

[s 193A]

- (b) as required by the relevant Act under which the money was paid into the trust fund.
- (3) If the purpose for which an amount of trust money was credited to the trust fund no longer exists, the council may, if it has resolved the purpose no longer exists, transfer the amount from the trust fund.
- (4) If an amount of trust money is mistakenly not credited to the trust fund, the council must transfer the amount to the trust fund as soon as practicable, but no longer than 5 working days, after the council becomes aware the amount has been incorrectly credited.
- (5) If an amount that is not trust money is mistakenly credited to the trust fund, the council must transfer the amount from the fund as soon as practicable, but no longer than 5 working days, after the council becomes aware the amount has been incorrectly credited.
- (6) Money that is trust money under section 192(3)(d) may be transferred from the trust fund at any time.

## Division 2

## Discretionary funds

### 193A Purpose of division

This division—

- (a) provides for how the council may make discretionary funds available; and
- (b) prescribes, for section 106 of the Act, requirements for a councillor for using discretionary funds.

Tabled and presented to Council  
at its 4724 Meeting held on:  
24/10/23  
Tabled by: Lord Mayor  
Steven Toomey  
Chairperson of Council

### 193B Requirements for council about discretionary funds

- (1) The council may, for a financial year, budget an amount of discretionary funds for use by councillors for either or both of the following purposes—

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- (a) capital works of the council that are for a community purpose;
  - (b) other community purposes.
- (2) However, the amount the council budgets as discretionary funds for a financial year under subsection (1)(b) must not be more than the prescribed amount for the financial year.
- (3) The amount of discretionary funds the council budgets for allocation by each councillor in a financial year must be the same for all councillors.
- (4) The council must, within 20 business days after adopting its budget for a financial year, make publicly available a notice (the *availability notice*) stating—
- (a) the total amount budgeted for the financial year as the council's discretionary funds; and
  - (b) the prescribed amount for the council for the financial year; and
  - (c) the total amount of discretionary funds budgeted for the financial year for councillors to allocate for each of the following purposes—
    - (i) capital works of the council that are for a community purpose;
    - (ii) other community purposes; and
  - (d) the amount of discretionary funds budgeted for use by each councillor for the financial year for each of the following purposes—
    - (i) capital works of the council that are for a community purpose;
    - (ii) other community purposes; and
  - (e) how community organisations may apply for allocation of the funds.
- (5) In this section—

***prescribed amount***, for a financial year, means 0.1% of the council's revenue from general rates for the previous financial year.

## **194 Requirements for councillors about discretionary funds—Act, s 106**

- (1) A councillor may allocate the councillor's discretionary funds under this section in any of the following ways—
  - (a) for capital works of the council that are for a community purpose;
  - (b) to a community organisation for a community purpose;
  - (c) for another community purpose.
- (2) A councillor may make an allocation under subsection (1)(a) only if—
  - (a) the Establishment and Coordination Committee has approved the allocation before it is made; and
  - (b) the amount stated in the availability notice under section 193B(4)(d)(i) is not exceeded if the allocation is made.
- (3) A councillor may make an allocation under subsection (1)(b) only if—
  - (a) the funds are allocated—
    - (i) to a community organisation that has applied for the funds in the way stated in the availability notice under section 193B(4); and
    - (ii) in a way that is consistent with the council's community grants policy; and
  - (b) the amount stated in the availability notice under section 193B(4)(d)(ii) is not exceeded if the allocation is made.
- (4) A councillor may make an allocation under subsection (1)(c) only if the amount stated in the availability notice under