

# Presiding Members Report - Adelaide Park Lands Foundation

ITEM 4.1 01/10/2020  
Adelaide Park Lands Authority

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Public

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## EXECUTIVE SUMMARY

APLA has long recognised the value of the Adelaide Park Lands to the city, state and its inhabitants.

The Adelaide Park Lands receive in excess of 10 million visitations annually, and as custodians of the Park Lands, the City of Adelaide is responsible for the maintenance and enhancement of these invaluable assets.

In acknowledging community interest to support the Park Lands through philanthropic means, it is proposed an Adelaide Park Lands Foundation be established (by Council). This foundation would allow for tax-deductible donations to be received for specified Park Lands projects.

Such a foundation would not seek to abrogate the City of Adelaide's efforts or responsibility for maintaining the Park Lands, however it would seek to galvanise long-term support for better conserving and supporting the Adelaide Park Lands.

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## RECOMMENDATION

### THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:

That the Adelaide Park Lands Authority:

1. Supports the creation of an independent Foundation for the purposes of public fundraising for investment in long-term enhancement and protection of the Adelaide Park Lands.
  2. Supports the creation of a Foundation that is legally and operationally autonomous from Council and its subsidiaries in an effort to attain and maintain Deductible Gift Receipt (DGR) status.
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## IMPLICATIONS AND FINANCIALS

Adelaide Park Lands Management Strategy	Not as a result of this report
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Further investigations will be required to determine the best legal framework to effect the creation of this Foundation.
Opportunities	To increase opportunities to enhance and conserve the Adelaide Park Lands through philanthropic means.
20/21 Council Budget Allocation	Not as a result of this report
Proposed Council 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. The Adelaide Park Lands receive in excess of 10 million visitations annually, with the City of Adelaide responsible for managing approximately 723ha of the Adelaide Park Lands (74% of the total 930ha) including the six Squares and River Torrens / Karrawirra Pari, as shown in the Adelaide Park Lands Plan.
2. In a report received in November 2019 by Council, it was estimated the City of Adelaide expends approximately \$25 million per annum on Park Lands capital works and maintenance.
3. Since the establishment of the *Adelaide Park Lands Act 2005 (SA)*, members of the community have shown an interest in making donations of time and money in the advancement of enhancement and conservation of the Adelaide Park Lands.
4. Whilst the *Adelaide Park Lands Act 2005 (SA)* does provide for the creation of the Adelaide Park Lands Fund, a report presented to the Authority in March 2009 concluded that the Adelaide Park Lands Fund is not eligible for deductible gift recipient (DGR) status.
5. In December 2012, APLA investigated the creation of a philanthropic fund for the purposes of fundraising. The report concluded that it was not feasible for APLA to engage in the creation of an independent fund.
6. Similarly, in March 2019, through advice as a result of a Motion on Notice at a meeting of APLA, the Administration confirmed that any DGR endorsed foundation would require legal and operational autonomy from Council & its subsidiaries (if it was to obtain a tax-deductible status).
7. It is clear from the multiple attempts that APLA nor Council have the required independence to set up a DGR endorsed fund.
8. A structured analysis into a legal & financial framework with DGR endorsement has not been investigated by the Council.
9. Similarly, no thorough financial feasibility has been provided to accompany any options of an independent Foundation by the Council.
10. Although the proposed Foundation will need to be legally and operationally autonomous, it will also need to ensure it is compliant with the recommendations of APLA and Council.
11. For this reason it is proposed that the expenditure of fundraised money would be allocated only to Council endorsed projects, which are in keeping with the Adelaide Park Lands Management Strategy and have been supported by the Adelaide Park Lands Authority.
12. It is proposed that the Adelaide Park Lands Foundation would raise funds on behalf of Park Lands projects and initiatives which protect and enhance the Park Lands.
13. Philanthropic fundraising for Park Lands via the proposed Foundation would be for conservation and projects (not for the general maintenance and upkeep of the Park Lands).
14. A DGR endorsed fund would allow the community to be engaged in the Park Lands whilst also being able to lodge their donations through a tax-deductible mechanism.

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## ATTACHMENTS

Nil

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