



## NSWALC PROCEDURES ON THE APPROVAL OF LALC COMMUNITY BENEFIT SCHEMES

### ASSESSMENT:

Zone staff are to undertake an assessment of a LALC CBS application to ensure that it contains all required information to enable NSWALC to form a view as to whether the scheme applied for meets the conditions of S52A (2) of the ALRA and this policy.

A checklist will be provided to staff to assist in this process.

If a LALC has not provided sufficient information to enable NSWALC staff to undertake an assessment of the scheme, staff will write to the LALC clearly outlining the information required and provide a timeframe in which the LALC is to provide the information required. If the LALC does not provide the required information within the timeframe posed, NSWALC staff will finalise their assessment which may include a recommendation that the scheme is not approved.

### APPROVAL PROCESS:

Approval of Community Benefit Schemes will be considered and determined by the NSWALC Council or delegate. For the purposes of streamlining the approval process NSWALC has adopted a tiered approval process based on the following financial limits that apply to each scheme:

#### Tiers:

Tier 1 – Zone Directors

Expenditure up to \$10 000 per annum.

Tier 2 - CEO

Expenditure \$10 001 - \$50 000 per annum.

Tier 3 – NSWALC Council

Expenditure \$50 001 and above per annum.

The NSWALC Council have delegated approval of schemes with an annual value of less than \$50,000 to the Chief Executive Officer.

The CEO has in turn delegated approval for schemes with an annual value up to \$10,000 to Zone Directors.

### DECISION TIMEFRAME:

Once NSWALC is satisfied that a CBS application has been supplied with all required information to enable assessment a recommendation will be made to the appropriate delegate for approval as soon as practicable.

For schemes that propose expenditure in excess of \$50,001 per annum, NSWALC staff will need to inform the LALC approval may take some time as those schemes must be approved by the NSWALC Council and the matter must be placed on the agenda of an upcoming Council meeting.

## REVIEW OF NSWALC DECISION

Under the Policy and these Procedures, the NSWALC has delegated approval of schemes as per the criteria below:

### **Tiers:**

#### Tier 1 – Zone Directors

Expenditure up to \$10 000 per annum.

#### Tier 2 - CEO

Expenditure \$10 001 - \$50 000 per annum.

#### Tier 3 – NSWALC Council

Expenditure \$50 001 and above per annum.

If a LALC is dissatisfied with the decision in relation to approval of a CBS by a NSWALC delegate other than the Council itself, the LALC may formally request a review by the higher delegate. Any request for a review from a LALC must include information where the LALC believes that the NSWALC delegate has made a determination that contravenes this Policy and must be made within 30 days of the LALC being notified of the NSWALC decision. Under this Policy and Review process, any review decision made by the NSWALC itself will be final.

Practically, this means that if a ZD has made a decision, then a LALC is able to request that decision be reviewed by a higher delegate ie the CEO. Similarly, if the CEO has made a decision then a LALC is able to request that a decision be reviewed by the Council. Any decisions made by the Council will be final. In relation to requests for review, it will be the responsibility of the original delegate to prepare a brief for the consideration of the higher delegate. Wherever possible, this will be prepared by a different staff member to the person who assessed the application originally.

### **REGISTER OF APPROVED SCHEMES:**

NSWALC will establish and maintain a register of approved CBS schemes. This register will record the following information:

- Name of LALC;
- Name of scheme being established;
- Date of approval of the scheme;
- Expiry date of the approval given;
- Any conditions on the approval;

The CBS Register will be maintained by the Executive Director Network Delivery or their delegate. CBS approval delegates will need to inform the EDND of any decisions to approve CBS schemes so that this information can be input into the Register.

Zone Directors will be required to periodically update Councillors within their zones in relation CBS schemes approved by region. This information could be relayed to Councillors as a part of the regular Zone/Councillor briefings.

The Executive Director Network and Program Delivery will be responsible for informing the Minister as per the requirements of S108(1)(g). Information provided to the Minister will be in line with the dot points above. Information will be provided to the Minister on a quarterly basis or as otherwise agreed.