

OFFICIAL

SA Health

Policy

Charitable Gifts and Donations

INFORMAL COPY WHEN PRINTED

Version 3.0

Approval date: 15 April 2024

PDS Reference No: D0460



Government
of South Australia

SA Health

1. Name of Policy

Charitable Gifts and Donations

2. Policy statement

This policy provides the mandatory requirements in relation to the management and governance of any charitable gifts, property, and/or donations received by, or received in trust for, public health entities, in line with the [Health Services Charitable Gifts Act 2011](#) (HSCG Act), and other regulatory requirements.

3. Applicability

This policy applies to all employees and contracted staff of SA Health; that is all employees and contracted staff of the Department for Health and Wellbeing (DHW), Local Health Networks (LHNs) including state-wide services aligned with those Networks and MedSTAR.

Specifically, this policy applies to all employees and contracted staff involved in the receipt and management of charitable gifts and donations on behalf of SA Health as detailed in [Appendix 1 – Charitable Gifts and Donations Mandatory Instruction](#).

Out of Scope

Personal gifts and benefits offered to public sector employees, and fundraising activities are out of scope for this policy – refer to the [Gifts and Benefits Policy](#) and the [Fundraising Factsheet](#).

SA Ambulance (excluding MedSTAR) is out of scope, as they are not a proclaimed public health entity for the purposes of the HSCG Act.

4. Policy principles

SA Health's approach to charitable gifts and donations is underpinned by the following principles:

- > We will ensure, by mutual agreement, that the receipt of gifts and donations support the donor's intentions, and the activities of the public health entity.
- > We will apply any donated funds in compliance with the relevant legislative requirements.
- > We will ensure that all gifts and donations are properly documented, maintained, and accounted for.
- > We will establish controls and processes ensuring effective transfer of prescribed gifts to the Health Services Charitable Gifts Board (HSCG Board).

5. Policy requirements

Receipt of prescribed gifts by all proclaimed public health entities

LHNs and MedSTAR must ensure:

- > Prescribed gifts received automatically vest with the HSCG Board as part of the charitable assets.
- > Monies received as gifts, bequests, or donations are receipted to the accounts of the public health entity, including those received via a payroll deduction.
 - In these instances, the [Donation Received form](#) must be completed and provide sufficient detail about the intention of the donation.
 - Any Direct Debit forms used must be the current banking provider's form, or validated by the current banking provider before the form is put in use.

- > Effective site controls and processes to ensure prescribed gifts are transferred to the HSCG Board.

Receipt of gifts and/or donations made in the name of a LHN

- > Gifts and/or donations received in the name of a LHN, and not a public health entity, must not be treated as a prescribed gift and therefore must not be vested with the HSCG Board.

Gifts held in trust for the public health entity

LHNs and MedSTAR must:

- > Where a prescribed gift consists of property given by deed, will or otherwise, to an executor, trustee or other person in trust, transfer the property to the HSCG Board, unless a specific exemption has been granted by the Minister for Health and Wellbeing (the Minister).
- > Ensure the HSCG Board provides a receipt for the property that has transferred. Provision of the receipt discharges the executor, trustee or other in respect of the property.
- > Complete any property transfers of land or buildings in consultation with the Infrastructure directorate, DHW.

Health Advisory Council transfers of property

Health Advisory Councils (HACs) must:

- > Obtain permission from the Minister to transfer property they want to vest with the HSCG Board.
- > Undertake requests to the Minister to transfer property or seek exemption in accordance with the HSCG Act.

Applying gifts and donations held by the HSCG Board

A public health entity must:

- > By administration arrangement, apply to the HSCG Board within their appropriate delegation of authority, if requesting charitable funds to be held for a specific purpose.
- > If applying a portion of the charitable assets attributable to a particular donor, the HSCG Board must consider the intent of the donor, applying the portion in a manner that the HSCG Board considers is most likely to achieve the intention of the donor.

Gifts exempt from being vested in the HSCG Board

The following types of gifts must be exempt from being vested in the HSCG Board as part of the charitable assets:

- > If the property is a chattel of tangible nature and given for the use of staff and patients of the public health entity (unless the public health entity has made a written request to the HSCG Board that the gift should be treated as a prescribed gift).
- > If the property is of a 'prescribed kind' when given in a 'prescribed manner', such as private practice sourced donations (unless the Minister and the public health entity agree that the property is to be vested in the HSCG Board as part of the charitable assets).
- > If the gift is made from an organisation whose primary purpose is to benefit the public health entity, such as hospital foundations and local auxiliary groups.
- > Where the Minister grants an exemption for these types of gifts and donations, funds held by the entity must be transferred to the health service site as arranged.
- > If the property received by a hospital was prior to the commencement of the HSCG Act, or before being proclaimed as a public health entity under the Act.

A public health entity can, in agreement with the HSCG Board, elect to transfer the property to the HSCG Board. On transfer, the property becomes a charitable asset.

Gifts and donations register

- > A gifts and donations register must be maintained, accounting for each item.
- > The gifts and donations register must include:
 - The source of the item
 - The estimated value of the item
 - Its intended purpose, and
 - Any specific application(s), including the amounts spent over time.
- > The above details are not required for donations from individual persons which are part of a collective fundraising effort, only the total amount, purpose and expenditure must be recorded.
- > Where gifts are given to the site of a public health entity, receipts for the gift must also show the name of the relevant incorporated health service, and its Australian Business Number (ABN).

6. Mandatory related documents

The following documents must be complied with under this Policy, to the extent that they are relevant:

- > [Donation Received Form](#)
- > [Health Care Act 2008](#)
- > [Health Services Charitable Gifts Act 2011](#)
- > [Health Services Charitable Gifts Regulation 2011](#)

7. Supporting information

- > [Charitable Gifts and Donations Procedure](#)
- > [Fundraising Factsheet](#)
- > [Income Tax Assessment Act 1997](#)
- > [Treasurer's Instruction \(Accounting Policy Statements\)](#)

8. Definitions

- > **Charitable asset** means the property vested in, or property transferred to, the HSCG Board under section 16 and 17 of the HSCG Act.
- > **Chattel** means an item of movable personal property, usually of low value, such as a kettle or chair.
- > **Designated property** means property given to a public health entity before the commencement of the HSCG Act, or before the entity was proclaimed to be a public health entity.
- > **Donor** means a person or other body that donates a gift to a health service.
- > **Exemption** means an exemption applied for by a public health entity to the Minister for an exemption from subsection 16 (1) of the HSCG Act, in respect of gifts made from an organisation whose primary purpose is to benefit the public health entity. The result of an exemption is that the prescribed gift does not vest in the HSCG Board.
- > **Foundation and local auxiliary groups** means a corporate entity that provides funds or other assets primarily (but not necessarily exclusively) through philanthropic contributions to a health service. The Minister has granted such an exemption in relation to the following organisations:
 - Daw House Hospice Foundation
 - Flinders Medical Centre Foundation
 - Flinders Medical Centre Volunteers

- Friends of Child and Family Health Incorporated
 - Friends of the Repat
 - Lyell McEwin Regional Volunteers
 - Modbury Hospital Foundation
 - Noarlunga Hospital Volunteers
 - Repatriation General Hospital Foundation
 - The Friends of the Women's and Children's Hospital Incorporated
 - The Hospital Research Foundation, and
 - Women's and Children's Hospital Foundation Incorporated.
- > **Gift and/or donation** means a transfer of money or property, made voluntarily, where there is no material benefit or advantage received by the donor by way of return. A gift can be made directly, or as part of a bequest or testamentary disposition. It does not include incentives or inducements that are attached to, or offered in relation to, an item or goods purchased. The gift is free of conditions that would restrict the independence of the functions, decisions, or governance of the intended beneficiary. A gift and/or donation may include:
- Bequests of money, with or without specific intention from the donor.
 - Items of property such as land, buildings, paintings, new or second-hand items.
 - Shares, equipment, land, or any other property offered.
 - Monetary amounts donated by clients, by way of specified inclusion at the time of payment or account.
 - Monetary amounts donated by clients given at the cashier's desk of a health service or entity.

This policy does not include the acceptance of personal gifts, benefits, prizes, or sponsorships as a public sector employee.

- > **Health Advisory Councils (HACs)** means the HACs that are established under Part 4 of the *Health Care Act 2008*. The Minister may establish a HAC to undertake an advocacy role on behalf of the community, to provide advice, and perform other functions as determined under the *Health Care Act 2008* in relation to any of the following:
- The Minister
 - The Chief Executive
 - An incorporated hospital (the LHN)
 - South Australian Ambulance Service, or
 - Any other body involved in the delivery of health services in connection with the *Health Care Act 2008*.
- > **Health service** means, in accordance with the *Health Care Act 2008*, a:
- a service associated with:
 - the promotion of health and wellbeing
 - the prevention of disease, illness, or injury
 - intervention to address or manage disease, illness, or injury
 - the management or treatment of disease, illness, or injury, or
 - rehabilitation or on-going care for persons who have suffered a disease, illness, or injury.
 - paramedical or ambulance service, or
 - residential aged care service, or
 - research, pathology, or diagnostic service associated with veterinary science, or

- service brought within the ambit of this definition by the regulations.
- > **Health Services Charitable Gifts Board (HSCG Board)** means the HSCG Board established under Part 2 of the HSCG Act. The HSCG Board has specific functions under the Act which are detailed in Part 3 of the HSCG Act.
- > **Prescribed gift** means, in accordance with the HSCG Act Part 3 16(7):
 - Property given to a public health entity, or
 - Property given (or purportedly given) to a body specified in Schedule 1 clause 1 of the HSCG Act, or
 - Property given by deed, will or otherwise, to an executor, trustee, or other person in trust for a public health entity, or
 - Property given (or purportedly given) by deed, will or otherwise, to an executor, trustee, or other person in trust for a body specified in Schedule 1 clause 1 of the HSCG Act.
- > **Property** means, in accordance with the HSCG Act, 'real or personal property, including, a chose in action, and a legal or equitable estate of interest in the property'. This includes items or possessions, shares, or real estate.
- > **Property of a prescribed kind** means, for the purposes of the HSCG Act, any property given to a public health entity from income of a medical officer employed or otherwise engaged by or on behalf of the Crown for medical services performed by the officer. This property is given to the public health entity in a prescribed manner, such as if the medical officer gives the property to the public health entity under an arrangement between the officer and the entity.
- > **Public health entity** means an entity, or part of an entity, engaged in the provision of a health service that has been proclaimed by the Governor to be a public health entity for the purposes of the HSCG Act. Property given to a public health entity vests in the HSCG Board. A proclamation may not declare the following to be a public health entity for the purposes of the HSCG Act:
 - A HAC
 - A prescribed research body
 - A private hospital within the meaning of the *Health Care Act 2008*, or
 - An entity, or part of an entity, which is not eligible, under the *Commonwealth Income Tax Assessment Act 1997*, to receive income tax deductible gifts.

The public health entities that have been proclaimed, effective since 23 July 2015 are:

- Breastscreen SA
- Flinders Medical Centre
- Lyell McEwin Hospital
- MedSTAR
- Modbury Hospital
- Noarlunga Hospital
- Repatriation General Hospital
- Royal Adelaide Hospital
- SA Pathology
- South Australian Dental Health Service
- The Queen Elizabeth Hospital, and
- Women's and Children's Hospital.

For the purpose of this policy, the following proclaimed public health entities and associated HACs are excluded:

- Mount Gambier Hospital
- Port Augusta Hospital

- Port Lincoln Hospital
- Port Pirie Hospital
- Wallaroo Hospital, and
- Whyalla Hospital.

All other hospitals forming part of the regional LHNs were not deemed public health entities, and as such, are excluded from operation of the HSCG Act.

Under s4 of the HSCG Act, the Governor may by proclamation declare an entity, or part of an entity, to be a public health entity for the purposes of the Act. LHNs themselves have not been declared as public health entities.

- > **State-wide services** means State-wide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.

9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [Risk Management, Integrated Compliance and Internal Audit Policy](#).

Any instance of non-compliance with this policy should be reported to the Domain Custodian for the Financial Management Policy Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

10. Document ownership

Policy owner: Domain Custodian for the Financial Management Policy Domain

Title: Charitable Gifts and Donations Policy

Objective reference number: A5623978

Review date: 30 April 2027

Contact for enquiries: HealthOraclePolicyandCompliance@sa.gov.au

11. Document history

Version	Date approved	Approved by	Amendment notes
3.0	15/04/2024	A/Deputy Chief Executive, Corporate Services	Updated to new Policy Framework template. Minor amendments.
2.0	22/06/2020	Danny DeCesare, A/Chief Finance Officer, Finance, Department for Health and Wellbeing	Scheduled Review.
1.0	27/04/2018	SA Health Policy Committee	Original Version.

12. Appendices

Appendix 1: Charitable Gifts and Donations Policy Mandatory Instruction.

Appendix 1: Charitable Gifts and Donations Policy Mandatory Instruction

The following Instruction must be complied with to meet the requirements of the Charitable Gifts and Donations Policy.

Policy Phase	Compliance Requirements
<p>Receipt of prescribed gifts by all proclaimed public health entities</p>	<p>Relevant employees and contracted staff must:</p> <ul style="list-style-type: none"> > Ensure the Donation Received forms associated with bequests are sent, along with supporting documentation, to the LHN business finance team. <p>LHN business finance team must prior to forwarding donations to the HSCG Board:</p> <ul style="list-style-type: none"> o Review allocation of gift and/or donation funds to the appropriate natural account. o Ensure correct documentation, as required by the HSCG Board, is complete. o Liaise with the HSCG Board with any queries. o Review and approve all transfers to the HSCG Board.

INFORMAL COPY WHEN PRINTED