

Transport Enabling Charities Policy

2021

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1. Policy statement

The Department of Transport and Main Roads (TMR) is responsible for planning and delivering a safe, integrated and efficient transport network that meets the needs of our customers now and into the future. Our vision is *creating a single integrated transport network accessible to everyone*.

Other parties may also be required to undertake works to state transport infrastructure to ensure the safety and efficiency of the transport network is maintained. For example, an applicant for development under the *Planning Act 2016* may be required to undertake works to a state-controlled road as a condition of their development being approved.

Charitable organisations play an important role in building safe, caring and connected communities. TMR recognises that these organisations may face financial difficulties in complying with development approval conditions requiring works to state transport infrastructure. A charitable organisation not being able to fund these works may result in the organisation suspending or delaying charitable activities.

The purpose of the Transport Enabling Charities Policy (TEC Policy) is to support eligible charitable organisations in meeting development approval conditions relating to works to state transport infrastructure.

2. Applicability

The TEC Policy applies where:

- a charitable organisation has obtained a development approval under the *Planning Act 2016* and the approval includes a condition requiring works to state transport infrastructure
- the charitable organisation is unable to fund the works to state transport infrastructure.

In the above instance, the works to state transport infrastructure may be eligible for the *Transport Enabling Charities Program* (TEC Program). Under the TEC Program, an eligible charitable organisation may apply for TMR to undertake works on behalf of the charitable organisation.

3. Support available

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. The charitable organisation will be responsible for sourcing funds to meet the remaining cost of the works.

The costs met by the charitable organisation are developer contributions. All developer contributions are to be provided before the commencement of any works approved under the TEC Program.

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.

4. Eligibility criteria

To be eligible for consideration under the TEC Policy, both the charitable organisation and the required works to state transport infrastructure must meet the criteria listed below. Applications which meet the eligibility criteria will proceed to a merit assessment.

TMR may also consider exceptional circumstances where one or more the eligibility criteria are not met.

A **charitable organisation is eligible** only if it meets *all* of the following criteria:

- 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.
- The organisation has limited capacity to fund the works to state transport infrastructure by being a 'small charity' as categorised by the ACNC, that is, a charity with an annual revenue of less than \$250,000.
- The organisation operates within Queensland.

The **works to state transport infrastructure are eligible** only if they meet *all* of the following criteria:

- 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.
- 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.
- No contracts are in place and works have not commenced to address the conditions relating to state transport infrastructure.

The following works are ineligible:

- works on private property
- works on local government roads.

5. Principles

Decisions made under the TEC Policy will be in accordance with the following principles to ensure the policy is applied consistently and fairly:

- **Sustainable transport network**
 1. **Safety and efficiency:** The proposal maintains the safety and efficiency of the transport network.
 2. **Accessibility:** The proposal maintains accessibility of the transport network.
 3. **Value for money:** The works represent value for money for Queensland considering the scale of the works and the nature of the development.
- **Caring and connected communities**
 4. **Community benefit:** The proposal provides community benefits by supporting the activities of the charitable organisation.
 5. **Commitment:** The charitable organisation can demonstrate a commitment to delivering the proposed development.
 6. **Hardship:** The charitable organisation can demonstrate a genuine hardship and limited capacity to meet the condition for works to be undertaken to state transport infrastructure.

6. Merit assessment

An application for the TEC Program will be assessed against the principles listed in section 5 of this 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 the district
- alignment to government priorities.

7. Other terms and conditions

Application of the TEC Policy is also subject to the following terms and conditions:

- TMR has financial constraints and limitations and will consider value for money when assessing applications. Value for money is the allocation of public resources in an efficient, effective, economical and ethical manner.
- Applications must identify and declare any conflicts of interest. For further information on conflicts of interest visit <https://www.forgov.qld.gov.au/conflicts-interest>.

8. Supporting documents

Please see the Transport Enabling Charities Program Guideline available on TMR's website.

9. Definitions

Terms, abbreviations and acronyms	Definition
Charity	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">• be not-for-profit• have only charitable purposes that are for the public benefit• not have a disqualifying purpose• not be an individual, a political party or a government entity.
Conflict of interest (COI)	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.
Developer contribution	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 relating to state transport infrastructure.
Development approval	See the <i>Planning Act 2016</i> , schedule 2.

Local government road	A road that is under the control of a local government (See <i>Transport Infrastructure Act 1994</i> , schedule 6).
Premise	See the <i>Planning Act 2016</i> , schedule 2.
State-controlled road	State-controlled road means: <ol style="list-style-type: none"> 1. a state-controlled road within the meaning of the <i>Transport Infrastructure Act 1994</i>, schedule 6; or 2. state toll road corridor land.
State transport infrastructure	State transport infrastructure means any of the following: <ol style="list-style-type: none"> 1. state-controlled road 2. busway transport infrastructure under the <i>Transport Infrastructure Act 1994</i> 3. light rail transport infrastructure under the <i>Transport Infrastructure Act 1994</i> 4. rail transport infrastructure under the <i>Transport Infrastructure Act 1994</i> 5. other rail infrastructure under the <i>Transport Infrastructure Act 1994</i> 6. active transport infrastructure under the <i>Transport Planning and Coordination Act 1994</i> 7. public passenger transport infrastructure.