSE funding exceeds \$5,000, the club must require the benefiting organisation to complete a statutory declaration detailing the application of the funds at the end of the project.

Where a project has not been completed within a tax year, a statutory declaration providing a progress report must be obtained by 31 August of the current year.

Where a benefiting organisation has received funding in line with the local committee's identification of local community service priorities, the club should provide a copy of the report (statutory declaration) to the relevant local committee.

Clubs and local committees (as appropriate) must consider the report (or progress report) before further Category 1 applications from the benefiting organisation are entertained.

3.3.3 Contracts with Benefiting Organisations – Expenditure over \$10,000

Where an individual grant for CDSE funding exceeds \$10,000, the club must enter into a formal contract with the benefiting organisation.

3.4 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 a number of clubs' CDSE Category 1 funds are pooled and allocations made from a central fund administered, for example, through a local committee, pooled funding is not eligible CDSE 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.

3.5 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 CDSE 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 CDSE Category 1 expenditure. Neither the Office of Liquor, Gaming and Racing nor the Authority will assume responsibility for the control or administration of any trust or trust funds.

3.6 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.

3.7 EXAMPLES OF BEST PRACTICE

It is good practice for a club to keep reports for at least three 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 CDSE expenditure if the activity is subsequently found to be non-complying with these guidelines.

Clubs should recommend that benefiting organisations list all CDSE grants received in their annual reports, and send copies of these to their local committee.

3.8 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 CDSE purposes.

Clubs that allocate CDSE 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.

3.9 SPECIAL PROVISIONS FOR EXPENDITURE OUTSIDE NEW SOUTH WALES

Expenditure on community development and support outside NSW is only recognised for CDSE purposes if it is made in respect of:

- (a) services provided to victims of natural or other disasters within Australia;
- (b) locally based activities where the activity or service offers a substantial service to NSW residents; or
- (c) funding provided to nationally operating organisations with a presence in NSW.

A club that has allocated CDSE funding to cross-border organisations where the activity or service provides a substantial service to NSW residents must request information from those organisations on the nature and level of services provision to NSW residents.

3.10 ADMINISTRATION COSTS INCURRED BY ORGANISATIONS PROVIDING ADMINISTRATIVE SUPPORT TO A LOCAL COMMITTEE

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 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 the Scheme, 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 documentation to verify the claim as may be requested by the LC. A statement must also be included in any media release issued by the local committee, noting that some CDSE 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 so agreed by the local committee.

4 CDSE PAPER NO. 3 — CATEGORY 1 APPLICATION AND FUNDING PROCESS

4.1 THE APPLICATION PROCESS

The gaming machine tax year commences on 1 September of each year. Accordingly, it is advised that applications for CDSE funding be called for no later than January of the following 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) 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.

4.2 ADVERTISING

ClubsNSW will advertise in statewide and regional newspapers on an annual basis to invite Category 1 CDSE funding applications from community groups.

Any such advertisement will carry words to the effect that the CDSE scheme is a shared State Government-Club Industry program, funded by a 1.5% gaming machine tax rebate provided by the State Government to those registered clubs with gaming machine profits in excess of \$1 million per annum.

4.3 EXPENDITURE APPROVALS BY CLUBS

Clubs and local committees must process applications for CDSE 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.

4.4 PUBLICISING APPROVED PROJECTS

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

5 CDSE PAPER NO. 4 — LOCAL COMMITTEE PROCESS

5.1 THE ESTABLISHMENT OF LOCAL COMMITTEES

The Minister for Gaming and Racing has determined that the CDSE Scheme, as 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.

As a result of that decision, CDSE local committees must be established in each local government area (LGA) where the total CDSE Category 1 liability of local qualifying clubs is in excess of \$30,000 in the tax year.

Local committees may also be established in line with these guideline in LGAs where the total CDSE Category 1 liability is less than \$30,000, if all parties concur. If a local committee is not formed, the Department of Community Services (DoCS) and the Council of Social Service of NSW (NCOSS) must develop a listing of social expenditure priorities in that area and make these available to the relevant clubs, either directly or through ClubsNSW, for the purposes of determining priorities with respect to Category 1 funding of community development and support projects.

When considering CDSE applications for funding, registered clubs in areas where a local committees has not been established may wish to contact DoCS, NCOSS or a local council for their advice on 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.

5.2 THE MEMBERSHIP OF LOCAL COMMITTEES

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

- (a) Representative/s of CDSE qualifying clubs;
- (b) Representative/s of the local council;
- (c) Representative/s of DoCS;
- (d) Representative/s of NCOSS, or a major local or regional affiliate of NCOSS;
and
- (e) Representative/s of the local Aboriginal community where appropriate.

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 CDSE funding bodies;

- local councils provide local area governance, and provide local community service planning input;
- DoCS is the lead government agency providing a community service planning, co-ordination, and delivery role across the State; and
- NCOSS, or its nominated local affiliate, represents 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, DoCS 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.

5.3 THE KEY ROLES AND RESPONSIBILITIES OF CLUBS AND LOCAL COMMITTEES

5.3.1 Mandatory provision of information by clubs

Decisions about CDSE 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.

It is also mandatory for clubs to disclose in writing to their local committee information on their Category 1 grants, including those made in previous tax years. In addition, the Office of Liquor, Gaming and Racing will provide local committees with an estimation of the funds available for the relevant LGA at the beginning 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.

5.3.2 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 DoCS 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) 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;
- (g) 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;
- (h) 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; and
- (i) 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.

Local committees are also required to:

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

5.4 THE OPERATIONAL PROCEDURES OF LOCAL COMMITTEES

Local committees must provide a fair, transparent and consistent process for managing the local operations of the CDSE Scheme, and provide a forum for qualifying clubs to discuss LC 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.
- (c) Adopt a rule specifying that:
 - (i) 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; and
 - (ii) 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.