Fundraising and Donations Policy

Implemented:	October 2024
Reviewed:	n/a
Review cycle:	Two years
Policy number:	033
Policy owner:	Marketing & Communication

1. Policy Statement

This Fundraising Policy is designed to establish the parameters for accepting donations to the ACO and conditions of acceptance.

The policy ensures that the ACO, as a registered charitable organisation, accepts donations based on informed decisions, that such donations are receipted in accordance with the Australian Tax Office regulations and guidelines, that the purpose of any donation/s solicited and received is/are adequately documented and appropriately approved and that donations are properly managed and/or disbursed as per the conditions, if any, upon which they were accepted.

We are committed to conducting all fundraising activities in alignment with the highest ethical standards, as outlined in the Fundraising Institute of Australia (FIA) Code, and in compliance with Victorian regulations.

The policy is a working document for employees of the ACO (including contractors), ACO Members and donors, should a request be made to understand how the ACO treats donations.

2. Scope

This policy applies to all fundraising activities undertaken by our organisation, including but not limited to major donations from corporations, member donations, individual giving, and bequests. It is relevant to all staff, volunteers, and any third parties engaged in fundraising activities on behalf of our organisation.

3. Policy Procedure

3.1. Standards

Fundraising at the ACO adheres to the following standards:

- It will be compliant with all relevant laws
- It will be compliant with the FIA Code
- All philanthropic monies raised will be allocated to the support of the organisation's stated vision and purpose
- All information concerning donors and prospective donors will be confidential
- the ACO and the ACO board and staff will make every effort to ensure donors and prospective donors are provided with accurate and timely information and advice.

3.2. Scope

The policy applies to all donations and bequests, including:

- Donations/bequests – refers broadly to any cash or in-kind gift or pledge to make a donation
- Gifts-in-kind/donations-in-kind – is a donation in any form other than cash or cheque and may require a third-party valuation for tax purposes.

3.3. Acceptance of Donations

3.3.1. The ACO may elect to accept or decline a donation

3.3.2. Donations/gifts may be made to the ACO only in circumstances where all the conditions listed below as satisfied:

- Some property, usually cash, is transferred by a donor to the ACO
- The transfer is voluntary
- The transfer does not provide material benefit to the donor. No consideration or benefit of any kind to the donor or anyone designated by the donor, may result from the payments; and
- The donation/s arise(s) from benefaction, and the proceeds from detached disinterested generosity.

3.3.3. Donations of property/share portfolios/major capital assets shall be submitted to the board for approval.

3.3.4. Each proposed donation will be considered on the basis of:

- Associated costs in accepting the fit such as housing/storage, on-going maintenance requirements or the actual physical transfer of the donation
- Parameters indicated by the donor, and
- Assurance that the donation can be retained by the ACO as an asset to be used in connection solely with the ACO activities, with the ACO retaining authority as to its use or disposal.

3.3.5. Where the donor has requested conditions be placed on the donation such as restrictions on the sale, leasebacks, life interests, life estates or situations where the asset is difficult to appraise, the board shall be consulted. The board may request that the conditions be altered, and may decline the donation if it deems the conditions onerous.

3.3.6. Nothing shall be done which might be construed as an acceptance of a donation until the decision to accept has been made.

3.3.7. Donation acceptance is subject to the terms and conditions of other related ACO policies.

3.3.8. Any donation which:

- Exposes the ACO to an uncertain and potentially significant liability or
- Is precedent-setting or involves sensitive issues must be submitted to the board for approval.

3.3.9. Where, in the opinion of the Board, the acceptance of the donation would prove administratively difficult or not in the ACO's best interests, the ACO may request that the terms of the donation will be revised or recommend that the offer be declined.

3.3.10. Board approval will be required before naming rights are attached to any ACO properties or programs.

3.3.11. ACO will not accept contributions from individuals or corporations (including small businesses, companies, multinational corporations and corporate foundations), who derive a significant portion of their income from the production and/or sale of:

- Tobacco
- Alcohol
- Gambling (including racing and sports betting sites, pokies venues, casinos and game of chance outlets).

3.4. Donation Restrictions

3.4.1. Donations may be given for general or specific purposes. The donor's intention for a specific donation will be documented, and the ACO will seek to honour those intentions wherever possible.

3.4.2. The terms of all restricted donations of $100,000 or more will be specified in a written Donation Agreement that outlines the purpose of the gift, the schedule of contributions and the terms of distribution.

3.4.3. The use of donated funds for a purpose other than that agreed with the donor is not permitted unless otherwise approved by the Board. If another use is deemed necessary, consent may be sought from the donor. If the use becomes impossible or unlawful, legal counsel may be sought to alter the purpose of the donation.

3.5. Donor Recognition

3.5.1. The ACO shall, if so requested by donors, maintain their anonymity and advise donors of any disclosures that apply.

3.6. Procedures

Specific staff are responsible for issuing charitable tax receipts for all charitable donations received, in compliance with the requirements of the ATO, and in accordance with the policies and procedures established by the ACO.

Donors should seek their own independent tax advice regarding the tax deductibility of their donation.

3.7. Acceptance of Donations

- ACO generally accepts charitable donations in the form of cash or cheques, Electronic Fund Transfers, donations-in-kind, including gifts of property, shares or special deferred donations.
- In the event a receipt is issued ACO will include the following information:

    - The full name of the ACO;
    - The ACO's Australian Business Number;
    - A note that the receipt is for a gift;
    - The amount of money donated;
    - A description of the gift if it was property/in-kind;
    - The date the gift was given;
    - The ACO is a registered Deductible Gift Recipient.

3.8. Record Keeping and Donation Anonymity

A donor's right to anonymity is observed by the ACO subject, however, to limitations imposed by the ATO.

Records, as required by the ATO for charitable receipting and record-keeping purposes, are maintained by the ACO. Access to these records is restricted to the appropriate staff and board members.

The ACO must comply with any legal obligation to disclose the ACO's details of donors and the nature and value of their donations.

The identity of a donor requesting anonymity may be provided to the ACO's board on a verbal basis if the board so requests. Such information is privileged and neither appears in the minutes of the meeting nor may be used by the ACO outside of meetings.

Prospective donors requesting anonymity shall be advised by staff of the ACO that the nature and amounts of their donations are subject to disclosure under the conditions set out above.

4. Legislation and Related Resources

4.1. Legislation

- Fundraising Act 1998 (Vic): Governs fundraising activities within Victoria.
- Australian Charities and Not-for-profits Commission (ACNC) Regulations: Sets standards for registered charities, including fundraising practices.
- Privacy Act 1988 (Cth): Protects the privacy of individuals' information, relevant to donor data.

4.2. Miscellaneous Resources

- Fundraising Institute of Australia (FIA) Code: Provides guidelines for ethical fundraising practices.
- Australian Consumer Law (ACL): Ensures fundraising activities comply with laws related to misleading or deceptive conduct.
- ATO website:
  - Gifts and donations | Australian Taxation Office (ato.gov.au)
  - Heritage gifts | Australian Taxation Office (ato.gov.au)

5. Feedback

Feedback on this policy and our fundraising practices is encouraged to ensure continuous improvement. Donors, stakeholders, and staff may provide feedback through our official communication channels. All feedback will be reviewed, and appropriate actions will be taken to address any concern.