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**Policy Approver:** Council

**Policy Steward:** General Counsel And Executive Director, Legal And Risk

## Gift Policy (MPF1348)

## Gift Policy (MPF1348)

### 1. Objective

1.1. The objectives of this policy are to ensure:

- a) the solicitation of gifts to, and administration of gifts held by the University:
  - i. complies with the University's legal obligations while observing the interests of donors;
  - ii. is financially responsible;
  - iii. benefits the University's objects in a manner which:
    - maintains the good will and confidence of donors;
    - respects donors' wishes; and
    - informs donors of the impacts of their gifts;
- b) the allocation of responsibility and accountability in relation to gifts;
- c) the co-operation and communication between relevant business units of the University in relation to gifts; and
- d) the facilitation of decision-making in relation to gifts.

### 2. Scope

2.1. This policy applies to:

- a) the University's philanthropic fundraising activities;
- b) all gifts accepted by the University;
- c) charitable trusts of which the University is the trustee;
- d) gifts distributed to the University from external trusts; and
- e) the administration by the University of (a)-(d) above.

2.2. This policy does not apply to:

- a) gifts given to individual University staff within the scope of the Appropriate Workplace Behaviour Policy ([MPF1328](#));
- b) sponsorships, except the thresholds in Schedule 3 ;
- c) non-philanthropic grants;
- d) University funded scholarships and prizes; or

e) any other property received by the University not described in Section 2.1

### 3. Authority

3.1. This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) (the Act) and the [Council Regulation](#) and supports compliance with the:

- a) *Australian Charities and Not-for-profits Commission Act 2012* (Cth);
- b) *Income Tax Assessment Act 1997* (Cth);
- c) *Charities Act 2013* (Cth)
- d) *Charities Act 1978* (Vic);
- e) *Fundraising Act 1998* (Vic)
- f) *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- g) *Privacy and Data Protection Act 2014* (Vic);
- h) *Trustee Act 1958* (Vic); and
- i) University legislation and policy.

### 4. Policy

4.1. The University must ensure gifts are:

- a) lawfully, responsibly and ethically sourced;
- b) used to support the University's strategy, reputation and objects;
- c) appropriately acknowledged, receipted and recorded; and
- d) to the best of the University's endeavours, used to fulfil donors' wishes.

4.2. University staff involved in gift administration must:

- a) apply gifts lawfully and in accordance with the relevant gift governance record;
- b) act in good faith;
- c) exercise reasonable care in the administration of gifts;
- d) not benefit personally from administering the gift;
- e) take all reasonable steps to avoid a position of or appearance of a position of compromise or actual, potential or perceived conflicts of interest, as defined in the Managing Conflicts of Interest Policy ([MPF1366](#)), and promptly disclose and manage any conflicts of interest that arise in accordance with that policy;
- f) keep proper accounts and records in accordance with applicable laws and University policies; and
- g) carry out all other duties as required by law.

4.3. In their dealings with donors, University staff must abide by:

- a) the Donations Framework in [Schedule 1](#); and
- b) the Donor Charter in [Schedule 2](#).

4.4. University staff without fundraising responsibilities as part of their roles, must notify the Head of University Advancement (or nominee):

- a) of any approaches or discussions about potential gifts to the University before any gift is accepted; and
- b) any concerns regarding a gift or potential gift.

4.5. A head of a benefitting area who plans to appoint staff with fundraising responsibilities as part of their roles must notify the Head of University Advancement (or nominee):

- a) of the nature and duration of the appointment(s);
- b) confirm that these staff have been provided with support to ensure compliance with this Policy; and
- c) commit to ensuring these staff work in a coordinated and collaborative manner with other University staff undertaking fundraising activities across the University.

4.6. The University may for gifts not held on trust deduct an administration fee equivalent to that specified in section 42 of the Act.

4.7. The University as trustee has certain legal obligations. Strict adherence to this policy will assist in ensuring these obligations are met.

## 5. Procedural principles

### Fundraising conduct and donor relations

5.1. University staff, volunteers and external contractors who interact with donors and / or undertake fundraising activities must:

- a) act with fairness and integrity and within the laws of the jurisdiction in which the activity takes place and within the relevant laws of Australia;
- b) disclose to the Head of University Advancement (or nominee) and manage any potential, perceived or actual conflicts of interest under the Managing Conflicts of Interest Policy ( [MPF1366](#) ) of which they become aware;
- c) only use gift documentation in the form approved by the General Counsel;
- d) only use appeal documentation and content approved by the General Counsel;
- e) only conduct appeals with approval of the Head of University Advancement (or nominee);
- f) not receive any commission or finder's fee for fundraising activities;
- g) abide by the University's Privacy Policy ( [MPF1104](#) ); and
- h) abide by the Donor Charter in [Schedule 2](#) .

5.2. The Head of University Advancement (or nominee) must ensure that:

- a) the University obtains sufficient information about each donor for the purpose of gift acceptance;
- b) donor personal information is only shared by the University with third-parties where express consent to do so has been obtained from the donor;
- c) where appropriate, donors are informed of relevant University policies that may affect the administration of their gift, and that these policies may change over time; and
- d) appropriate annual reports related to significant gifts are provided to donors as determined by the Head of University Advancement (or nominee) or as otherwise stated in the relevant document recording the gift.

5.3. The General Counsel must approve and publish on the University public website the preferred wording for donors to use when making gifts in wills (bequests).

### Gift acceptance

5.4. A gift to the University that meets or exceeds the threshold levels set out in [Schedule 3](#) is a significant gift for the purpose of this policy.

5.5. Council may, on the recommendation of the Head of University Advancement, set and amend the significant gift threshold levels in [Schedule 3](#) .

5.6. The Head of University Advancement must, at least every two years, review threshold levels for significant gifts set under this policy and recommend any changes to Council.

5.7. Where the University receives a significant gift, the University may:

- a) subject to the University Naming and Memorial Policy ([MPF1201](#)), recognise the donor's support by naming or memorialising the endeavour funded by the gift in honour of the donor (or such other name or memorial as the donor may reasonably request);
- b) place the gift in a separate account in the University's General Ledger; and
- c) provide the donor with specific individualised reporting about the gift.

5.8. The Head of University Advancement (or nominee) may accept gifts that are consistent with the objects of the University provided:

- a) the gift document used is authorised by the General Counsel;
- b) the identity of the donor is known, or able to be known, by the Head of University Advancement (or nominee);
- c) the gift is adequate to achieve its intended purpose, or the University has expressly agreed to meet any additional costs. Additional funding provided by the University must be supported by the relevant head of Faculty or other benefitting area and approved in accordance with the [Delegations Framework](#) and the [Transferring University Funds to Gifts Guidelines](#) ;
- d) any wishes or trust terms attached to the gift are feasible and reasonable for administration by the University; and
- e) the gift meets or exceeds the threshold levels set under Section 5.5 unless a lower amount is approved by the Head of University Advancement (or nominee); or
- f) where the gift is below the gift threshold levels, the gift is for an existing broad purpose or another existing gift purpose, where permitted by its gift governance record.

5.9. The Head of University Advancement (or nominee) must refuse to accept gifts if acceptance would:

- a) contravene state and/or federal laws in Australia, including, but not limited to, law regarding equal opportunity and discrimination;
- b) be inconsistent with the objects of the University;
- c) create unacceptable conflicts of interest;
- d) expose the University to reputational risk;
- e) compromise the academic quality, integrity and /or autonomy of the University;
- f) cause any damage, including financial damage, deterring other donors to the University; or
- g) conflict with University strategy, legislation and policies, including, but not limited to, the Academic Freedom of Expression Policy ([MPF1224](#)) or Freedom of Speech Policy ([MPF1342](#)).

5.10. Undesignated gifts, not subject to specific trust terms, may be used to advance the University's objects as determined by the Vice-Chancellor on recommendation of the Head of University Advancement (or nominee).

5.11. The Head of University Advancement (or nominee), or the Vice-Chancellor, may refer a proposed gift that creates a potential, perceived or an actual conflict under the Managing Conflicts of Interest Policy ([MPF1366](#)) with this policy, or other University policies, to the Gift Committee.

5.12. The Head of University Advancement (or nominee) must ensure that:

- a) gifts accepted by the University are appropriately receipted and acknowledged; and
- b) subject to Sections 5.1. – 5.3., any donor's wishes or trust terms are clearly documented in writing in:

- i. a will;
- ii. a gift letter;
- iii. a gift agreement;
- iv. a trust deed; or
- v. other appropriate documentation.

5.13. All philanthropic grants involving defined research projects (either in part or in full) must adhere to the University's approved process for competitive grant applications in accordance with the [Delegations Framework](#) and policies relating to research funding, costing and pricing.

## **Use of University funds**

5.14. All transfers of University funds to establish a gift or contribute to a gift (whether or not a trust) to be managed through Company 12 in the Themis General Ledger must be approved by the Chief Financial Officer.

5.15. The Chief Financial Officer must assess all requests in accordance with the [Transferring University Funds to Gifts Guidelines](#) as approved by the Chief Operating Officer on recommendation of the Chief Financial Officer.

## **Decision to establish a trust**

5.16. Due to the costs and potential complexity involved in the administration of trusts, the Head of University Advancement may only approve the University declaring a trust over gifts of at least AUD\$5 million, subject to the terms of gifts in wills (bequests).

5.17. The Head of University Advancement may approve the University declaring a trust over gifts of less than AUD\$5 million upon consideration of:

- a) the donor's relationship and giving history;
- b) the gift objective(s); and/or
- c) the strategic and business objectives of the University, and where the Head of University Advancement has consulted with:
- d) the General Counsel (or nominee); and
- e) the head or a deputy head of the relevant Faculty or other benefitting area that is proposed to benefit from the gift.

## **Variation from donor wishes and trust terms**

5.18. In respect of gifts not held on trust, the General Counsel (or nominee) may approve a proposal to apply gift property in a manner which varies from the donor wishes provided that the proposal:

- a) includes the background and rationale for the variation;
- b) contains a report of consultation with the donor (or donor's representative) regarding the variation which confirms that the donor supports the variation; and
- c) is supported by the head or deputy head of the Faculty or other benefitting area responsible for administering the gift.

5.19. The General Counsel (or nominee) must report any variations approved under Section 5.18 to Council at its next meeting.

5.20. The General Counsel (or nominee) will refer a proposal referred to in Section 5.18 to Council for decision if:

- a) any of the requirements set out in Sections 5.18(a)-(c) cannot be satisfied; or
- b) other circumstances arise in which the General Counsel (or nominee) decides referral to Council is required.

5.21. For the avoidance of doubt, except as provided in Sections 5.18 and 5.20 no other individual or body may approve variations to any donor wishes in respect of gifts not held on trust.

5.22. Trust terms may only be amended where permitted by the terms of the trust or as provided for in relevant legislation and law. Proposed amendments to trust terms must be referred to, and developed in consultation with, the General Counsel (or nominee).

5.23. The General Counsel (or nominee) must ensure that any variations or amendments in accordance with Sections 5.18, 5.20 and 5.22 are recorded in the relevant gift governance record.

## **Council decisions in relation to trusts**

5.24. In accordance with the Council Regulation, where the terms of a trust require Council to make a decision relating to the expenditure of, or transfer from trust capital, the decision must be made by Council and recorded in writing.

5.25. Subject to any statute, regulation or University trust record, a head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee:

a) where the terms of a trust require Council to make an award or approve the expenditure of income, may act on behalf of Council to make awards or spend income from trusts administered by their unit or department; and

b) where the terms of a trust require Council to approve the expenditure of or transfer from capital, may submit a recommendation to Council for approval, and if approved spend or make a transfer from trust capital.

## **Gift administration**

5.26. The General Counsel must establish processes for, coordinate, and advise on:

- a) the administration of gifts;
- b) monitoring and reporting on gifts; and
- c) creating and administering charitable trusts.

5.27. University staff must follow the processes established under section 5.26.

5.28. Student award proposals must be approved in accordance with the Establishment and Award of Student Awards Policy ([MPF1062](#)). The selection procedures and eligibility criteria detailed in the proposal must be within the terms of the trust, or accord with the express wishes of the donor, as appropriate.

## **Gift documentation, records and monitoring**

5.29. The Head of University Advancement (or nominee) must ensure that:

- a) an appropriate Faculty or other benefitting area is assigned to administer each gift account; and
- b) Legal & Risk approve establishment of, and Business Services set up, each new gift account.

5.30. The head or deputy-head of the Faculty or other benefitting area assigned in accordance with Section 5.29, must assign a relevant gift administration officer.

5.31. The General Counsel must, in consultation with the relevant gift administrative officer, establish and certify the gift governance record for significant gifts, which will record the background, donor wishes or trust terms (as appropriate), any administrative arrangements and any other relevant information.

5.32. The relevant gift administration officer must monitor gifts in accordance with the processes established under Section 5.26.

5.33. The Head of University Advancement (or nominee), or the Vice-Chancellor, may refer a gift that has already been accepted by the University, where that gift later creates a potential, perceived

or an actual conflict of interest under the Managing Conflicts of Interest Policy ( [MPF1366](#) ) or conflicts with this or other University policies, to the Gift Committee.

## **Gift accounting and investment**

5.34. The Chief Operating Officer must ensure processes are established for the maintenance of the gift including investment, accounting, and financial reporting.

5.35. In accordance with processes established in Section 5.34, the relevant gift administration officer must ensure Business Services set up an appropriate gift account for holding the gift monies.

5.36. For gifts held long term and trusts, the Chief Operating Officer must ensure that the gift monies:

- a) are placed in the Common Fund established in accordance with section 40(1) of the Act; and
- b) are prudently invested.

## **Gift expenditure, transfers and student awards**

5.37. Subject to the [University Delegations Framework](#) , and in accordance with the gift governance record, the relevant gift administration officer, may:

- a) in writing, approve expenditure of gift income;
- b) make student awards;
- c) where a gift governance record requires Council to make an award or approve the expenditure of income, may act on behalf of Council to make awards or spend income from gifts administered by their unit, department or committee;
- d) if expressly permitted by the gift governance record, may spend or make a transfer from a gift held long term; and
- e) where the gift governance record requires Council to approve the expenditure of or transfer from capital, may arrange for the head or deputy head of the Faculty or other benefitting area to submit a recommendation to Council for approval, and if approved spend or make a transfer from a gift held long term.

5.38. A head or deputy head of Faculty or other benefitting area (or nominee) who has difficulty or can foresee difficulty in performing the specifications in the gift governance record must consult the General Counsel (or nominee) for advice.

5.39. A head or deputy head of Faculty or other benefitting area (or nominee) who has accumulated at least two years of unspent income for a particular gift, or where a gift is not on track to be spent down in accordance with the relevant gift governance record must:

- a) submit a spend down plan to the General Counsel (or nominee) for approval; and
- b) provide 6 monthly reports to the General Counsel (or nominee) on progress against the approved spend down plan.

## **Compliance review, certification and reporting**

5.40. The General Counsel must:

- a) ensure an annual gift compliance review is undertaken of all gifts held in Company 12 in the Themis General Ledger; and
- b) in accordance with the Vice-Chancellor Regulation, provide the Vice-Chancellor with a report for Council on the performance of gifts held in Company 12 in the Themis General Ledger.

5.41. The relevant gift administration officer must:

- a) provide any information requested by the General Counsel (or nominee) as part of the compliance review; and
- b) certify the compliance report.

5.42. For gifts distributed from external trusts, the relevant gift administration officer must ensure processes are in place to meet any reporting requirements specified by the trustee.

## Policy amendments

5.43. Before seeking Council's approval, the Head of University Advancement must agree to any proposed amendment to this policy.

## 6. Roles and responsibilities

<b><i>Role/Decision/Action</i></b>	<b><i>Responsibility</i></b>	<b><i>Conditions and limitations</i></b>
Conduct fundraising and donor relations in line with set principles	University Staff	In accordance with Section 5.1
Comply with administration processes	University Staff	In accordance with Section 5.26
Approve the form of all gift and appeal documentation	General Counsel / Executive Director, Legal & Risk	In accordance with Sections 5.1(c) & 5.1 (d)
Publish preferred wording for gifts in wills (bequests)	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.3
Approve application of gift property in a manner that varies from donor wishes for gifts not held on trust	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.18
Report to Council on any approved proposals to apply gift property in a manner that varies from donor wishes for gifts not held on trust	General Counsel / Executive Director, Legal & Risk	<ul style="list-style-type: none"> <li>■ In accordance with Section 5.19</li> <li>■ Reporting via the Gift Committee</li> </ul>
Refer proposals to apply gift property in a manner that varies from donor wishes to Council for decision in certain circumstances	General Counsel / Executive Director, Legal & Risk	<ul style="list-style-type: none"> <li>■ In accordance with Section 5.20</li> <li>■ Council approval is on the recommendation of Gift Committee</li> </ul>



Ensure that any variations or amendments made in accordance with this policy are recorded in the relevant gift governance record	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.23
Establish various processes related to gift administration	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.26
Establish and certify gift governance records	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.31
Approve spend down plans and review reports on approved plans provided by head or deputy head of Faculty or other benefitting area	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.39
Ensure an annual gift compliance review is undertaken  Provide a report to the Vice-Chancellor	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.40
Ensure the Head of University Advancement agrees to any proposed amendments to this policy	General Counsel / Executive Director, Legal & Risk	In accordance with Section 5.43
Ensure sufficient donor information  Ensure donor information is not shared without consent  Ensure donors are informed about relevant policies and their changeability  Ensure significant donors receive reports	Head of University Advancement	In accordance with Section 5.2

Review every 2 years, and recommend changes to, significant gift threshold levels	Head of University Advancement	In accordance with Section 5.6
Accept or refuse gifts	Head of University Advancement	In accordance with Sections 5.8 and 5.9
Recommend to the Vice-Chancellor the use of undesignated gifts for the advancement of University objects	Head of University Advancement	In accordance with Section 5.10
Refer proposed gifts to Gift Committee for a decision	Head of University Advancement	In accordance with Section 5.11
Ensure donor's gifts are receipted, acknowledged and donor's wishes or trust terms documented	Head of University Advancement	In accordance with Section 5.12
Approve the University declaring trusts over gifts of at least AUD \$5M	Head of University Advancement	In accordance with Section 5.16
Approve the University declaring trusts over gifts of less than AUD \$5M upon considerations	Head of University Advancement	In accordance with Section 5.17
Ensure assignment of an appropriate Faculty or other benefitting area to administer each gift account  Ensure Legal & Risk approve establishment of, and Business Services set up, each new gift account	Head of University Advancement	In accordance with Section 5.29

Refer previously accepted gifts to Gift Committee for a decision	Head of University Advancement	In accordance with Section 5.33
Agree to any proposed amendments to this policy	Head of University Advancement	In accordance with Section 5.43
Apply undesignated gifts for the advancement of the University objects	Vice-Chancellor	In accordance with Section 5.10
Refer proposed gifts to Gift Committee for a decision	Vice-Chancellor	In accordance with Section 5.11
Refer previously accepted gifts to Gift Committee for a decision	Vice-Chancellor	In accordance with Section 5.33
Set and amend significant gift threshold levels	Council / Gift Committee	In accordance with Section 5.5
Accept or refuse referred gifts	Council / Gift Committee	In accordance with Section 5.11
Approve proposals to apply gift property in a manner that varies from donor wishes in certain circumstances	Council / Gift Committee	In accordance with Section 5.20
Approve expenditure of, or transfer from, trust capital	Council / Gift Committee	In accordance with Section 5.24
Approve expenditure of, or transfer from the capital of a gift held long term	Council / Gift Committee	In accordance with Section 5.37
Assess and approve transfers of University funds to establish or contribute to gifts managed through Company 12 of the Themis General Ledger	Chief Financial Officer	In accordance with sections 5.14 and 5.15

Recommend guidelines to the Chief Operating Officer for the transfer of University funds to gifts managed through Company 12 in the Themis General Ledger	Chief Financial Officer	In accordance with Section 5.15
Approve guidelines for the transfer of University funds to gifts managed through Company 12 in the Themis General Ledger	Chief Operating Officer	In accordance with Section 5.15
Establish processes for the maintenance of the gift	Chief Operating Officer	In accordance with Section 5.34
Ensure gift monies are placed in the University's long-term investment Common Fund and prudently invested	Chief Operating Officer	In accordance with Section 5.36
Notify Head of University Advancement (or nominee) of plans to appoint staff with fundraising responsibilities as part of their roles	A head of a benefitting area	In accordance with Section 4.5
Consult the General Counsel (or nominee) for advice where amendments to trust terms are contemplated	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.22
Approve expenditure of, or make awards from, trust income (on behalf of Council)	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.25(a)

Recommend to Council for approval of expenditure of, or transfer from, trust capital, and if approved, spend or transfer	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.25(b)
Assign a relevant gift administration officer for every significant gift	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.30
Consult General Counsel (or nominee) for advice where there is difficulty or difficulty is foreseen in performing specifications of gift governance record	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.38
Submit spend down plans for approval and provide reports on approved plans to the General Counsel (or nominee)	A head or a deputy head of the relevant Faculty or other benefitting area, or administrative department of the University, or the chair of the relevant committee	In accordance with Section 5.39
Monitor gifts	Relevant gift administration officer (or nominee)	In accordance with Section 5.32
Ensure gift account is set-up	Relevant gift administration officer (or nominee)	In accordance with Section 5.35
Approve expenditure of gift income, makes student awards, spend or transfer gift capital (where permitted), recommend to Council the approval of spending or transfer of gift capital, and if approved, spend or transfer	Relevant gift administration officer (or nominee)	In accordance with Section 5.37

Provide compliance information requested by General Counsel (or nominee)  Certify the compliance report	Relevant gift administration officer (or nominee)	In accordance with Section 5.41
Ensure processes are in place for required external trust reporting	Relevant gift administration officer (or nominee)	In accordance with Section 5.42

## 7. Definitions

**appeal** means an invitation to the public to make a gift to support the objects of the University. The forms of invitation may include, but are not limited to: direct mail, collective approaches to groups interested in supporting a particular activity or purpose, e-solicitations, telethon or online fundraising activity such as web-based appeals and crowdfunding.

**capital** means the monies initially gifted to and received by the University and held in the investment Common Fund established in accordance with section 40(1) of the *University of Melbourne Act 2009* (Vic), together with any further amounts added to those initial monies.

**defined research project** means a research project with one or more associated documents that define a specific research goal, project, methodology or personnel.

**donor wishes** means the wishes of the donor in respect of how, and the duration over which, a gift is applied.

**external trust** means a trust of which an entity that is not the University is the trustee.

**General Counsel** means General Counsel and Executive Director, Legal and Risk.

**gift** means any transfer of property to the University to pursue its objects and where:

- (a) the transfer is made voluntarily;
- (b) the donor does not expect to receive anything in return for the gift; and
- (c) the donor does not materially benefit from the gift.

The term gift includes gifts held by the University on trust and excludes all payments (including grants) from government and statutory bodies (including universities).

**gift account** is a unique set of segment values in the University's financial system that has its own gift governance record.

**gift governance record** means a record of how the gift is held, administered and applied. The term gift governance record includes a University Trust Record (UTR) for the administration of trusts and a University Gift Record (UGR) for the administration of gifts not held on trust.

**head of benefitting area** means the relevant Head of Department, Head of School or other appropriate senior member of Faculty, Chancellery or other administrative area who has responsibility for ensuring that work undertaken in that benefitting area is financially acceptable to the benefitting area.

**Head of University Advancement** means the Vice President (Advancement, Communications & Marketing).

**income** means the annual income of the trust or gift account less any deductions permitted by donor wishes, under the terms of trust or the Act. Deductions may include income added to capital and/or income deducted as commission pursuant to the Act.

**material benefit** means a benefit or advantage that is received by the giver by way of return for a gift that is considered significant enough in accordance with Australian Taxation Law. Refer to the [Defining Gifts Guidelines](#) for further information.

**objects** means the objects of the University as set out in Section 5 of the Act.

**property** includes, but is not limited to, cash, real estate, works of art, shares, securities, library or archival materials.

**relevant gift administration officer** means the head or deputy head of a Faculty or other benefitting area, or an administrative department of the University or a chair of a relevant committee of the area recorded in the gift governance record as responsible for administering the gift. Note: In practice, the work may be via a nominee of the relevant gift administration officer.

**significant gift** means a gift that:

(a) meets or exceeds the threshold value levels set out in [Schedule 3](#) as may be amended from time to time in accordance with Section 5.5; or

(b) the Head of University Advancement (or nominee) determines to be significant taking into consideration such factors as the nature and duration of the relationship between the University and the donor.

**trust** means a set of legal obligations by which property is held and managed by one party for the benefit of another party, or for a specific purpose.

**trust terms** means mandatory conditions set by the donor or will maker (or by the University where the University is declaring a trust over its own funds), which govern the creation and performance of the trust.

**University funds** means any funds of the University that have not been specifically set aside for, required for, or subject to a condition to be allocated or spent on philanthropic, research or other specified purpose.

## **POLICY APPROVER**

Council

## **POLICY STEWARD**

General Counsel

## **REVIEW**

This policy is due to be reviewed by 2 August 2026.

## **VERSION HISTORY**

<b>Version</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Effective Date</b>	<b>Sections Modified</b>
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1	Council	6 May 2020	25 June 2020	New policy that consolidates the former <i>Advancement Policy</i> (MPF 1133) and <i>Trusts Policy</i> (MPF 1110)
2	Policy Officer	6 May 2020	25 June 2020	Version 2 created to rectify Policy Library attribute error - no amendment to policy content.
3	General Counsel	24 November 2020	24 November 2020	Amended references to 'Gifts Committee' to reflect name change to 'Gift Committee'.
4	General Counsel	2 February 2021	2 February 2021	Amended references to 'University Naming Policy' to reflect name change to 'University Naming and Memorial Policy' and broadened to include memorialising.



5	General Counsel	21 April 2021	27 April 2021	Minor amendment to 5.34 to clarify responsibility.
6	Council	7 December 2022	15 December 2022	Amended Schedule 3 and aligned formatting throughout.
7	Policy Officer	27 February 2023	27 February 2023	Amended minor formatting issues throughout document.
8				Created in error.
9	Policy Officer	16 May 2023	6 June 2023	Amended formatting error in section 2.1 and spelling error in Version History table
10	Policy Officer	7 June 2023	7 June 2023	Amended numbering error in Version History table on Version 9.
11	Council	2 August 2023	8 August 2023	Cyclical review completed and review date updated.

12	General Counsel and Executive Director, Legal and Risk	29 November 2023	18 January 2024	Minor amendments to 4.2.e), 5.1.b), 5.11 and 5.33 to align policy with newly introduced Managing Conflicts of Interest Policy (MPF1366).
13	Policy Officer	7 May 2024	7 May 2024	Formatting Amendment