



Biodiversity
Conservation
Trust

Biodiversity Conservation Trust Public Fund

Policy on acceptance, management and use of gifts

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1. Purpose

The purpose of this policy is to govern the acceptance of gifts of money or property made to the Biodiversity Conservation Trust (BCT) Public Fund.

This policy provides guidance to prospective donors and their professional advisors in considering making gifts to the BCT Public Fund. Donors may be individuals, foundations, associations, businesses, corporations or any other legal entity.

An internal Gift Acceptance Procedure provides a framework for implementation of this Policy.

2. Governing law

The BCT Public Fund is established and governed under sections 10.18 and 10.19 in Division 3 of Part 10 of the *Biodiversity Conservation Act 2016* (the Act) and listed on the Register of Environmental Organisations in line with the requirements under the Income Tax Assessment Act 1997 (Cth) (ITAA 1997) (subdiv 30-E).

The BCT Public Fund is not for profit. Money and property held in the BCT Public Fund may be used only for the BCT's principal purpose as defined in section 10.4 of the Act.

As required by the Act, the BCT has appointed a BCT Public Fund Management Committee to manage the fund.

3. Principles

In accepting and managing donations and gifts to its public fund, the BCT seeks to:

- be transparent and ethical in its acceptance and management of donations and gifts
- comply with all relevant legislation governing fundraising
- have a strategic, consistent and coordinated approach for seeking, assessing and accepting donations
- only accept gifts or donations that support the BCT's principal purpose, to protect and enhance biodiversity
- only accept unconditional gifts of cash or personal and real property, with a focus on mid to high-value donations
- use the existing infrastructure and programs of the BCT to leverage additional benefits from donations received
- collaborate with other government and non-government organisations that share our purpose to conserve biodiversity
- protect the confidentiality of donors consistent with their wishes and to the extent provided by the law.

4. Application

This policy applies to any party intending to make a gift of money or property to the BCT Public Fund where there is an intention to give and transfer all right, title and interest in the money or property to

the BCT.

This policy also applies to any BCT staff, members of the BCT Board, members of BCT Board committees and members of the BCT Public Fund Management Committee in circumstances where they may intend to make a gift of money or property to the BCT Public Fund.

This policy does not apply to potential gifts of property to the BCT (as distinct from the BCT Public Fund) as contemplated under sections 10.8 and 10.9 of the *Biodiversity Conservation Act 2016*.

5. Policies

5.1 Gift Acceptance

The BCT Public Fund Management Committee (PFMC) is responsible for the review, acceptance, or refusal of gifts to the BCT Public Fund.

The PFMC:

- Will only accept unconditional gifts of money or property.
- Will only accept gifts if that gift can be used by the BCT for its principal purpose as defined in the *Biodiversity Conservation Act 2016*.
- May accept a gift of real property if it can be managed via the BCT's revolving fund mechanism to yield a high value conservation agreement consistent with the BCT's programs and principal purpose.
- May accept a gift of real or personal property even if that property itself cannot be used by the BCT for its principal purpose, on the basis that the BCT can liquidate that property, deposit the proceeds into the BCT Public Fund, and use the proceeds for its principal purpose.
- May decline to accept or decide to return a gift of real or personal property if it cannot be used by the BCT for its principal purpose.
- May decline to accept a gift of real property if it is encumbered in any manner that prevents it being used by the BCT for its principal purpose. The PFMC may seek evidence or make inquiries with the owner of the property or with appropriate regulators to satisfy itself that a proposed gift of property is unencumbered. For example, the PFMC may decline a proposed gift of property if that property was a contaminated site.
- May decline a gift of money or property valued at less than \$10,000.
- May decline a gift of money or property from a prospective donor if the PFMC believes that accepting any such gift may compromise the BCT's operations, integrity, or reputation, or constitute a perceived, potential or actual conflict of interest.
- Will not accept donations from people or organisations that are, or are likely to be, subject to regulation or inspection by the BCT or Department of Planning and Environment without adequate alternate and reasonable strategies in place to ensure that the BCT can carry out its regulatory function.
- Will not accept donations where staff have a reasonable belief that the donor is in vulnerable circumstances or lacks capacity to make a decision to donate.

5.2 Conditional gifts

Pursuant to section 10.8(4) of the *Biodiversity Conservation Act 2016*, the BCT must not agree to any condition of a gift of money or property that is made to or to be held in the BCT Public Fund.

If conditional gifts are proposed, donors will be asked to either consider an unconditional donation to the BCT Public Fund or a conditional gift to the BCT, subject to acceptance by the BCT in accordance with section 10.8(1) of the *Biodiversity Conservation Act 2016*.

5.3 Management of gifts

Unconditional gifts of money must be paid into the bank account of the BCT Public Fund.

Unconditional gifts of personal or real property accepted by the PFMC must be legally transferred to the BCT.

The BCT will issue a receipt for all gifts of money or property on behalf of the BCT Public Fund.

All gifts will be formally acknowledged and donors advised on the impact of their giving.

The PFMC may make recommendations to the BCT Board on the potential use of gifts of money or property made into the BCT Public Fund. Gifts to the Public Fund will not be used for BCT personnel and associated administrative costs.

5.4 Privacy

The BCT is committed to protecting and maintaining the privacy, accuracy and security of all donor information including the financial level of their support. The BCT will maintain confidentiality of donor-related information in accordance with all applicable privacy laws including the *Privacy and Personal Information Protection Act 1998* (NSW).

5.5 Legal and tax counsel

The BCT Public Fund is endorsed by the Australian Tax Office as a Deductible Gift Recipient and is entitled to receive income tax deductible gifts and tax-deductible contributions.

The BCT does not provide legal or financial advice to people or organisations considering making a gift. Donors are advised to seek their own independent advice about these matters.

5.6 Compliance

The BCT will ensure compliance with relevant state and Commonwealth legislation with regard to fundraising, including the submission of required reports to the Register of Environmental Organisations (REO) and the keeping of financial records.

6. Types of gifts

Gifts may be in the form of:

- Electronic cash and cash equivalents (e.g. cheque, electronic fund transfer, debit/credit card contribution).
- Trading shares and bonds .
- Biodiversity credits.
- Real estate, which may include improved or unimproved land, personal residences, commercial property, rental property, or rural land.
- Personal property, which may include gifts such as works of art, furniture or any other item that is determined as being of value.
- Pledges, which are commitments to give a specific dollar amount according to a fixed time schedule. All pledges or changes to a pledge must be made in writing or via the appropriate online form.
- Bequests, including a residuary, pecuniary or specific legacy, which involve the donor's transfer of money or property to the BCT Public Fund at the donor's death through either the donor's will or trust.
- Endowments, where a principal sum of money is managed in a way that seeks to preserve or grow its value in perpetuity.

7. Reporting

The BCT will adopt transparent and ethical processes for the acceptance, management and reporting of gifts. The BCT will report on the performance of the BCTPF through the BCT annual report.

The BCT will include information about Public Fund activities and outcomes on its website.

8. Related Documents and Information

Related documents, policies and legislation:

[The Fundraising Institute of Australia's \(FIA\) Code of Conduct](#)

Australian Charities and Not-for-profits Commission Guidance: [Fundraising: Charities And People In Vulnerable Circumstances](#)

NSW Independent Commission Against Corruption (ICAC) (2006), [Sponsorship in the Public Sector: A guide to developing policies and procedures for both receiving and granting sponsorship.](#)

NSW Biodiversity Conservation Trust [Customer Service Charter](#)

9. Review

This policy will be reviewed no later than two (2) years from the date of Board approval.

Policy Revisions	Date approved by BCT Board
BCT Public Fund Gift Policy, Version 1.3	30 November 2021
BCT Public Fund Gift Policy, Version 1.4	6 June 2023