



MercyWorks

SISTERS OF MERCY
IN AUSTRALIA & PAPUA NEW GUINEA

DONATIONS AND FUNDRAISING POLICY

Policy Number:	19	Version:	2
Updated by:	Martin Binoj, Megan Giles, Paul Taylor	Effective From:	15 June 2022
Reason of Review:	Review to include ACFID CSA/ ACNC and CPSL guidelines	Review Date:	As per schedule

INTRODUCTION

Mercy Works Limited (MWL) promotes social justice through local and overseas relief and development activities that are part of the mission and vision of the Sisters of Mercy in Australia and Papua New Guinea.

The programs engage in partnerships with communities to promote justice, dignity, self-reliance and to support peoples and communities who are displaced or denied access to basic resources such as education, health care and social welfare.

1. PURPOSE

The vision of Mercy Works Limited (MWL) is **“Mercy in Action - Partnering with the most vulnerable toward opportunity, dignity and self-reliance”**.¹

In fulfilling this vision MWL has committed to working **“in partnership with local community organisations to support the most vulnerable, both within Australia and elsewhere in the Asia Pacific region, with a particular focus on women and children”** and developing programs that **“strive to build capacity and self-reliance and to foster environmental sustainability”**.²

The purpose of the Donations and Fundraising Policy is to govern the acceptance of philanthropic gifts and to provide guidance to donors and their professional advisors in making gifts to MWL. Donors may be individuals, foundations, associations, businesses or corporations.

In addition, the document sets out the standards expected in raising funds from the community. This includes all fundraising activities undertaken by or on behalf of MWL with the aim of seeking or receiving donations whether cash, in-kind, bequests, shares and some grants where there is an intention to give and the transfer of all right, title and interest in the property to MWL.

For guidance on gifts made to staff, please refer to the Code of Conduct Policy.

2. SCOPE

The Donations and Fundraising Policy provides guidance to all Workers (see definition 4) in relation to their work with/for MWL.

¹ MWL Strategic Plan (2021-2022)

² MWL Strategic Plan (2021-2022)

MWL encourages donations which support the advancement of its mission and goals and recognises the importance of donations and fundraising opportunities to the operational and financial sustainability of MWL. The context in which donations and fundraising occur ensures that the many and varied ways in which people contribute to MWL are recognised and affirmed.

MWL is committed to ensuring that all donations and fundraising activities (refer to definitions) are carried out in an ethical and legally compliant manner and reflect the mercy ethos and values.

3. DEFINITIONS

Bequest: means a donation of cash, property or other resources by will or a codicil.

Cause: refers to the purpose of a program such as advancing health, education, social welfare, promoting reconciliation, or protecting human rights.

Codicil: is an addition or supplement that explains, modifies, or revokes a will or part of one.

Donor: means any person or organisation making a donation to MWL.

Donation: means a voluntary contribution or gift, whether in cash or kind. Donations can be in the form of cash or cash equivalents, shares, real estate, in-kind, pledges, bequests and endowments.

Endowment: is a donation made with the intention that funds are invested to ensure ongoing support for beneficiaries from the investment earnings.

Fundraising activities: means any activity with the goal of obtaining support or receiving donations for MWL.

Gift: In this Policy, 'gift' or 'donation' means, a gift or donation made to MWL, not gifts offered to individual staff or volunteers.

Pledge: means a documented commitment to make a donation within a specified period of time.

Prospect: means a prospective donor, i.e. an individual or organisation with both the financial capacity and the likely inclination to support MWL via donation or a bequest.

Stewardship: means actions taken by MWL to recognise the generosity of donors, individually or collectively.

Tied donations: refer to 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, education in specific projects. Tied donations may have an end date.

Untied donations: refer to any donation given and received for no specified purpose that can be used at the discretion of MWL.

Vulnerable circumstances: may be temporary or permanent and should be taken into account when a person is making a donation. Examples of people who may be in vulnerable circumstances are those:

- with intellectual disabilities that affect comprehension or understanding
- with physical or mental health issues
- who do not fully understand the fundraiser's native language
- experiencing financial difficulty
- under the influence of alcohol or drugs
- who are unable to care for themselves
- who are elderly (especially those without close support)

- who are children (under the age of eighteen years).

Will: refers to a legal declaration of a person's wishes regarding the disposition of their property after death.

Workers: refers to all Board Directors, committee members, employees, contractors and volunteers.

4. POLICY

Fundraising activities will be conducted by MWL to support charitable and community service projects/programs or activities locally, nationally and globally.

In addition to the principles and standards set out in this Policy, all fundraising activities will meet the standards set out in the ACFID Fundraising Charter located in Annexure A.

The principles underpinning the Donations and Fundraising Policy are:

- transparent and ethical processes for the acceptance and management of donations and fundraising activities
- protecting the confidentiality of donors consistent with their wishes and to the extent provided by law
- adequately identifying funds and using them for the purpose for which they were provided
- compliance with all relevant legislation governing fundraising
- utilisation of a strategic, uniform and coordinated approach for the seeking and acceptance of donations
- all monies raised via donations and fundraising activities will be for the stated purpose of the appeal and will comply with MWL's vision and mission. This includes administration/operational costs to support the ongoing work of MWL.

MWL will not knowingly promote or solicit donations from people in vulnerable circumstances (refer to Definitions) or accept donations from people in "Vulnerable Circumstances."

5. STANDARDS

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- 5.8 Reporting

The standards underpinning this Policy are:

5.1 Approved Fundraising Projects

MWL maintains a list of approved fundraising priorities and/or projects for MWL within Australia and Overseas. Any new fundraising projects or initiatives for MWL must be approved by the Executive Director and/or MWL Board before commencement.

5.2 Asking for Donations

MWL fundraisers will uphold high standards of professional behaviour and be aware of their responsibilities in carrying out fundraising activities. All MWL workers responsible for receiving and processing donations shall:

- ensure donation processes are secure and transparent
- build trusting relationships with regular donors and partners
- respond proactively to any issues arising in regard to donation refunds
- communicate respectfully and professionally with all donors
- raise any issues or concerns that arise with the Executive Director.

MWL will promptly and courteously comply with a donor or prospective Donor's request to:

- provide details of the cause including the MWL contacts (refer to Definitions) on whose behalf MWL is fundraising
- cease receiving promotional material and/or requests to support donation appeals
- provide information about how the Donor's contact details were obtained
- provide information about how to make a complaint or the name and contact details of the person who is responsible for handling complaints.

MWL will make readily available, on request, information about the cause for which it is fundraising, including:

- its objects and how it intends to use the donated funds
- its most recent annual report and/or financial statements if/when available.

5.3 Acceptance of Donations

MWL only accepts donations where they are ethical in nature and that are consistent and aligned with its mission and goals. Accordingly, MWL reserves the right to refuse an offered donation or proposal. Workers must seek advice from the Executive Director regarding the potential impact on MWL prior to accepting any in-kind donations.

No worker representing MWL is to engage in speculation about the taxation implications or legal status of donations with respect to the potential impact of the Donor. Donors should seek their own independent advice about these matters.

MWL may accept a tied donation (refer to definitions) for a specific activity if the activity is:

- directly related to the objects of the cause for which MWL is fundraising
- practically achievable by the cause.

As a general rule, if a tied donation is received which MWL cannot accept with the requested restrictions, a discussion will be held between MWL and the Donor (or executors in the case of a bequest) in order to explore if the donation can be changed so that MWL can accept it.

MWL will:

- not subject Donors to undue influence, harassment, intimidation or coercion
- maintain an appropriate professional relationship with the Donor in connection with any donation

- not prevent or discourage a Donor from seeking independent legal advice in relation to a donation
- not prevent or discourage a Donor from having a family member or other trusted advisor present when considering a donation
- not, after obtaining a donation, change the conditions of the donation without gaining the consent of the Donor
- ensure a Donor has given consent prior to any public recognition of their donation.

Some gifts may not be kept by MWL in the form in which they are donated. For example, shares may be sold as soon as they are received. In such instances, this should be communicated to the Donor before the gift is made.

Any bequests to MWL are to be accepted by the Executive Director/or MWL Board.

5.4 Refusal of Donations or Bequests

The Executive Director has the absolute discretion to decline a donation or to return a donation previously accepted. MWL will not accept a donation where:

- there is a reasonable belief that the Donor is in Vulnerable Circumstances or lacks the capacity to make a decision to donate
- the activities of the Donor are incompatible with Catholic Social Teaching
- the cost of accepting the donation will be greater than the value of the donation
- there is reason to believe that accepting the donation may give rise to litigation or reputational risk
- the Donor requires MWL to provide valuable consideration to the Donor or anyone designated by the Donor, e.g. employment at MWL
- acceptance of the donation would be unlawful (e.g. where MWL knows the donation is from the proceeds from crime or illegal activity)
- the donors do not embody the values of MWL (MWL's value statements can be found in MWL's website), or their activities are incompatible with the mission and values of MWL
- the Donor restricts the donation for activities that are outside of MWL's objects
- the donation is conditional on the monies being sent to someone/somewhere else except in relation to a joint fundraising event with another registered charity
- an employee of MWL derives a personal material benefit from the donation
- an anonymous donation is received in Australia over the value of AU\$25,000. Such donations have to be reported to the Australian Charities and Not-For-Profit Commission as a serious incident. Note this relates to donations where we do not know who the Donor is and not donations where we know who the Donor is, but they wish to remain anonymous.

5.5 Refunding Donations

MWL expects that anyone wishing to donate consider their decision carefully and check donation amounts during transactions. If a donation is made in error, then MWL will endeavour to refund the donation.

In the event the donation monies have already been allocated and program expenses have been incurred, a refund will not be possible.

Donations made more than ninety (90) days prior to the notification of an error will not be refunded.

Refunds will be returned using the original method of payment, except cash donations, which will be returned via electronic funds transfer. Donations by credit card will be credited to that same credit card originally used to make the donation.

In rare circumstances, MWL may deem it necessary to refund gifts because it is in the best interest of MWL or because the conditions agreed to in accepting a gift cannot or will not be met.

5.6 Stewardship

Stewardship or the reporting to donors on the impact of their gift is a vitally important part of the responsibility in accepting a gift. Timely acknowledgements will be sent to all donors and, where appropriate, special recognition of certain gifts will be given. This acknowledgement demonstrates MWL's commitment to maintaining long term donor relations and thereby maximising support of MWL.

5.7 Information and Privacy

MWL will manage and maintain records of all fundraising activities with individuals, corporations, foundations and associations in an appropriate database. The Executive Director or his/her delegate has final authority on granting access to the database.

MWL publications, such as newsletters and magazines (e.g. Bilum), which may include personal information, may be used for fundraising purposes.

5.8 Reporting

As a requirement of its membership of the Australian Council for International Development (ACFID) the MWL Board will require an annual report from the Executive Director on compliance with the ACFID Fundraising Charter.

6. REFERENCE

Charitable Fundraising Act 1991

Fundraising Institute of Australia Code 1 July 2017

ACFID Fundraising Charter -

https://acfid.asn.au/sites/site.acfid/files/resource_document/The%20ACFID%20Fundraising%20Charter_Aug%202018.pdf

7. RELATED FORMS

There are no forms related to this Policy.

8. AUTHORITY

This Policy is approved and reviewed by the Board.

9. RELATED POLICIES / DOCUMENTS

- Code of Conduct Policy
- Privacy Policy
- Designations of Authority Policy (and related schedule)
- Annexure A – ACFID Fundraising Charter

10. CONTACTS

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11. POLICY REVIEW

Review of this Policy, related forms and resources will be undertaken every 2 years by the Executive Director and approved by the MWL Board.

12. REVISION/MODIFICATION HISTORY


Date	Current Title	Summary of Changes	Approval Date	Commencement Date
28 October 2020	Donations and Fundraising Policy	New	28 October 2020	29 October 2020
24 May 2022	Donations and Fundraising Policy	Revision of Purpose	15 June 2022	15 June 2022

13. APPROVAL DATE/REVISION SCHEDULE

Approved by: Board, Mercy Works Limited

Date:

To be Revised: 24 May 2024

Board Chair Signature	
Date	1 July 2022

The ACFID Fundraising Charter



AUSTRALIAN
COUNCIL
FOR
INTERNATIONAL
DEVELOPMENT

The ACFID Fundraising Charter requires that Members will have processes and procedures in place to ensure that:

- Decisions to accept or reject donations support the purpose of the organisation.
- Legislative requirements for fundraising are met.
- The privacy of Donors, consistent with the Privacy Act, are met.
- Free, prior and informed consent is obtained for all images and stories.

All fundraising materials will be truthful and:

- Include the organisation's identity including name, address, ABN and purpose.
- Accurately represent the context, situation, proposed solutions and intended meaning of information provided by affected people.
- Clearly state if there is a specific purpose of each donation.
- Avoid material omissions, exaggerations, misleading visual portrayals and overstating the need or what the donor's response may achieve.

If outsourcing fundraising activities, Members will ensure that:

- Contracts are in place which meet all relevant legislative and regulatory requirements.
- Specific expectations, responsibilities and obligations of each party are clear and in writing.
- Members are identified as the beneficiaries of the funds.
- Contractors are clearly identified.

Images and messages used for fundraising will not:

- Be untruthful, exaggerated or misleading (e.g. not doctored, created as fiction or misrepresenting the country, etc.).
- Be used if they may endanger the people they are portraying.
- Be used without the free, prior and informed consent of the person/s portrayed, including children, their parents or guardians.
- Present people in a dehumanised manner.
- Infringe child protection policies and in particular show children in a naked and/or sexualised manner.
- Feature dead bodies or dying people.

Members have a clear ethical decision-making framework in place which aligns with the values of their organisation and the Code and includes:

- A commitment to portraying affected people in a way that respects their dignity, values, history, religion, language and culture.
- A process that integrates a range of key staff in the organisation (e.g. communications, planning, child protection and CEO) in decision-making where appropriate
- Clear responsibilities for approval for public use of images and messages.
- A process which recognises and balances both donors and affected people but which gives primacy to the primary stakeholders.