



BusseLton Jetty Inc

# **Fundraising Policy**

Document Number: BOM-POL 024



## PURPOSE

This Policy sets out principles by which Busselton Jetty Incorporated (BJI) abides by in the conduct of fundraising activities and acceptance of donations.

This Policy aims to protect BJI against potential legal and reputational risks of breaching fundraising laws but ultimately provides guidance to all BJI staff, members, and Board Members on the ethical responsibilities of fundraising and the associated compliance and good governance practices that BJI adopts when accepting donations and conducting fundraising activities.

BJI will conduct its fundraising activities in accordance with the principles and guidelines set out in this Policy and this Policy incorporates by reference, the 'Voluntary Code of Practice for public fundraising' (the Code) published by the Department of Commerce who regulates charitable licences and not for profit associations.

## SCOPE

This policy applies to all donations, bequests, and fundraising activities (cash or in-kind) and to anyone who is involved in the raising or receipting of funds donated for Busselton Jetty's purposes including Busselton Jetty employees, contractors, consultants, donors, members of the public, BJI members and BJI's Board of Management.

This policy does not apply to sponsorship. BJI may establish a separate policy on sponsorship.

Grants to BJI by Commonwealth, state or local governments, or other non-government grant bodies and charitable foundations are not covered by this Policy.

## DEFINITIONS

The following definitions apply for the purpose of this policy:

- **BJI:** Busselton Jetty Incorporated Association and includes all its employees, consultants, contractors, members, and Board Members
- **Donor:** any person or organisation donating to the Busselton Jetty.
- **Donation:** a voluntary contribution or gift, be it in cash or kind. Donations have the following characteristics:
  - There is a payment of money or a transfer of the beneficial interest in property.
  - The payment or transfer is made voluntarily.
  - The payment or transfer arises by way of benefaction.
  - No material benefit or advantage is received by the donor.
- **Tied donations:** any donation given and received for a specified purpose that cannot normally be used for any other purpose without the donor's approval. For example, to specifically fund the salary of a position, the purchase of equipment. Tied donations may have an end date.
- **Untied donations:** any donation given and received for no specified purpose that can be used at the discretion of the Busselton Jetty.
- **Fundraising:** all activities undertaken by or on behalf of BJI with the aim of soliciting or receiving donations and includes appeals, events, and private requests.
- **Grant:** provision of financial assistance from a grant-making entity (such as a charitable foundation) to BJI.
- **Bequest:** donation of property by will or codicil.

- **Endowment:** donation made with the intention that funds are invested to ensure ongoing support for beneficiaries from the investment earnings.
- **Recognition:** actions taken by Busselton Jetty to recognise the generosity of donors, individually or collectively.
- **Sponsorship:** transfer of money or property to BJI in a transaction where the sponsor receives specified material benefits in return.

## LEGISLATIVE AND REGULATORY CONTEXT

There are several laws applicable to fundraising in Western Australia

- *Charitable Collections Act (1946)* regulates fundraising for a charitable purpose.
- *Street Collections (Regulation) Act (1940)* regulates fundraising conducted in public streets.
- *Gaming and Wagering Commission Act (1987)* imposes controls on fundraising activities such as raffles, bingo, and all forms of gambling; and
- *Liquor Control Act (1988)* imposes controls on fundraising events where liquor is to be sold.

BJI is an incorporated not-for-profit association regulated under the *Associations Incorporation Act 2014* and BJI holds a Charitable Licence in Western Australia to collect money or goods.

BJI has created the Busselton Jetty Environment Fund (BJEF) to accept all donations. The Environment Fund holds Deductible Gift Recipient Status which means some donations to the BJEF can be tax deductible for the donor. The BJEF is managed by the BJEF Committee, with members appointed and approved by the ACNC as responsible persons and Register for Environmental Organisations as Public Fund Management Committee Members.

BJI can only fundraise in Australia and cannot issue receipts for overseas causes.

BJI is bound by the Freedom of Information Act 1992 (WA). Information gathered by BJI about its donors in the normal course of receiving donations is subject to the Busselton Jetty's Privacy Policy, BOM – POL 021.

All information pertaining to a donation is confidential and as such is to be protected from inappropriate distribution and/or publication. Distribution and publication of information will be consistent with the donor's wishes and to the extent provided by law.

## POLICY STATEMENT

Support for and approval of all fundraising activities is through the BJEF Committee and Board of Management, while the BJI CEO will be responsible for the co-ordination, management of all fundraising activities. BJI will conduct its fundraising practices in accordance the organisation's values, mission, and goals and above all, will always be consistent with our association's objectives as defined in our Constitution.

BJI will use the following principles to guide its decisions about fundraising activities and use of donations:

- ensure that donations are received in an ethical way from ethical sources.
- robust and transparent governance of the BJEF through the BJEF Committee.
- compliance with all relevant legislation and industry best practice.
- strategic and coordinated approach for the seeking and acceptance of donations.

Only donations over \$2 made to the BJEF are tax deductible. The BJEF is recognised by the ATO as a 'Deductible Gift Recipient' meaning any donation of cash received into the BJEF is tax deductible for the donor. All donations that are eligible for tax-deductibility shall be credited to the BJEF. All non-tax deductible contributions and donations will be banked into Busselton Jetty's general-purpose bank account. BJI may receive donations for other causes under the Charitable Collections Licence, however these donations are not receiptable.

Donations may be used to support any area or campaign consistent with the mission and goals of BJI including Jetty maintenance, Jetty development, Environment, research, staff positions and community outreach, or to acquire equipment or fund capital works. The funds may be expended completely or maintained as an endowment.

BJI is committed to ethical fundraising and receiving donations from ethical sources and reserves the right to accept or refuse an offered donation in line with the principles outlined in this policy.

Fundraising activities will not be undertaken if they expose BJI to any unacceptable financial or reputational risk.

## **DONOR RIGHTS**

Donors have the right to know what Busselton Jetty is doing with their donation.

Donors will be informed:

- of Busselton Jetty's mission or objectives of fundraising
- about the use and progress of their donation if they so desire.
- of the identity of the BJI's key personnel involved in managing the donation with a clear undertaking from those personnel to maintain the highest professional standards.
- assured that personal and donation details will be treated confidentially by BJI and will not be shared with others outside the organisation without their consent; and
- recognised and acknowledged appropriately for their donation if they so desire.

## **REFUNDS OF DONATION**

The Busselton Jetty expects that anyone wishing to donate consider their decision carefully and check donation amounts during transactions. Busselton Jetty will give a donor a refund within 60 days of a donation if:

1. there was an error made by BJI or one of our agents.
2. the donation was made by a person of unsound mind; or
3. the donor entered the wrong amount.

## **PROCEDURES**

### **Solicitation of Donations to the Busselton Jetty**

Solicitation of donations may be undertaken through various approved methods including, but not limited to, direct mail, phone, online or face-to-face appeals.

### **Fundraising activity approval**

Anyone contemplating conducting fundraising activities for or on behalf of the Busselton Jetty must complete the 'Fundraising Proposal' form (see draft attached) provided by BJI and have the activity approved by the CEO or the Board. No member of BJI or its associated organisations may make formal approaches for fundraising purposes unless such approval has been received.

Applications should include who they will be approaching and the methods they intend to use.

### **Acceptance and Rejection of Donations to the Busselton Jetty**

BJI accepts donations through a variety of means including cash, cheque, credit cards, direct deposit, money order, bequests, shares, property, and approved forms of in-kind donations.

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

Where an offer of a donation is not accepted, the CEO, in consultation with Busselton Jetty Board, will determine the appropriate way to convey to the donor BJI's decision.

BJI may accept donations and grants:

- Where the funds are consistent with the spirit of its mandate.
- Where the funds are not linked to a requirement for the Busselton Jetty to endorse any products, services or policies that might be interpreted as a constraint.
- For a specific activity, provided the activity is directly related to the Busselton Jetty's association objectives and is practically achievable by the Busselton Jetty; and
- On the clear understanding that the donor can have no influence over the freedom and independence of the Busselton Jetty.

BJI may reject donations and grants:

- Where the donor's intent comes at major cost to BJI.
- Likely to compromise BJI's integrity, reputation, capacity or ability to speak out against unethical, unfair, or unsafe practices.
- From donors associated with activities, branding or reputations that are not in line with the Busselton Jetty's values.
- Generated by the proceeds of the tobacco industry, crime, pornography, weapons, firearms and munitions, slavery, or any activity detrimental to the ocean and its marine life.

Certain fundraising activities are not regarded as philanthropic, and do not generate donations. Such activities include the sale of raffle tickets or tickets to attend a fundraising event. However, the donor may require specific acknowledgement of their fundraising support. This activity should be first approved by the CEO/Board and any appropriate recognition decided on before the event/activity commences.

A Gift Manageability Assessment may be required upon advice from the CEO or Board, regarding the potential impact on the Busselton Jetty prior to accepting any donation. Donors are encouraged to provide written advice to the Busselton Jetty with details of their donation, including identifying the amount, purpose, and if appropriate, pledge period.

Tied donations will be managed separately and in accordance with the donor's intent. Wherever possible BJI will use the donation in accordance with the specified purpose and conditions. Where this is not possible, BJI will contact the donor, or representative, to discuss alternative acceptable purposes.

No employees, members or Board Members engaged in activities resulting in or relating to receipting of donations (e.g., fundraising, donor liaison) on behalf of BJI will grant or accept favours for personal gain and will avoid actual or apparent conflicts of interest.

No person representing BJI is to provide any advice about the taxation implications or legal status of donations with respect to the potential impact on the donor. Donors should seek independent advice about these matters.

### **Recording and Management of Donations**

BJI will receive, bank and process all donations on behalf of the Busselton Jetty and is responsible for ensuring that all monetary funds received by the Busselton Jetty are deposited into the BJEF or general-purpose account.

Busselton Jetty is audited annually, and all donations received are reported at BJI's AGM and published with the organisation's financial statements in its Annual Report.

All donations will be receipted and accounted for in accordance with its Donations Procedure.

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