

POLICY NO LG20 DISTRIBUTION OF UNCLAIMED FUNDS POLICY

DEPARTMENT:	Corporate Services
RESPONSIBLE OFFICER:	Manager Corporate Services
LINK TO STRATEGIC PLAN:	Maintain financial viability and accountability in budgeting and administration.
STATUTORY AUTHORITY:	Local Government Act 1993 – Part 9, Division 11 – Sale of Land
OBJECTIVE:	To establish Council's approach to distributing unclaimed funds vested in Council in respect to funds that are not claimed as a result of property sales under Section 137 of the <i>Local Government Act 1993</i> .
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 17 March 2014 – Minute No 03/14.11.9.054 Amended 20 February 2017 – Minute No 02/17.12.6.30 Amended 16 March 2020 – Minute No 03/20.12.5.35

POLICY

1. POLICY STATEMENT

That Council expend all unclaimed funds as a result of property sales under Section 137 of the *Local Government Act 1993* through community projects falling within the following priority areas:

1. Projects that attract outside grants preferably on a \$ for \$ basis;
2. Projects that are supported by recognised / registered community groups that contribute to the project by way of funding, or other financial benefit;
3. Projects that can demonstrate a community benefit in areas such as, provision or development of public open space, parks, reserves, cultural, recreational, arts and environmental;
4. Projects that cannot be achieved under normal budgeting restraints or access to funding; and
5. Projects that result in a lasting benefit to the community as opposed to an operational or an event type outcome.

2. INTRODUCTION

Council has a legislated process for the sale of properties for unpaid rates. The processes for those sales are specified in Part 9 – Division 11 of the *Local Government Act 1993*. The outcome of those sales may result in unclaimed funds being vested in Council under the provisions of Section 137 to 139A of the *Local Government Act 1993*, such funds being available for Council to expend.

This policy provides the procedure which Council will utilise in deciding on the distribution of those funds.

3. RESERVE ACCOUNT

All funds vested in Council will be transferred to a dedicated holding account (reserve account) and held for future allocation by Council in line with the policy statement.

4. ALLOCATION OF FUNDS

Council will expend all unclaimed funds as a result of property sales under Section 137 of the *Local Government Act 1993* through community projects falling within the priority areas identified in the Policy Statement

5. PROCESS TO REQUEST DECISION ON PROJECTS

Requests for allocation of these funds can be presented to Council by Councillors or staff via the normal management system at any time. Council may resolve from time to time to call for community submissions for the allocation of funds in accordance with the principles of this policy.

6. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.