



WAVERLEY
COUNCIL

Inbound Donations Policy

Policy owner	Executive Manager, Governance and Risk
Approved by	Council
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Relevant legislation/codes	<i>Local Government Act 1993</i>
Related policies/procedures/guidelines	Waverley Art Collection – Acquisition and Deaccessioning Guidelines 2018 Waverley Council Code(s) of Conduct Waverley Council Sponsorship Policy Waverley Library Collection Development Plan
Related forms	

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1. Background

From time-to-time Council receives offers of donations from organisations and individuals.

2. Purpose

The purpose of this policy is to outline Waverley Council's principles in relation to inbound donations and to establish a transparent and coordinated approach to considering offers of donations.

3. Scope

This Policy applies to the financial, in-kind or material donations, or offers of donations to Council, with no expectation of any activity or benefit in return. It assumes a philanthropic motivation, and is voluntarily and freely given.

It is noted that Waverley Library Service has Deductible Gift Recipient status through the Australian Taxation Office. The following categories of donations made to the Waverley Library Service are subject to the provisions of this policy:

- Cash donations.
- Donation of materials that are accompanied by an official valuation from an accredited valuer.
- Bequests.

This Policy does not apply to donations to the Waverley Library service of books, AV materials, artworks etc that are not being made as tax deductible gifts pursuant to the Library Services Gift Recipient Status, and donations made by the Friends of Waverley Library (FOWL).

The Waverley Library Collection Development Plan (and associated guidelines) and the Waverley Art Collection – Acquisition and Deaccessioning Guidelines document the protocols and procedures for donations of books/AV materials etc, and artwork, respectively.

4. Policy Content

4.1 Inbound Donation Principles

4.1.1 Council will receive donations only when the benefit to the community can be clearly defined.

4.1.2. Council will not accept donations if the donation arrangement could:

- Compromise, or be seen to compromise, Council's ability to exercise its functions.
- Limit, or appear to limit, Council's ability to carry out its functions fully, impartially or ethically.

4.1.3. Council reserves the right to decline a donation where the potential donor, their activities or their proposals are in conflict with Council's core values or could have a negative impact on the community.

- 4.1.4. Donations may be received by way of:
- Funding (including cash payments and bequests).
 - Materials, goods and services.
 - In-kind support.
- 4.1.5. Donations may be allocated to a particular activity, in Council's absolute discretion, having regard to the donor's wishes in respect of the intended purpose of the donation.
- 4.1.6. Inbound donations are only to be accepted if the time and resources used to receive the donation is not greater than the value of the donation.
- 4.1.7. Donations will not be accepted from political parties.
- 4.1.8. Donors must provide explanation of the philanthropic motivation for their donation.
- 4.1.9. For the avoidance of doubt, a donation under this Policy is not a development contribution under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the EPA Act). A donation under this Policy does not reduce any obligation to make development contributions required pursuant to a condition of development consent imposed under s 7.11 and s 7.12 of the Act or a planning agreement within the meaning of s 7.4 of the Act. Donations made under this Policy are not be taken into consideration in determining any contribution under s 7.11 and s 7.12 of the Act, or in determining whether to grant development consent to any development application, or to progress any proposal to amend any planning instruments.

4.2 Donation Assessment and Approval

- 4.2.1. All inbound donation offers will be assessed by an internal panel, appointed by the General Manager, in accordance with this Policy to determine whether they accord with the Inbound Donations Principles detailed in section 4.1, and related requirements and obligations.
- 4.2.2. Notwithstanding clause 4.2.1, Council is not obliged to accept a donation from any organisation/individual. Decisions to accept or reject offers of inbound donations will be subject to appropriate transparency.
- 4.2.3. In conjunction with the assessment process, proposed donation arrangements will be risk assessed for the possibility of a real or perceived conflict of interest. Council has the discretion to decline offers of donation where the donor's involvement (including parent companies or subsidiaries) could compromise, or be seen to compromise, Council's role and public image.
- 4.2.4. The General Manager or authorised delegate will make all final decisions relating to inbound donations, other than where this Policy or the *Local Government Act 1993* specifies that the decision should be made by Council.
- 4.2.5. When deciding whether to accept an incoming donation of over \$20,000, the determination will take place at an ordinary meeting of Council. Council's business papers will publicly disclose the decision of Council in relation to the proposed donation.

- 4.2.6. Any approved incoming donation arrangement entered into, excluding bequests, must be formalised with a written agreement. This agreement should be the entire arrangement between the parties, and no privileges for either party shall exist outside the agreement, unless approved by both parties. In relation to bequests, Council will advise the executor, in writing, whether the bequest is accepted.
- 4.2.7. All inbound donations will be receipted to the organisation/individual making the donation.
- 4.2.8. Any approved incoming donations will be recorded in an online register published on Council's website.

5. Review of Policy

- 5.1. This policy will be reviewed every three years or as required in the event of legislative changes or requirements.

6. Definitions

Term	Definition
<i>Conflict of interest</i>	Has the meaning in Council's Code of Conduct
<i>Council</i>	Waverley Council
<i>Donation</i>	The provision of financial, in-kind or material contribution to an individual or organisation, with no expectation of any activity or benefit in return. It assumes a philanthropic motivation, and is voluntarily and freely given. Political donations will not be accepted by Council
<i>Gift</i>	An item of value, for example a gift voucher, entertainment, hospitality, travel, commodity, property etc., which one person or organisation presents to another
<i>Inbound donation</i>	A donation (including an unconditional gift or bequest) from an individual or organisation to Council (Note: Only an individual can make a bequest)