

Australian Capital Territory

Emergencies (Donations) Commissioner's Guidelines 2006

Notifiable Instrument NI 2006 – 222

made under the

Emergencies Act 2004, s 11 (Commissioner may make guidelines).

1. Name of Instrument

This instrument is the *Emergencies (Donations) Commissioner's Guidelines 2006*.

2. Commencement

This instrument commences on 1 July 2006.

3. Commissioner's Guidelines

The ACT Emergency Services Commissioner hereby makes the *Commissioner's Guidelines relating to Donations* in Schedule 1 to this instrument.

4. Revocation

NI2005-475 is revoked.

David Laurence Prince
ACT Emergency Services Commissioner
26 June 2006

NI 2006 – 222
Schedule 1

EMERGENCY SERVICES AGENCY

COMMISSIONER'S GUIDELINES

relating to

DONATIONS

July 2006

A.C.T. EMERGENCY SERVICES AGENCY

COMMISSIONER'S GUIDELINES

SUBJECT: DONATIONS TO A.C.T. EMERGENCY SERVICES

1. PURPOSE

To provide Commissioner's guidelines for accepting and managing money, goods and services donated to the Emergency Services Agency or an Emergency Service.

2. REFERENCES

- a. *Emergencies Act 2004*
- b. *Charitable Collections Act 2003*
- c. *Legislation Act 2001*

3. DEFINITIONS

Chief Officer – means the Chief Officer of an Emergency Service, appointed under the *Emergencies Act 2004*.

Commissioner – means the ACT Emergency Services Commissioner appointed under the *Emergencies Act 2004*.

donation – means money, goods or services solicited or received by Emergency Services.

Emergency Service – means the ACT Ambulance Service, the ACT Fire Brigade, the ACT Rural Fire Service or the ACT State Emergency Service, and includes a brigade of the Rural Fire Service, a unit of the State Emergency Service, a community fire unit established under the *Emergencies Act 2004* or a member of any of those organisations.

ESA – means the ACT Emergency Services Agency

goods – includes goods and equipment.

non operational goods – means goods, not usually provided by the ESA, which are used to support an Emergency Service, but which are not essential in allowing the Emergency Service to undertake its principal operational functions.

ongoing liability – means the infrastructure cost of maintaining, supporting and replacing goods.

operational goods – means goods of the type usually provided by the ESA as a part of the standard equipment or fitout of Emergency Services.

services – means the assistance with, or provision of, support that is not money or goods, to Emergency Services; for example, construction, maintenance or repair work that is provided to an Emergency Service is considered to be the provision of services.

solicit – means to approach individuals, groups or organisations to specifically seek donations of money, goods or services.

4. BACKGROUND

- a. The Government, through the ESA, currently funds the supply and servicing of all of the operational needs of the ACT's Emergency Services. An Emergency Service may also raise money to pay for operationally non-essential minor station improvements and small equipment purchases.
- b. Fund-raising activities aim to provide supplementary funding for the ESA and the Emergency Services for the performance of their functions. Those activities also have the secondary benefit of developing esprit-de-corps in the Emergency Services through working as a team towards a common objective.
- c. Individuals, groups or organisations may wish to donate money, goods or services in recognition and appreciation of the valued work undertaken by Emergency Service members in times of emergency.
- d. Emergency Services must be fully accountable for donations, whether solicited or spontaneously given, for the use of the ESA or an Emergency Service.
- e. Goods and services must be appropriate for use by, or performance of the operations of, the recipient Emergency Service, and must be fully accounted for, whether donated or purchased with donated funds.

5. OBJECTIVES

The objectives of these Commissioner's Guidelines are to:

- a. articulate the ESA's position in relation to donations to an Emergency Service;
- b. ensure a systematic, uniform and equitable approach to the management of donations to an Emergency Service; and
- c. extend the guidelines for the management of donations.

6. POLICY OBJECTIVES

- a. The ESA supports Emergency Services receiving donations, and acknowledges that these donations are often seen as an opportunity for individuals, groups or organisations to contribute to the Emergency Services, and through the Emergency Services to the wider community. There is, however, no obligation upon either the Emergency Services or the ESA to accept donations.
- b. The Emergency Services are created under the *Emergencies Act 2004*, and donations (whatever their nature) to the Emergency Services are therefore taken to be donations to assist the functions of the ESA.
- c. The ESA does not wish to access or withdraw donated money or goods from the Emergency Services. However, donations of substantial value must be managed properly and accounted for by the Emergency Services and the ESA. The ESA must therefore be the body that decides whether to accept, and how to apply, donations. It should also provide clear guidelines for the management of donations.
- d. Goods and services provided to Emergency Services by the ESA will enable normal operational activity levels. Allocations will take into account donations of operational goods and services of a significant nature made to Emergency Services.
- e. These Guidelines do not diminish the responsibility of the ESA or Emergency Services to comply with the requirements of the *Charitable Collections Act 2003*.

7. GUIDING PRINCIPLES

The objectives and reputation of the ESA must be considered and protected at all times. It is essential that all donations, and conduct in the course of soliciting for or receiving donations, continue to meet acceptable legal, moral and ethical standards adopted by the ESA.

The following principles should therefore be observed in relation to all donations offered to an Emergency Service or the ESA.

- a. All donations must be received and accounted for in compliance with the Best Practice Guidelines under the *Charitable Collections Act 2003*.
- b. Donations must not be accepted if:
 - they are illegal goods or services, or the money or thing has been illegally obtained;
 - there is a real or apparent conflict between the objectives of the donor and those of the Emergency Service or the ESA;
 - the goods or services offered are morally unacceptable, or if the image or reputation of the Emergency Service or the ESA may be compromised (eg: pornographic or sexually explicit material, sex industry services, discriminatory or prejudicial goods or services, goods or services that obligate the Emergency Service or the ESA to advertise, endorse or promote the business or products of a commercial entity). There should be no association with tobacco or alcoholic products unless a positive, socially responsible theme or health message is to be promoted (this does not exclude the acceptance of such goods to be consumed socially by, or in the company of, members of the Emergency Services).
- c. Donations must not be offered on conditions that may limit the ability of an Emergency Service or the ESA to carry out its functions fully or impartially.
- d. The use of particular products or services for operational purposes must not be a condition of a donation.
- e. Where a product is donated, it should be evaluated for its fitness for purpose against the objective operational criteria relevant to the Emergency Service or the ESA.

8. SOLICITATION

Donations should be willingly provided, and no coercive activities are to be undertaken by Emergency Services or any person on their behalf.

No individual should approach an organisation or person to solicit a donation without the express approval of the relevant Chief Officer.

9. PROCEDURES

The following procedures provide specific direction to Emergency Services about how to manage donations.

Approval Limits

The following offers of donation must not be accepted by an Emergency Service without being referred to its Chief Officer for express approval:

- a. Offers of individual cash donations in excess of \$5,000;
- b. All offers of non-operational goods for which ESA has a maintenance liability;
- c. All offers of operational goods.

Approval process

- d. Any individual cash donation in excess of \$200 must be reported to the relevant Chief Officer.
- e. Any individual donation:
 - (i) of cash in excess of \$5,000 but not more than \$20,000;
or
 - (ii) of non-operational goods with an ongoing maintenance liability;
 - (iii) requires the written approval of the relevant Chief Officer. The Chief Officer must advise the Commissioner that the donation has either been accepted or refused.
- f. Any individual cash donation with a value in excess of \$20,000 requires the approval of the relevant Chief Officer, who must consult with the Commissioner regarding acceptance. The Chief Officer may approve the donation only if the Commissioner agrees that it should be accepted.
- g. Emergency Services that are offered donations of operational goods are to advise their Chief Officer (in writing) of the offer, seeking the Chief Officer's approval to accept the donation. The Chief Officer will decide whether or not the donation should be accepted.

- h. The Chief Officer or the Commissioner, as appropriate, will respond to the relevant Emergency Service within a reasonable time, advising whether the donation is to be accepted or declined.
- i. The Chief Officer will assess the appropriateness of donated operational and non-operational goods, having due regard to:
 - safety,
 - possible perception of endorsement of goods,
 - maintaining the good name and interests of the ESA,
 - economic feasibility, and
 - compatibility with equipment and systems used by the Emergency Service and other Emergency Services.
- j. Any acknowledgement of the donor is at the discretion of the recipient Emergency Service when approval has been given to accept a donation. Any proposed signage on equipment and resources, acknowledging the donor, must receive the express approval of the Chief Officer of the recipient Emergency Service, after consulting with the ESA's public relations area.

Ongoing liability

- k. The ESA will accept ongoing liability only for goods that are regarded as "portable and attractive" or are of sufficient value to be placed on the asset register. Donations which are regarded as assets for the purposes of the *Financial Management Act 1996* will be placed on the asset register, after consultation with the Commissioner.
- l. If donated goods, for which the ESA has accepted ongoing liability, are either lost or damaged, they may be replaced or repaired, at the discretion of the ESA.
- m. The disposal of goods for which the ESA has accepted on-going liability will be at the discretion of the ESA.

10. MANAGEMENT

Each Emergency Service is responsible for ensuring that the acceptance and application of donations is managed in accordance with these guidelines.

Any issues of contention, or requests for clarification, about a donation:

- a. if the donation is to an Emergency Service, will be resolved by the Chief Officer; and
- b. if the donation is to the ESA, will be resolved by the Commissioner.

11. IMPLEMENTATION

These Guidelines take effect on 1 July 2006.

12. REVIEW

These Guidelines are to be reviewed by the ESA within three years of the date of effect.