

# Transport Enabling Charities Program Guideline

2021

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## Version history

| Version no. | Date             | Author   | Nature of amendment   |
|-------------|------------------|--|---|
| 1.0         | 20 December 2017 | Corridor Management and Protection Unit,<br>Transport Strategy & Planning Branch | Final policy approved.  |
| 2.0         | 20 October 2021  | Corridor Management and Protection Unit, Transport Strategy & Planning Branch    | Review of Transport Enabling Charities Policy and Program (2021). |

# 1. Introduction

This guideline provides further information about the Transport Enabling Charities (TEC) Policy and TEC Program.

The Department of Transport and Main Roads (TMR) is responsible for administering the TEC Policy and Program. The intent of the TEC Policy is to support eligible charitable organisations that have been conditioned to undertake works to state transport infrastructure as part of a development approval. This could include works to upgrade a state-controlled road to address the safety impacts of a proposed development.

If an application is approved, TMR will be responsible for undertaking or, arranging or approving a suitable contractor to undertake, the required works to state transport infrastructure.

## 2. Support available

The total available funding for works under the TEC Program is finite and varies from year to year depending on state budget allocations. TMR will fund 50% of the total costs of the works required to state transport infrastructure, up to a maximum limit of \$250,000.

If an application is approved, TMR will be responsible for undertaking or, arranging or approving a suitable contractor to undertake, the works to state transport infrastructure. There will be no transfer of funds to a charitable organisation.

## 3. Eligibility criteria

To be eligible for consideration under the TEC Program both the charitable organisation and works to state transport infrastructure must meet all of the eligibility criteria. As part of the application process you must provide evidence for all of the criteria listed in this section. An organisation found to be ineligible due to the provision of incorrect or fraudulent documentation will be required to pay for the cost of works.

### 3.1 Who is eligible?

**Eligibility criterion 1: The organisation has been registered with the Commonwealth Government Australian Charities and Not-for-profits Commission (ACNC) for at least three years and has fulfilled its ongoing ACNC obligations and duties**

To be eligible you must be a charity registered with the Commonwealth Government ACNC. You will need to provide:

- current ACNC registration showing your organisation has maintained registration for at least three years
- ACNC Charity Register Summary showing fulfilment of ACNC obligations and duties for the last three years.

**Eligibility criterion 2: Limited capacity to fund works to state transport infrastructure**

To be eligible you must be categorised as a small charity by the ACNC. Small charities are defined as having an annual revenue of less than \$250,000. You will need to provide one of the following:

- current ACNC registration showing the organisation's classification as a small charity with revenue less than \$250,000

- audited financial statements for the two most recent consecutive years signed by a qualified auditor showing revenue less than \$250,000.

### **Eligibility criterion 3: The organisation operates within Queensland**

To be eligible you must be an organisation that operates within Queensland. You will need to provide:

- current ACNC registration showing the organisation operates within Queensland.

## **3.2 What works are eligible?**

### **Eligibility criterion 4: The organisation has a current development approval relating to a premise in Queensland with conditions which are for works to be undertaken to state transport infrastructure**

For the works to be eligible you must have a development approval issued for a premise in Queensland which includes development conditions for works to be undertaken to state transport infrastructure.

State transport infrastructure includes state-controlled roads, railways, busways, light rail, active transport infrastructure and public passenger transport infrastructure. The DA mapping system, available at <https://planning.dsdmip.qld.gov.au/maps> shows the location of state transport infrastructure and has a search function where you can search for your property address.

### **The TEC Program does not apply to works on local government roads or works on private property.**

You will need to provide:

- a copy of the development approval issued under the *Planning Act 2016* (or superseded planning acts)
- details of the currency period showing the development approval has not expired and there is sufficient time for the works to be undertaken
- details of the conditions that require works to be undertaken to state transport infrastructure.

Applications for the TEC Program will only be considered after a development approval has been issued.

### **Eligibility criterion 5: The premise which is the subject of the development approval is owned by the organisation or the organisation has a minimum of three years' tenure**

To be eligible you must demonstrate long term commitment to operate your charitable organisation from this premise. You will need to provide evidence that the organisation either:

- owns the building and/or land; or
- has an instrument of tenure, can demonstrate custom and practice (or a combination of both) and has written approval of the lessor to undertake the approved development.

Acceptable formal tenure documents include leases, sub-leases, management rights, occupancy agreements and licences.

### **Eligibility criterion 6: No contracts are in place and works have not commenced to address the conditions relating to state transport infrastructure**

TMR cannot fund any works that have already commenced or where contracts are already in place at the time of application. You will need to declare on the application form that you have not:

- engaged a contractor to address the relevant conditions
- not commenced works on conditions relating to state transport infrastructure.

## 3.3 Exceptional circumstances

Exceptional circumstances may be considered where one or more of the eligibility criteria has not been met. Exceptional circumstances include where:

- a charitable organisation is under significant financial hardship
- the value of works is relatively low
- the activities of the charitable organisation and the development will provide significant community benefits.

## 4. Merit assessment

Your application will need to be consistent with each of the six principles of the TEC Policy to be eligible for the TEC Program. TMR will assess merit against the 'Sustainable transport network' principles 1 – 3:

**Principle 1: Safety and efficiency:** The proposal maintains the safety and efficiency of the transport network.

**Principle 2: Accessibility:** The proposal maintains accessibility of the transport network.

**Principle 3: Value for money:** The works represent value for money for Queensland considering the scale of the works and the nature of the development.

**As part of your application you will need to provide supporting information on how your organisation and proposed development are consistent with the 'Caring and connected communities' principles 4 - 6 of the TEC Policy.**

### Caring and connected communities principles

#### Principle 4: Community benefit

You must submit a supporting case demonstrating how the activities of your organisation will provide community benefits.

Examples of activities which provide community benefit include:

- building community connections
- building caring communities
- conserving nature and heritage
- encouraging safer and inclusive communities
- supporting disadvantaged Queenslanders.

You should also outline the impact on the community if your development does not proceed.

#### Principle 5: Commitment

You must submit a supporting case demonstrating your organisation's commitment to deliver the proposed development. Information about the following could assist in demonstrating commitment:

- your organisation's readiness and capacity to commence the development (for example, loan approval or demonstration of financial capacity)
- completeness of all approvals necessary to undertake the development.

## **Principle 6: Hardship**

You must submit a supporting case demonstrating a genuine hardship and limited capacity to meet the conditions for works to be undertaken to state transport infrastructure.

Examples of how your organisation could demonstrate a limited capacity to meet the conditions include:

- limited financial capacity demonstrated through financial statements including details of annual revenue and net income
- limited opportunities to fundraise for the conditioned works.

## **5. Developer contributions**

The TEC Program is a joint funding initiative between TMR and charitable organisations. TMR will fund 50% of the total costs of the works required to state transport infrastructure, up to a maximum limit of \$250,000. It is the charitable organisation's responsibility to source funds to meet the remaining cost of the works.

Costs met by the applicant are developer contributions which are to be provided before the commencement of any works under the TEC Program. Contributing towards the works demonstrates your organisation's commitment to the development and shows evidence of community support.

Contributions from other sources may be appropriate. If contributions from other sources are being provided, please contact the TEC team to determine if they are acceptable.

If you are unsure of the value of the works which have been conditioned as part of your development approval or if the works relate to state transport infrastructure please email [TEC@tmr.qld.gov.au](mailto:TEC@tmr.qld.gov.au).

## **6. How does TMR assess your application?**

Once the application is determined to be eligible, it will be assessed against the principles listed in section 5 of the TEC Policy. Other factors that may be taken into consideration include the:

- financial position and longevity of the organisation
- geographical location of organisation and benefit to a region
- alignment to government priorities.

## **7. How does your organisation apply?**

To apply for TEC Program support you must submit an application form with supporting documentation to [TEC@tmr.qld.gov.au](mailto:TEC@tmr.qld.gov.au). The application form, TEC Policy and supporting guideline are available on TMR's website at [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au). Before applying, you should thoroughly read and understand the guideline and policy.

Applications can be made at any time, however, once TMR's annual works budget has been exhausted no further applications for works will be considered.

It is recommended that you commence the application process as soon as possible after a development approval has been issued by a local government as delivery of works will take time.

## 8. Notification

An assessment of the application will be undertaken by TMR. Notification of a decision will be provided to the organisation within three months of the lodging of the application for the TEC Program.

If you are successful you will receive a formal approval letter and a TEC Program Agreement. The TEC Program Agreement will include terms and conditions and the developer contributions required.

Unsuccessful applicants are welcome to reapply in the future.

### 8.1 Scheduling of works

If your application is successful, TMR will be responsible for undertaking or, arranging or approving a suitable contractor to undertake, the TEC Program approved works to state transport infrastructure. There will be no transfer of funds to the organisation. TMR will endeavour to complete the works in a timely manner, taking into account other works planned for the region. Development approval conditions related to the works to state transport infrastructure are not fulfilled until the works are complete.

The applicant's developer contribution will need to be paid prior to any works being scheduled.

### 8.2 Expiry of TEC Program support

An approval for TEC Program support will expire if the relevant development approval expires.

## 9. Conflicts of interest

A conflict of interest occurs when private interests interfere, or appear to interfere, with the performance of official duties. Private interests include personal, professional or business interests, as well as the interests of individuals that you associate with, such as family, dependants and friends.

Conflicts of interest must be identified, disclosed and managed in a transparent and accountable manner and in the favour of public interest.

Please indicate on the application form if there is a private, professional or business interest that may be a conflict of interest. If you are unsure that there is a conflict of interest, please contact the TEC Team.

For further information visit <https://www.forgov.qld.gov.au/conflicts-interest>.

## 10. Enquiries and feedback

For further information on the TEC Policy please visit TMR's website at: [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au).

If you have an enquiry or require further assistance, contact TMR or your local TMR office:

- Email: [TEC@tmr.qld.gov.au](mailto:TEC@tmr.qld.gov.au)
- Contact details of your local TMR office are listed at [www.qld.gov.au/transport/contacts/roads](http://www.qld.gov.au/transport/contacts/roads).

## 11. Definitions

| Terms                             | Definition  |
|-----------------------------------|---|
| <b>Charity</b>                    | Refer to the <i>Charity Act 2013</i> and the requirements of ACNC registration. The <i>Charities Act</i> states that to be recognised as a charity, an organisation must: <ul style="list-style-type: none"> <li>• be not-for-profit</li> <li>• have only charitable purposes that are for the public benefit</li> <li>• not have a disqualifying purpose</li> <li>• not be an individual, a political party or a government entity.</li> </ul> |
| <b>Conditions</b>                 | Conditions imposed as part of a development approval.   |
| <b>Conflict of interest (COI)</b> | A conflict of interest occurs when private interests interfere, or appear to interfere, with the performance of official duties.<br><br>Private interests include personal, professional or business interests, as well as the interests of individuals that you associate with, such as family, dependants and friends.  |
| <b>Custom and practice</b>        | A claim that ‘things have been done like this’ rather than from any specific rule or instrument of tenure. For the purpose of the TEC Policy, this relates to a relationship where no formal instrument of tenure (building or land) exists and this relationship has or will continue to exist for at least three years into the future (from the date of the application).  |
| <b>DA mapping system</b>          | Means the mapping system containing the Geographic Information System mapping layers kept, prepared or sourced by the state that relate to development assessment and matters of interest to the state in assessing development applications.   |
| <b>Development approval</b>       | See the <i>Planning Act 2016</i> , schedule 2.  |
| <b>Developer contributions</b>    | For the purposes of the TEC Policy, a developer contribution is a monetary payment made by a charitable organisation to TMR towards the future construction of works to state transport infrastructure.   |
| <b>Financial information</b>      | Financial information sourced from financial statements produced in accordance with the legal entity’s reporting requirements. Where financial statements are not available the most recent balance sheet or income and expenditure statement may be used.  |
| <b>Instrument of tenure</b>       | Written proof of the right to use buildings or land. Instruments of tenure may include: leases, subleases, management rights, occupancy agreements and licences, with three years tenure from the date of application.  |
| <b>Lease</b>                      | See instrument of tenure.   |
| <b>Lessor</b>                     | Someone who grants a lease.   |
| <b>Local government road</b>      | A road that is under the control of a local government (See <i>Transport Infrastructure Act 1994</i> , schedule 6).   |
| <b>Premise</b>                    | See the <i>Planning Act 2016</i> , schedule 2.  |
| <b>State-controlled road</b>      | State-controlled road means:  |



|                                       |  |
|---------------------------------------|--|
|                                       | <ol style="list-style-type: none"> <li>1. a state-controlled road within the meaning of the <i>Transport Infrastructure Act 1994</i>, schedule 6; or</li> <li>2. state toll road corridor land.</li> </ol> <p>Note: See the DA mapping system.</p>   |
| <b>State transport infrastructure</b> | <p>State transport infrastructure means any of the following:</p> <ul style="list-style-type: none"> <li>• state-controlled road</li> <li>• busway transport infrastructure under the <i>Transport Infrastructure Act 1994</i></li> <li>• light rail transport infrastructure under the <i>Transport Infrastructure Act 1994</i></li> <li>• rail transport infrastructure under the <i>Transport Infrastructure Act 1994</i></li> <li>• other rail infrastructure under the <i>Transport Infrastructure Act 1994</i></li> <li>• active transport infrastructure under the <i>Transport Planning and Coordination Act 1994</i></li> <li>• public passenger transport infrastructure.</li> </ul> |