



LEGACY BRISBANE POLICY

Fundraising – Bequests

Policy number: FR- 01

Effective date: 16 December 2024

Approving authority: CEO

Sponsor: Head - Fundraising, Marketing and Communications

Web address: [Legatee Guide – LG – Making volunteering easier](#)

Date for review: 16 December 2026

Purpose	The Charter of Legacy commits the organisation to the care and safeguarding of the interests of entitled dependants of those who served. This policy defines one of many ways revenue is generated to support this charter.
Policy Statement	The Bequest Fundraising Policy provides guidelines for best practice and ethical conduct of securing bequests. This policy also aims to ensure that adherence to best practice enhances the relationship between the Organisation and the Donor, and ensuring that bequests are made with appropriate measures for disclosure and transparency. This Policy does not replace nor override any law.
Who should read this policy	Board of Directors, Legatees, staff and relevant volunteers
Scope	All potential bequestors and current bequestors of Legacy Brisbane along with any bequests written in favour of Legacy Brisbane.
Definitions	Definitions of terms used in this policy are provided in Appendix 1.
Policy	Ethics and Bequests The following areas of compliance must be met by Legacy Staff, Volunteers or Legatees when interacting with potential bequestors: • The Legacy representative must not hold financial or personal interests with the bequestor. • When discussing a bequest, the Legacy representative must not offer any gift of monetary value to the potential bequestor. • The Legacy representative must not accept remuneration based on a percentage of the amount of bequest made to Legacy Brisbane. However, paid staff may accept remuneration based on a reasonable commission or bonus that is not related to the amount of the bequests secured. • The Legacy representative must not provide bequestors that contain material that is illegal, discriminatory or unethical. • The Legacy representative must not misrepresent Legacy in order to secure bequests in any way, including without limitation, the name, geographical scope, Beneficiaries, activities and plans of Legacy Brisbane or any other Legacy Club. • The Legacy representative or Legacy Brisbane must not provide legal advice or pay for legal advice. • The Legacy representative must comply with FIA's Principles of Fundraising Practice and this Standard at all times and should only work with funding bodies that comply with FIA's Principles of Fundraising Practice and this Standard. Promotional Materials Legacy Brisbane representatives must ensure that any Promotional Material used: • is factually accurate, truthful and not likely to mislead any person; • includes a clear description of programs and activities for which a bequest is requested; • recommends that the Donor seek independent legal advice;

- includes a bequest section which complies with the 'Organisation Identification' points listed below;
- complies with the relevant provisions of *Competition and Consumer Act* (Cth) and State or Territory equivalent legislation, (in particular that statements in the Promotion Materials are not misleading or deceptive or likely to be misleading or deceptive to any person);
- complies with State or Territory legislation relevant to conducting a Fundraising Activity;
- is approved by Legacy Brisbane before any solicitation by the Legacy representative on its behalf to a Donor; and
- should ensure that any Promotional Material identifies the Legacy Brisbane clearly.
- Legacy Brisbane must make the current annual review freely available upon a reasonable request by a Donor.
- Despite anything else in this section, Promotional Materials may be part of a positive campaign by Legacy Brisbane to build public awareness, understanding and support for our mission. This may include an FIA "Include a Charity" membership.

Bequests in Wills

If a Donor chooses to include a bequest section in their will, the bequest in the will must:

- state the full legal name of The Legacy Club of Brisbane Limited intended to receive the bequest; and
- use appropriate words to indicate the type of bequest.
- Appendix 2 sets out a model bequest for the guidance of Legacy Representatives.
- Donors are not required to use the model bequest and the model bequest does not replace the need to advise Donors to obtain independent legal advice before making a bequest.

Organisation Identification

Wherever identification of Legacy Brisbane is required by this policy a Legacy Representative must provide:

- full legal name;
- entity registration number (including state registration number, Australian Business Number, company registration number or other formal identifying number);
- full business address; and
- Trade Mark (if any).

Professional Conduct

At all times Legacy Representatives involved in bequest discussions must:

- Maintain an appropriate arm's length relationship with the Donor in connection with any bequest or proposed bequest;
- Ensure a Donor is not subjected to undue influence, harassment, intimidation or coercion when approached by the Legacy Representatives or person under the direction of Legacy Brisbane for the granting of a bequest;

- a Donor is not prevented or discouraged by a Legacy Representative from seeking independent legal advice in relation to a bequest;
- written acknowledgement and receipt of bequest funds received is provided to a Donor's executor or legal personal representative; and
- where a bequest is a specific bequest, a Donor's executor or legal personal representative is informed of how Legacy Brisbane intends to use that bequest.

A Legacy Representative must observe a Donor's request to:

- refuse to make a bequest;
- Limit the frequency of solicitations by the Fundraiser to the Donor;
- not be solicited by mail, telephone, facsimile, email, text messages or other technology;
- not receive personal visits;
- not receive printed material concerning Legacy Brisbane;
- have a family member or legal personal representative present;
- obtain independent legal advice;
- exclude any form of public recognition for their bequest if they choose to remain anonymous.

Conduct of Legacy Representative must not be manipulated for personal gain, including:

- Legacy Representatives must not agree or request to be appointed as an executor of the Donor's will or trustee of the Donor's estate and must not suggest to the Donor that any member or officer of the Organisation be appointed as an executor of the Donor's will or trustee of the Donor's estate.
- Legacy Representatives must not allow personal or commercial interests to affect their decision to accept or refuse a bequest.
- Legacy Representatives must derive no personal benefit from a bequest received by Legacy Brisbane.
- Legacy Representatives must decline any personal benefit offered to them by a Donor.

Financial compensation, Expenses and Legal advice

- Legacy Representatives must not offer to financially compensate a Donor for preparation of a will.
- Legacy Brisbane may compensate a legal practitioner for the preparation of the will of a Donor provided that the Legacy Representative discloses this fact in writing to the Donor before compensation is paid and the will is drafted. This section does not replace the need for a Donor to obtain independent legal advice if they so choose.
- Legacy Representatives may provide a Donor with a list of legal practitioners who provide legal services in connection with Wills and bequests, provided that the Legacy Representative does not endorse the services of a particular law firm.
- This section does not replace the need for a Donor to obtain independent legal advice if they so choose.

- Legacy Representatives may organise a will drafting service for potential Donors or organise a Fundraising Activity with the purpose of encouraging potential Donors to draft and sign wills which include bequests provided that the Legacy Representatives and the Legacy Brisbane inform Donors in writing that:
 - Donors may obtain independent legal advice;
 - Donors have no obligation to make a bequest to the Legacy Brisbane;
 - Donors have no obligation to finalise their will at the Fundraising Activity.

Online Will writing platform

Legacy Brisbane may engage with an online Will writing platform/s with the purpose of promoting gifts in Wills to a larger audience and providing a vehicle through which Legacy supporters can write a Will. At all times when promoting the Online Will writing platforms, Legacy will inform donors that:

- They are under no obligation to leave a gift to Legacy in their Will if they use the platform;
- They are under no obligation to use the platform and can seek independent Legacy advice;
- There may be costs associated with using the will writing platform;
- Depending on their circumstances and wishes an Online will writing platform may not be right for the Donor.

Compliance and Management of Complaints

Legacy Brisbane must comply with FIA's Principles & Standards of Fundraising Practice and relevant Commonwealth, State and Territory legislation including the relevant provisions of *Spam Act 2003* (Commonwealth), *Competition and Consumer Act 2010* (Commonwealth), *Privacy Act 1988* (Commonwealth) and the National Privacy Principles.

Reasonable complaints are to maintained on a complaints' register and recorded in the donor database.

All complaints are to be responded to within 24 hours and resolved within 3 days where possible.

Roles and responsibilities

- Head - Fundraising, Marketing and Communications Manager – Strategic approval and review of Bequests Strategy
- Donor Liaison Manager – Management and execution of the bequest program
- Finance Department – Receipt of funds received and processing of funds.

Evaluation and review

Evaluation and review of this policy will be conducted by the Fundraising, Marketing and Communications Manager and the policy sponsor each two years. Following review, recommendations for change will be forwarded to the approving authority.

References and linkages

Legacy Statutes - Annexes A, B and D to The Code of Legacy.

Appendix

Appendix 1 – Definition of Terms

Appendix 2 – Wording for a bequest

APPENDIX 1 DEFINITIONS

Bequest is the gift of any asset or right given to an Organisation by a Donor by the Donor's will and includes a legacy, residuary bequest, pecuniary bequest, contingency bequest or specific bequest, which are defined below

Sub-categories include;

- **Contingency bequest** means a bequest made only when the executor of an estate cannot distribute the estate as planned in the will;
- **Pecuniary bequest** means a bequest of a specific sum of money;
- **Specific bequest** means a bequest of a specific and severable asset or right;
- **Residuary bequest** means a bequest of the residual of a Donor's estate.

Child or Children means a child under the age of 18.

Corporation means an entity incorporated under the Corporations Act 2001 (Cth) and established for the purpose of profit.

Complaint means a notice in writing sent by any person to FIA, by way of a completed FIA Complaints Form, concerning an alleged breach by an FIA member of any part of the FIA Principles and Standards of Fundraising Practice.

Director means a person who is appointed or elected to the position of a director of an Organisation or a Corporation.

Donation means a voluntary contribution by a Donor of money, property, goods or services to an organisation for the purpose of furthering that organisation's objects. It does not include a sponsorship or community business partnership.

Donor means an individual or other entity that makes a contribution of value to an Organisation to further the Organisation'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 an Organisation for the purpose of trade.

Ethics Committee means a committee established by the FIA Board pursuant to the Constitution for the purposes of making determinations on Complaints.

FIA means Fundraising Institute Australia.

FIA member means a person or organisation who is registered as an FIA member.

Fundraiser means 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 an Organisation.

Fundraising Activity means 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 an Organisation.

Objects means the objective, purpose or cause, however so defined in an Organisation's constituent documents.

Online will writing platform means a third-party digital platform that is available to the Donor to write a Will. Examples include Gathered Here and Safewill.

Organisation means an entity incorporated under Commonwealth, State or Territory legislation and established for a purpose other than profit.

Professional Misconduct means conduct by an FIA 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 Fundraiser or both.

Promotional Material means any material in connection with a Donation, Fundraising Activity or an Organisation whether in printed, electronic or verbal form made available by a Fundraiser or Organisation to any person.

Sponsor means a third party who sponsors a Fundraising Activity for an agreed outcome.

Supplier means a third party supplying goods or services for payment to a Fundraiser and/or Organisation.

Tax means all taxes payable in connection with a Fundraising Activity, including without limitation income tax, pay as you go (PAYG) and good and services tax (GST).

Trade Mark means a word or group of words, logo, image, colour, scent or shape (whether registered or unregistered) used by an Organisation to identify the Organisation.

Unsatisfactory Conduct means conduct by a FIA member that is neglectful of the Principles and Standards of Fundraising Practice or that has minor adverse consequences to a Complainant or both.

Volunteer means a person who performs a service for an Organisation without requiring compensation for performing the service.

APPENDIX 2 – WORDING FOR A BEQUEST

'I give the whole/residue* of my estate to **Legacy Brisbane (ABN 51 157 944 951 ACN 608 282 63)** for its general purposes (or specific purposes) of such fund and the receipt of any one of the Directors for the time being of such fund shall be sufficient discharge to my trustees.'

*delete whichever is inapplicable

OR

'I give sum of/percentage* (the actual amount should be written in words and in numbers) to **Legacy Brisbane (ABN 51 157 944 951 ACN 608 282 63)** for its general purposes (or specific purposes) of such fund and the receipt of any one of the Directors for the time being of such fund shall be sufficient discharge to my trustees.'

*delete whichever is inapplicable