

# Donation & Bequest Policy



# Our Child Safety Commitment

West Gippsland Libraries is committed to the safety and wellbeing of all children and young people.

## Mission

We build knowledge and skills that strengthen our communities. We provide library services, programs and collections that are accessible and equitable. We create partnerships to improve our service, share our knowledge and facilitate interaction within our communities. We will continuously improve our value to the community.

## Values

We will anticipate and **bravely** adapt with the changing needs of our communities.

We will build **relationships** with our stakeholders, communities and each other.

We will deliver **excellence** in everything we do.



# Donation, Fundraising and Bequest Policy

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## 1. Title

Donation, Fundraising and Bequest Policy

## 2. Policy Statement

To ensure that West Gippsland Libraries (WGL) receives and manages donations, fundraising and bequests ethically and in accordance with relevant legislation.

## 3. Purpose

The purpose of this policy is to govern and outline the procedures for the acceptance of philanthropic donations, fundraising and bequests and provide guidance to donors and their professional advisors to West Gippsland Libraries. Donations, fundraising and bequests may be individuals, foundations, associations, business, corporations and community groups.

This policy requires that donations, fundraising and bequests are offered, accepted and managed in accordance with West Gippsland Libraries vision, mission and values. It also requires that they are offered, accepted and managed in accordance with relevant legislation and other relevant policies and procedures as outlined in this policy.

## 4. Scope

This policy applies to the WGL Board, Chief Executive Officer and WGL Officers with the responsibility of receiving and managing donations, fundraising and bequests.

## 5. Policy Details

The principles underpinning this policy are:

- i. Transparent and ethical processes for the acceptance and management of donations and fundraising activities;
- ii. Protecting the confidentiality of donors and sponsors consistent with their wishes and to the extent provided by law;
- iii. Adequately identifying funds and using them for the purpose which they were provided;
- iv. Compliance with all relevant legislation governing fundraising;
- v. Utilisation of strategic, uniform and coordinated approach for the seeking and acceptance of donations.

All donations, fundraising and bequests in cash or kind are made to WGL with the intention of supporting WGL's vision, mission and values.

No WGL Board members, staff, volunteers or other representatives may make formal approaches for donations, fundraising or bequests unless coordinated with and approved by the Chief Executive Officer.

WGL only accepts donations, fundraising and bequests where they are ethical in nature and they are consistent with the vision, mission and goals of the organisation. WGL reserves the right to refuse an offered donation. WGL will not accept donations from Tobacco companies.

No person representing WGL is to engage in speculation about taxation implications or legal status of donations with respect to the potential impact of the donor. WGL may state only that donations to WGL of \$2 or more are tax deductible in Australia by quoting our ABN. Donors should seek their own independent advice about these matters.

## 6. Solicitation of Donations

Solicitation of donations may be undertaken through various approved methods including, but not limited



to, direct mail, events, appeals, proposals or face-to-face invitations. Approval to solicit donations must be obtained from WGL's CEO.

Staff, board directors, volunteers, and other partners wishing to undertake the soliciting of donations or fundraising activities for WGL must seek approval by contacting the CEO. Requests should outline whom they will be approaching and the methods they intend to use.

WGL requires that the following standards be complied with in any fundraising activities undertaken:

- i. All statements must be truthful and accurate;
- ii. Include WGL's identify and purpose (including ABN and address);
- iii. State what the donations are being collected for and what they will be used for; and
- iv. Use of photographs which are misleading that could create a false impression or misunderstanding are not permitted.

WGL requires that any Promotional Material used to promote a Fundraising Activity:

- v. Is factually accurate, truthful and not likely to deceive or mislead any person;
- vi. Correctly identifies WGL;
- vii. Identifies the objectives of the fundraising activity;
- viii. Be part of a positive campaign to build public awareness, understanding and support for the objectives of WGL;
- ix. Complies with the Competition and Consumer Act 2010 and the Australian Consumer Law and Fair Trading Act; and
- x. Complies with the relevant State or Territory legislation in connection with fundraising activities.

Donations, bequests and fundraising can be undertaken with the CEO's approval for the following purposes:

- xi. Delivery of a specific program that provides a direct benefit to the community;
- xii. Building construction or improvements for an existing service location;
- xiii. Purchase of technology and materials for the specific purpose of providing access and delivering programs to the community; and or
- xiv. Professional development or scholarship for staff employed by WGL.

## 7. Acceptance of Donations

WGL accepts donations via a variety of methods including: cash, cheque, credit cards, direct deposit, money order, resources and other approved forms of in-kind donations.

WGL will process donations in a timely manner, in accordance with relevant legislation, and will issue a receipt upon acceptance of a donation.

Where WGL's tap and go donation points are utilised, no receipt will be issued.

Where an offer of a donation is not accepted, the CEO will determine the appropriate manner in which to convey WGL's decision to the donor.

Certain fundraising activities are not regarded as philanthropic, and do not generate donations. Such activities include sponsorship or attendance at a fundraising event. However, the donor may require specific acknowledgement of their support. Staff should liaise with the CEO in every instance to ensure consistency in acknowledging donors.

Donors are encouraged to provide written advice to WGL with details of their donation, including the identifying amount, purpose, and if appropriate, pledge period of time.

WGL accepts donations only under the premise that no material benefit or advantage will be provided to the donor.



No staff or volunteers engaged in activities resulting in or relating to receipting of donations (e.g. fundraising, donor liaison) on behalf of WGL will grant or accept favours for personal gain and they will avoid any real or perceived conflicts of interest.

## 8. Determination of Beneficiary

Bequests are left to West Gippsland Libraries with the Beneficiary identified variously as, but not limited to:

- i. Warragul Library
- ii. Neerim South Library
- iii. Northern Mobile Library
- iv. Baw Baw Mobile Library
- v. Poowong Library
- vi. Mirboo North Library
- vii. Korumburra Library
- viii. Leongatha Library
- ix. Foster Library
- x. Inverloch Library
- xi. Wonthaggi Library
- xii. Phillip Island Library
- xiii. Cowes Library
- xiv. South Coast Mobile Library
- xv. West Gippsland Libraries
- xvi. West Gippsland Regional Library Corporation
- xvii. Drouin Library
- xviii. Regional Support Centre

There are also occasions where the named Beneficiary and ABN (if included) do not match. In determining the appropriate Beneficiary of a Bequest (ie West Gippsland Libraries or an individual location within West Gippsland Libraries), and always subject to any other evidence of the Testator's intent to the contrary, the following rules will apply:

- xix. Where the entity name and the entity ABN referencing the same entity is specified in the Will, the Beneficiary is deemed to be the named entity.
- xx. Where there is no entity specifically named but an entity ABN is included in the Will, the Beneficiary is deemed to be the entity identified by the ABN.
- xxi. Where an entity is named with an ABN referencing a different entity is included in the Will and subject to confirmation by the Executor of the Testator's intention, the Beneficiary is deemed to be the entity to which the ABN refers. The responsible officer in the ABN nominated entity leads this process with the responsible officer in the named entity to be a party to this process.

## 9. Recording & Managing Donations

WGL will receive, bank and process all donations in a timely manner. Any copies of documentation such as letters, cards, notes and agreements will be filed appropriately.

WGL is responsible for ensuring that all monetary funds received by donors are deposited into the correct bank account for either domestic or overseas donations (and separate from general operations).

WGL must ensure that:

- i. The Funds are deposited within 72 hours of receipt into the appropriate WGL account;



- ii. The donor is issued with an official receipt for tax purposes; and
- iii. Appropriate acknowledgement and letter of thanks is sent to the donor.

WGL will maintain a secure fundraising database that will record sufficient information in order to manage the donation with regards to the donor's intent. Each record may contain:

- iv. The name and contact details of the donor or their legal representative;
- v. The type of donation (cash, in-kind, bequest, etc.);
- vi. A description of the donation (cheque, money order, pledge, in-kind services);
- vii. The value of the donation, including pledge period, if appropriate;
- viii. The conditions of the donation (if applicable) including whether the donation is to be endowed and the terms of the endowment;
- ix. The purpose to which the donation is to be used (e.g. Australian projects, Africa projects, Oceania projects);
- x. The receipt details (including receipt number and date);
- xi. The recognition provided to the donor by WGL
- xii. The history of contact with WGL; and
- xiii. Who was responsible for soliciting the donation and who is responsible for nurturing the donor relationship.

In the case of donations made in-kind the amount of the donation recorded will be that amount stipulated through independent valuation.

Tied donations will be managed separately and in accordance with the donor's intent.

Wherever possible, WGL will use the donation in accordance with the original specified purpose and conditions. Where this is not possible, WGL will contact the donor, or their representative, to discuss alternative acceptable purposes, or refund.

WGL will inform the donor (or their legal representative) of the use to which donations have been disbursed, the amount of the disbursement, and if appropriate, the recipient.

WGL will prepare timely acquittal reports in line with the original agreement with the donor (if any).

Donors may request from WGL copies of the Annual Report, which includes WGL's financial statements.

## 10. Processing Donations

The following procedure is to be followed for processing donations:

### Donations made in person, by email, mail or telephone:

- i. A WGL donation form is to be completed
- ii. The form and payment is to be forwarded to the Finance Officer
- iii. The Executive Assistant to the CEO or Finance Officer will update the donor information on the database
- iv. The Finance Officer will process payment and issue a receipt as per instructions on the form
- v. The donation payment receipt is to be attached to the WGL donation form
- vi. All queries relating to the donor or donation will be handled and finalized by the CEO and EA to the CEO

### Donations made online:

- i. Finance Officer will prepare a transaction report of donations received each month that reconciles to the bank statement. This will be provided to the CEO.



- ii. Finance Officer will notify CEO regarding any unreconciled donations/funds made through EFT.
- iii. Finance Officer will identify the funds received including;
  - a. Where the funds/donations came from (donors name)
  - b. Allocation and coding of the funds/donation
- iv. The CEO (and CEO's EA) will follow up with an acknowledgement letter.
- v. A WGL donations form is to be completed by the Finance Officer when receipting the donation if one has not been provided.
- vi. The Finance Officer will issue a receipt as per instructions on the form.
- vii. All queries relating to the donor or donation will be handled and finalised by the CEO (and CEO's EA)

Online donations may be made at: [www.wgrlc.vic.gov.au/donations](http://www.wgrlc.vic.gov.au/donations)

#### Donations made by Tap and Go

- i. Finance Officer will prepare a transaction report of donations received each month that reconciles to the bank statement. This will be provided to the CEO.
- ii. Donor details are not recorded, maintained nor are receipts issued when donations are made by Tap and Go.
- iii. A monthly report will be prepared by the Finance Officer outlining the donations received and the Tap and Go monthly service fee costs.

#### Reports to the Board

The Finance Officer will prepare a quarterly report outlining a summary of total donations received by WGL for the period and the method in which it was received.

### **11. Privacy**

WGL is bound by the Commonwealth Privacy Act (1988) and The Privacy and Data Protection Act 2014 (Vic). Information gathered by WGL about its donors in the normal course of receiving donations is also subject to WGL's Privacy Policy.

### **12. Fundraising Activities**

Fundraising activities must be free from unethical practices and consistent with the mission, goals, ethical framework and policies of WGL.

WGL must adhere to all legislative requirements in the relevant State or Territory at all times and must hold all relevant authorities to fundraise.

Only authorised representatives of WGL may conduct fundraising activities. Parties wishing to raise money on behalf of WGL must contact WGL prior to commencing these activities in order to complete an endorsement process.

All materials used in advertising and approved fundraising activity must state the intended use for any money raised. Fundraising materials and solicitations must accurately identify WGL's name, address, ABN and purposes.

Fundraising solicitations must be truthful and avoid misleading visual portrayals and overstating either the need or what a donor's contribution may achieve.

Fundraising solicitations will clearly state if there is a specific purpose for the donations.

It is the responsibility of WGL to coordinate and manage its fundraising programs.



### 13. Taxation

There are differing taxation provisions and requirements applicable to various types of donation (whether the donation is in cash or kind). These may impact on the donor and/or WGL.

Donors are encouraged to seek independent professional advice about the taxation status and any other business or legal implications associated with their donations.

For taxation purposes, an independent valuation of the goods or services is required where a donation is made in-kind. The donor is responsible for arranging and paying costs associated with the valuation of the goods.

WGL is a Deductible Gift Recipient entity and donations of \$2 or more are tax deductible in Australia.

### 14. Donor Management and Recognition

WGL will manage its relationships with its donors and prospects in a coherent and collaborative fashion. Donors or prospects may have multiple affiliations and interactions with different staff members and board members. WGL staff and board members should be aware of these relationships and seek to acknowledge them during their interactions with donors.

A decision to make a donation to WGL will be dictated by the donor's decisions and interests in the programs WGL supports. WGL will always adopt a donor-centric approach to requests for philanthropic support, based on an understanding of the donor's interests as well as WGL's needs. However WGL will not design a new program and/or project based purely on donor feedback/requests.

WGL will ask for donations in a planned and coordinated way to maximise potential success and discourage inappropriate, ill-considered, or multiple approaches to potential donors.

Donations should be sought for the project(s) and area judged most likely to receive a donation from a prospective donor, based on an understanding of the prospective donor's interests.

Once a donation or pledge has been received, effective management and appropriate recognition of donor relations encourages donor loyalty and provides a compelling case for the donor's continued support.

### 15. Donor's Rights

Having regard for those who make donations to WGL it is a requirement that the processes for handling donations includes:

- i. Information on how to cancel donation and request a refund (see 19 below);
- ii. Security measures used to protect the Donor's information (see also Privacy Policy);
- iii. Those collecting donations (e.g. at fundraising events) are wearing authorised identification stating that they are volunteers or staff members and are able to produce appropriate identification;
- iv. There is a clear statement about the purpose of the fundraising; and
- v. There is a financial report available to donors which reports on the appeal.

### 16. Bequests

Bequests of cash and personal and real property are managed by the Beneficiary. Any personal or real property that is to be sold must be realised within a reasonable timeframe;

### 17. Third Party Challenged Bequest

The WGL Board is responsible for the delegation of authority for the management and negotiation of disputed or contested bequests.

All procedure and control documents are to specifically address the process for the delegation of authority for the consideration and settlement of legally disputed bequests.

## 18. Excess Funds

Should WGL raise funds for a specific purpose, the public will be notified if excess funds have been raised via any campaign. The public will be informed via social media, email, post and WGL's website that funds can be returned or otherwise used for related campaigns, activities or projects.

## 19. Refund Policy

Any request for refund of contributions to WGL by a donor will be considered and determined on a case-by-case basis.

When a request for a refund is received, an assessment of the reason given for the refund request will be undertaken.

## 20. Roles and Responsibilities

The following positions are responsible for approving, implementing, complying with, monitoring, evaluating reviewing and providing advice on the policy and procedures:

|   |  |
|---|--|
| Implementation                              | <ul style="list-style-type: none"><li>• Chief Executive Officer</li><li>• Finance Officer</li><li>• Leadership Team</li></ul>            |
| Compliance                                  | <ul style="list-style-type: none"><li>• All WGL Board Members</li><li>• All WGL Staff</li></ul>  |
| Document review                             | <ul style="list-style-type: none"><li>• Finance Officer</li><li>• Manager People and Culture</li><li>• Chief Executive Officer</li></ul> |
| Development Review/ Interpretation / Advice | <ul style="list-style-type: none"><li>• Chief Executive Officer</li><li>• Accountant</li></ul>   |

## 21. Human Rights Charter

This policy has been considered in relation to the Victorian Charter of Human Rights and Responsibility Act 2006 and is determined that it does not contravene the Charter.

## 22. Legislation and Supporting Documents

This policy should be read in conjunction with all other relevant, WGL policies and procedures, as well as relevant legislative requirements

- WGL Privacy Policy
- WGL Code of Conduct
- *Commonwealth Privacy Act (1988)*
- *The Privacy and Data Protection Act 2014 (Vic)*
- Deductible Gift Recipient (items 1 & 4) *Income Tax Assessment Act 1997* as a Public Library.

## 23. Monitoring, Evaluation and Review

Review of this policy and associated documentation will occur at least every two years and any amendments will be subject to WGL Board approval.

## 24. Non-Compliance, Breaches and Sanctions

Failure to comply with the WGL policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action or termination.

## 25. Definitions and Abbreviations

Definitions of terms used in this policy and explanations of any abbreviations and acronyms.

The following definitions apply for the purpose of this policy:

**Beneficiary** means West Gippsland Libraries or the individual library that, under this policy, the Bequest has been gifted.

**Bequest** means a gift of personal and/ or real property, cash or shares under terms of last Will or testament.

**Bequest Procedure** means the procedure document that outlines the operational requirements of managing a Bequest.

**Executor** means the personal representative of the Testator.

**Recognition** means actions taken by West Gippsland Libraries to recognise the generosity of donors, individually or collectively.

**Testator** means a person who has made a Will naming one or more persons as Executor(s) to manage his or her estate and provides for the distribution of his or her property at death.

**West Gippsland Libraries or WGL** means West Gippsland Regional Library Corporation and any of its individual libraries.

**WGL Officers** means staff, volunteers or other representatives of West Gippsland Regional Library Corporation.

**Will** refers to a legal declaration by which a Testator names one or more persons of their wishes regarding the disposition of their property after death.