

**MAA INTERNATIONAL**



**ACCEPTANCE OF DONATION POLICY**

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# 1 INTRODUCTION

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The Board of MAA International (MAA) is committed to ensuring that fundraising and marketing activities are carried out in an ethical manner.

This policy is to assist the Board of MAA to make clear and consistent decisions regarding the acceptance or refusal of donations. MAA will have a clear position on what donations it will and will not accept. The Board ensures that MAA is able to maintain its independence from donor influences. It protects the interests and reputation of MAA and minimises the risk of any adverse publicity that may result from the acceptance of a particular type of donation.

## 1.1 PURPOSE

The purpose of this document is to outline the conditions that must be satisfied in order to accept or reject a donation. MAA may accept a donation for a specific activity conducted by it provided that the activity is directly related to its objects; and is practically achievable by MAA.

## 1.2 POLICY SCOPE

This Policy applies to all MAA Board, MAA Staff and Partner Staff.

This Policy also applies to members of the public who undertake do-it-yourself fundraising on behalf of MAA.

## 1.3 ROLES AND RESPONSIBILITIES

The Board approves this policy.

The CEO and the Executive team are responsible for taking steps and actions to facilitate the Board approval.

MAA Compliance Team is responsible for the implementation and review of this policy.

All Board members, permanent, contract, casual staff and volunteers are responsible for adhering to this policy.

## 1.4 HOW TO USE THIS POLICY

This document explains the purpose and scope of this policy. In addition, significant roles and responsibilities for all MAA personnel and definitions have been described in this section.

## 2 DEFINITIONS AND TERMS

Term	Definition
<b>Beneficiary</b>	Any person or entity which receives a benefit from MAA in pursuance of the MAA's objects.
<b>Bequest</b>	Means a gift of any asset or right given in a Donor's will and includes a legacy.
<b>CEO</b>	Means the CEO of MAA International
<b>Code Authority</b>	Means a committee established by the MAA Board pursuant to the MAA constitution for the purposes of deciding on matters related to the Code.
<b>Code</b>	Means the document that commits MAA to high standards of ethical conduct.
<b>Children</b>	Means people under the age of 18.
<b>Complaint</b>	Means a notice in writing sent by any person to MAA, by way of a completed complaint form, concerning an alleged breach by a member of MAA stakeholders of any part of the Code.
<b>Donation</b>	A voluntary contribution by a Donor of money, property, goods or services to MAA for the purpose of furthering MAA's objects. It does not include a sponsorship or community business partnership.
<b>Donor</b>	An individual or other entity that makes a contribution of value to MAA to further MAA's objects. A Donor includes prospective Donors and an individual or entity that has previously made a Donation. A Donor does not include an individual or entity that engages with MAA for the purposes of trade.
<b>Fundraiser</b>	A person, Corporation or Organisation, who carries out activities, whether for remuneration or as a volunteer, for the purpose of raising Donations for the Objects of MAA.
<b>Fundraising Activity</b>	An activity carried out by a person, Corporation or Organisation, whether for remuneration or as a Volunteer, for the purpose of raising funds for the Object of MAA.
<b>Member</b>	Means and includes both MAA individual and organisational stakeholders
<b>Professional Misconduct</b>	Any conduct by an MAA staff member that is a violation of the Principles and Standards of Fundraising Practice that has serious adverse consequences to a Complainant or was committed intentionally by the MAA or both.
<b>Promotional Material</b>	Any material in connection with a Donation, Fundraising Activity or an Organisation whether in printed, electronic or verbal form made available by MAA or Organisation to any person.
<b>Sponsor</b>	A third party who sponsors a Fundraising Activity for an agreed outcome.
<b>Supplier</b>	Means a third party supplying goods or services to MAA for payment.
<b>Supply Chain</b>	Means the system of organisations, people, activities, information, and resources involved in delivering a product or service from supplier to client.

<b>Unsatisfactory Conduct</b>	Any conduct by an MAA staff member that is neglectful of the Principles and Standards of Fundraising Practice or that has minor adverse consequences to a Complainant or both.
<b>Volunteer</b>	A person who performs a service for MAA without requiring compensation for performing the service.
<b>MAA Activity</b>	Any proposed or existing programme or project to which MAA contributes funds.
<b>MAA Partner</b>	Any implementing partner organisation engaged by MAA in delivering an MAA Activity.
<b>MAA Staff</b>	All employees, volunteers, contractors, consultants, officers and directors of MAA.
<b>Partner Staff</b>	All employees, volunteers, contractors, consultants, officers and directors of an MAA Partner.
<b>Publication</b>	Anything made public by print, computer modem or program, internet, poster, brochure or pamphlet.

## 3 POLICY & PROCEDURES

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### 3.1 GUIDING PRINCIPLES

MAA adopts the Fundraising Institute Australia (FIA)'s Code of Ethics and Professional Conduct. FIA is the national peak body representing professional fundraising in Australia. We ensure our fundraising programs are consistent with the FIA Code of Ethics and Professional Conduct.

MAA also adopts the FIA Code of conduct of fundraising 2018.

### 3.2 OUR COMMITMENT

MAA is committed to the ACFID Fundraising Charter which is promoted to the public and external stakeholders.

MAA is also committed to the training provided for key personnel on the ACFID Fundraising Charter.

## 4 CODE OF ETHICS AND PROFESSIONAL CONDUCT

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### 4.1 PROFESSIONAL CONDUCT

1. MAA must not engage in activities that may harm an Organisation, a Donor, a Beneficiary or member of the public.
2. MAA must not engage in activities that bring the profession of fundraising into disrepute. If MAA becomes aware of any such activity by any member of stakeholders, they should make a complaint in writing to MAA's Chief Executive Officer so that it can be dealt with under the MAA Complaints Process.
3. MAA must recognise their individual boundaries of competence and be truthful about their professional experience and qualifications.
4. MAA must not engage in any activities which conflict with their fiduciary, ethical and legal obligations to the Organisations they represent.

### 4.2 DIGNITY AND PRIVACY OF BENEFICIARIES

1. MAA must not threaten the dignity and privacy of a Beneficiary of an Organisation. For the purposes of this section a threat to the dignity and privacy of a Beneficiary includes, but is not limited to:
  - a. MAA passing a comment unnecessarily or negatively on the impairment, dependency or disability of a Beneficiary;
  - b. MAA using language which suggests that the client is to be pitied or feared;
  - c. MAA using children on Promotional Materials to raise funds for adult services, giving the impression that the clients are childlike;
  - d. MAA stating or implying a falsehood regarding a Beneficiary; and
  - e. MAA depicting a Beneficiary's image or identity in Promotional Materials without that Beneficiary's written permission.
2. Despite section 4.2.1, MAA may use a term in relation to a Beneficiary where that term:
  - a. Is technically correct;
  - b. Is used only for the purposes of describing an impairment or disability that affects a Beneficiary; and
  - c. Does not identify a particular Beneficiary without their express and written permission.

### 4.3 CONFIDENTIAL INFORMATION

1. MAA must not disclose to any member of the public an Organisation's:
  - a. Financial information (other than that disclosed in an Organisation's annual reports);
  - b. Security access codes or passwords into electronic data processing systems; and

- c. List of Beneficiaries;  
without the prior written permission of the Organisation.
2. Despite anything else in this Principle, where a Donor has expressly denied permission to an Organisation to do so, MAA must not disclose the identity of that Donor to any member of the public.
3. MAA must surrender any list, record or document belonging to an Organisation other than material freely available to the public, when the relationship between MAA and the Organisation comes to an end.

#### **4.4 ORGANISATION IDENTIFICATION**

1. Wherever identification of an Organisation is required by this Principle MAA must provide that Organisation's:
  - a. Full name;
  - b. Corporate registration number (for example ABN);
  - c. Full business address; and
  - d. Logo (if any).

#### **4.5 PROMOTIONAL MATERIALS**

1. MAA must ensure that any Promotional Material used:
  - a. Is factually accurate, truthful and not likely to deceive or mislead any person;
  - b. Identifies the Organisation and its contact details for which the Promotional Material will be distributed;
  - c. Identifies the objective of the Organisation;
  - d. Complies with the relevant provisions of Competition and Consumer Act 2010 (Cth) and State or Territory equivalent legislation, (in particular those sections relating to misleading and deceptive conduct and false and misleading representations);
  - e. Complies with the relevant Commonwealth, State or Territory legislation; and
  - f. Is approved by the Organisation.
2. Where MAA discloses a cost of fundraising in Promotional Materials, that cost must be factually accurate.
3. Promotional Materials must not include images which are derogatory of a person, group of people or any Organisation, discriminatory, pornographic or unduly violent.
4. Promotional Materials should not be sent knowingly to children under the age of 18.



## 4.6 COMPLIANCE AND MANAGEMENT OF COMPLAINTS

1. MAA must not engage in an activity during their fundraising work that reasonably appears to MAA to be a criminal offence or would constitute Professional Misconduct under this Principle.
2. MAA must not engage in an activity during Fundraising that does not comply with fundraising legislation in their State or Territory or appears to be a criminal offence.
3. MAA must comply with anti-discrimination legislation regarding decisions based on race, sex, marital status, disability or religious belief.
4. Complaints concerning the Principles and Standards of Fundraising Practice or the conduct of MAA will be determined by the MAA CEO in accordance with the MAA Complaints Handling Process.

## 5 CODE OF CONDUCT FOR FUNDRAISING

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### 5.1 COMPLIANCE

1. MAA complies with the ACFID Code of Conduct set out on MAA's website for the public fundraising.
2. MAA will comply with all Federal, State and Municipal laws and regulations applicable to Fundraising.

### 5.2 ETHICAL CONDUCT

1. Donations will only be accepted from companies, organisations and individuals the Board considers ethical. Companies and organisations specifically excluded from making donations to MAA include proscribed /gambling/tobacco/alcohol/ prostitution entities, companies and/or organisations, and all other organisations involved in any illegal activity.
2. MAA will not engage in activities that bring Fundraising into disrepute.
3. MAA will act openly, honestly and with regard to their responsibility for public trust.
4. MAA will act with respect for professional Fundraising, Donors and Beneficiaries.
5. MAA will not exploit relationships with Donors.
6. MAA will conduct themselves in a manner that encourages others to aspire to the same high standards, valuing privacy, confidentiality, trust and integrity.
7. MAA will be open about the work it does, including how funds are raised, managed and disbursed.

### 5.3 CONDUCT TOWARDS DONORS

1. MAA will, if asked:
  - a. Provide information about how the Donor's contact details were obtained; and
  - b. Provide information about how to make a complaint or the name and contact details of the person who is responsible for handling complaints.
2. MAA will make readily available, on request, information ~~about the Cause for which~~ they are Fundraising, including:
  - a. Its objects and how it intends to use the Donated funds;
  - b. Its capacity to use Donations effectively for their intended purposes;
  - c. Its most recent annual report and/or financial statements.
3. MAA will ensure that appropriate security measures are in place to protect Donor information at all times.
4. MAA will have a clear policy on acceptance or refusal of Donations.
5. MAA will not accept a Donation where:
  - a. They have a reasonable belief that the Donor is in vulnerable circumstances or lacks capacity to make a decision to Donate.
6. MAA may choose not to accept a Donation where:

- a. There is reason to believe that accepting the donation may give rise to litigation.
  - b. We have a reasonable belief that the Donor is in vulnerable circumstances or cannot make a decision to Donate.
  - c. Accepting the gift may constitute an offence under Australian law or could be considered unlawful in any respect
  - d. The activities of the supporter are incompatible with MAA's vision, purpose, and values
  - e. Accepting the gift would be contrary to our Constitution
  - f. The supporter's request for treatment of the gift is contrary to the taxation status of MAA regarding the receipt of the gift
  - g. The cost of accepting the gift would be greater than the value of the gift
  - h. Accepting the gift would result in a net decline in the asset base of MAA International
  - i. It requires MAA to first or additionally commit to significant spending of its own funds or resources
  - j. Accepting the gift poses a material risk to the reputation of MAA
  - k. There is a current exclusive partnership agreement with a comparable partner, and acceptance of a gift would breach this agreement.
7. MAA will:
- a. Not subject Donors to undue influence, harassment, intimidation or coercion;
  - b. Maintain an appropriate professional relationship with the Donor in connection with any Donation or Bequest;
  - c. Not prevent or discourage a Donor from seeking independent legal advice in relation to a Donation;
  - d. Not prevent or discourage a Donor from having a family member or other trusted advisor present when considering a Donation; and
  - e. Not, after obtaining a Donation, change the conditions of the Donation without first communicating with the Donor any changes and gaining their consent for the change.
8. MAA will ensure their promotional materials:
- a. Are not false, misleading or likely to deceive;
  - b. Do not claim or imply that professional fundraising activities are carried out at no cost;
  - c. Are not knowingly sent to a Child without the consent of the Child's parent or guardian;
  - d. Do not contain depictions that are demeaning, discriminatory, pornographic or unduly violent towards a person or group.
  - e. Do not disparage others; and
  - f. Do not infringe on the intellectual property rights of others.
9. MAA will ensure a Donor has given consent prior to any public recognition of their Donation.

## 5.4 CONDUCT TOWARDS BENEFICIARIES

1. MAA will not engage in conduct that threatens the dignity of, or disparages a Beneficiary. Such conduct may include, but is not limited to:
  - a. Commenting unnecessarily or negatively on the impairment, dependency or disability of a Beneficiary;
  - b. Using language which suggests that the Beneficiary is to be pitied or feared;
  - c. Using Children in promotional materials to raise funds for adult causes, giving the impression that the Beneficiaries are childlike
  - d. Stating or implying a falsehood regarding a Beneficiary; or
  - e. Using a Beneficiary's image, name or other personal information without their permission.
2. Conduct in Supplier relationships
  - a. MAA will have written contracts with all relevant parties in their Supply Chain that specify the responsibilities of all parties and meet the requirements of applicable laws and regulations.
  - b. MAA will ensure that all relevant parties in their Supply Chain are aware of the MAA's obligations under the Code and do not act in ways that could result in MAA being in breach of the Code.
  - c. MAA will ensure that Supplier costs incurred in fundraising are proportionate to the funds raised and represent fair market value for services provided.
3. Administration and enforcement
  - a. Compliance with the Code will be monitored and enforced by the Code Authority.
  - b. Alleged breaches of the Code will be referred to the Code Authority.

## 6 REVISION HISTORY

Date of this release: 31 August 2023	Date of next revision: 31 August 2024
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Revision Number	Revision Date	Summary of Changes	Changes Marked?
1.0	22 August 2023	Policy Written	N
1.1	29 August 2023	Policy expanded	Y
2.0	31 August 2023	Internal Auditor	Y
2.1	31 August 2023	Compliance Officer actioning of IA requests	
2.2	26 February 2024	No changes	N/A

## 7 APPENDIX A

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### 7.1 ACCEPTANCE OR REFUSAL OF DONATIONS

#### PRACTICE NOTE

This Practice Note is intended to assist MAA's Board and its staff in deciding whether to accept or refuse a donation. It is advisory only and is not part of the MAA Code. For clarity, failure to follow this Practice Note will not be considered a breach of the Code or contributing to a breach of the Code.

#### Establishing a policy on the acceptance or refusal of a Donation

1. MAA should have a written policy for the acceptance or refusal of Donations.
2. In developing such a Donations policy, MAA should consider:
  - a. Compliance of the policy with any legislation;
  - b. Directors' legal obligations.
3. The policy should provide a clear delegation to people who are authorised to accept or refuse a Donation. The delegation of authority should state:
  - a. The position of the person to whom authority is delegated; and
  - b. The extent of the delegation (for example, whether the delegation applies to large and small Donations or different classes of Donations).

#### Matters to be considered before accepting or refusing a Donation

1. Staff should ascertain:
  - a. The extent of their authority to accept or refuse a Donation; and
  - b. The process for referral where their authority is exceeded.
2. Staff should not allow personal interests to affect their decision to accept or refuse a Donation.

Staff must derive no personal material benefit from a Donation to a Cause for which they are working.