

COMMUNITY ORGANISATION TENURE POLICY (COMMUNITY POLICY)

1. Scope

The Community Organisation Tenure Policy (this 'Policy') applies to granting and administering tenure agreements over Council-Owned or Council-Controlled Land and facilities to community organisations.

2. Purpose

The purpose of this Policy is to establish a consistent and equitable approach to the allocation of tenure to Community Organisations over Council-owned or Council-controlled land and facilities to augment the use of facilities and enable continuation and development of programs, projects and initiatives which benefit the vibrant communities across Livingstone Shire.

3. References (legislation/related documents)

Legislative reference

Associations Incorporation Act 1981
Associations Incorporation Regulation 1999
Land Act 1994
Land Regulation 2020
Local Government Act 2009
Local Government Regulation 2012

Related documents

Asset Management Policy
Code of Conduct
Community Organisation Details Update Form
Community Organisation Tenure Application Form
Community Organisation Special Consideration Application Form
Community Organisation Tenure Information Kit
Community Organisation Tenure Procedure
Community Organisation Tenure Renewal Form
Livingstone Shire Council Fees and Charges
Rates, Rebates and Remissions Policy

4. Definitions

To assist in interpretation, the following definitions shall apply:

Community Organisation	Interchangeable with a club, association, or community group, an entity that is Not-For-Profit and exists for a public purpose providing programmes and services to the community.
Council	Livingstone Shire Council.

Council-Controlled Land	State land (Reserve) for which Council is Trustee.
Council-Owned Land	Freehold land for which Council is Owner.
Dispose/disposal	To lease, sell, transfer or otherwise grant another person possession to the property or part of it.
Government Agency	A local, state, or federal government department, agency, or body.
Incorporated	A community organisation incorporated under the: a) <i>Associations Incorporations Act 1981 (Qld)</i> ; b) <i>Corporations Act 2001</i> ; c) <i>Cooperatives Act 1997 (Qld)</i> ; or d) <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> .
Lease	A contractual right to occupy or use Council-Controlled or Council-Owned Land with legal right to exclude others.
Licence	A contractual right to occupy or use Council-Controlled or Council-Owned land without any legal right to exclude others.
Not-For-Profit	A community organisation registered Not-for-Profit does not operate for the profit, personal gain or other benefit of a particular person, people, or members.
Tenure	The conditions under which land or buildings are held or occupied (lease, licence or permit).
Term	A fixed period for which a tenure agreement will be in place.
Trustee	A trustee appointed by the relevant State Government Minister and responsible for the day to day management of trust land. Tenure agreements for this type of land may be in the form of a trustee lease or trustee permit.
Shire	Area defined by the electoral boundaries of Livingstone Shire Council.
Valuable Non-Current Asset	Noncurrent assets are an organisation's long-term investments that are not easily converted to cash or are not expected to become cash within an accounting year (e.g. buildings, land, and machinery).

5. Policy Statement

Council recognises and is committed to meeting the needs of community organisations by providing access to Council-owned or Council-controlled land and facilities through appropriate and consistent tenure arrangements.

5.1 Legislative Provisions for Tenure Agreements

Local Government plays a vital role in the disposal, by way of tenure agreement, of freehold and reserve land to community organisations, in accordance with section 236 of the *Local Government Regulation 2012*.

Under section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Exceptions for valuable non-current asset contracts), a local government may dispose of a valuable non-current asset other than by tender or auction if, for the disposal of land or an interest in land, the valuable non-current asset is disposed of to a community organisation.

Pursuant to section 236(2) of the *Local Government Regulation 2012*, an exception mentioned in subsection 236(1)(b)(ii) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.

5.2 Eligible Community Organisations

Community organisations may access community land to conduct activities that enhance the physical activity, social interaction and cultural development of the community.

Community organisations with objectives focussed on community development and the provision of community services are eligible to apply for tenure.

These include:

- a) sporting and recreational organisations
- b) educational, cultural and other Not-For-Profit community organisations
- c) volunteer based organisations.

Consideration may be given to organisations that demonstrate:

- a) principles and practices of multi-purpose use, shared use, flexibility in activities
- b) community benefit or fulfil a community need where there is a gap in service provision.

5.3 Conditions of Use

Tenure documents will clearly define conditions of use and access to Council-Owned or Council-Controlled Land for the period of the tenure arrangement.

Conditions by design, will protect and preserve the community assets to ensure longevity of benefit to the community.

Conditions may include responsibility for the care, development and maintenance of the site, ensuring facilities retain the necessary level of safety and functionality.

Administration of tenure agreements and associated conditions is in accordance with the Community Organisation Tenure Procedure.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

Version	Date	Action
1.0	16/11/2021	Adopted

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