



# **Rotary Australia World Community Service Limited**

(ABN: 37 739 341 003)

# **COMPLIANCE POLICY**

**for**

## **IN-KIND DONATIONS & EQUIPMENT REPURPOSING ACTIVITY**

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# 1. INTRODUCTION

Providing in-kind donations and the repurposing of equipment to areas of need is significant to Rotary Australia World Community Service Limited (RAWCS) and includes Rotary Australia Repurposing Equipment (RARE), and MediShare and other projects of charitable giving in which, instead of giving money to buy needed goods and services, the goods and services themselves are given. Some types of in-kind donations are appropriate, but others are not.

Examples of in-kind donations include goods such as health & medical and educational equipment & stationary, clothing and building materials. Performance of services, such as building an orphanage, hospital or school or offering administrative support, may also be counted as in-kind donations.

RAWCS standing as a charitable organisation is obligated to comply with the Australian Charities & Not For Profit Commission (ACNC) and the Australian Taxation Office (ATO) regulations. In-kind donations & equipment repurposing projects of Rotary Australia World Community Service Limited must operate in accordance, and be compliant with RAWCS policies & procedures. This Compliance Policy outlines the policies that need to be complied to, to ensure that the activity continues to meet these objectives in an effective and efficient manner.

The purpose of the activity is to assist Australasian Rotary Clubs and other humanitarian organisations to access redundant health and educational equipment and to sort, package and transport these items to communities locally, nationally and internationally. This aid must be effective for the long term, be sustainable, enhance people lives and give Rotarians satisfaction for their efforts.

# 2. OBJECTIVES

The objectives are:

To receive equipment from Australian, medical and health institutions, educational institutions, from Rotary Clubs and other organisations for distribution to developing countries and other areas of need.

To receive requests for equipment from Rotary Clubs, Rotary Districts and other aid organisations in Australia and Rotary Clubs, Rotary Districts and other aid organisations in developing countries and other areas of need.

To maintain records, facilitate customs declarations and shipping and transport arrangements.

Maintain a liaison with Rotary Clubs, Rotary Districts and other aid organisations in Australia and recipient countries and other areas of need to minimise problems that may occur.

To ensure that equipment is dispatched in an appropriate manner.

To ensure that the quality of equipment dispatched is in line with the areas of focus being health and education.

To maintain logistics and manage the most cost-effective transport and shipping arrangements.

### 3. STRATEGIC OVERVIEW

RAWCS is seen by the outside world as the face of Rotary in Action. The rapid growth of RAWCS is such that it is the largest Rotary activity in Australia providing knowledge and support to clubs and Rotarians and getting people involved.

The company is nationally focused and self-funding, administration is centralised operating within a national accounting and project registration and online donation systems. The company is fully compliant with its legislative obligations and with the objects of Rotary International.

Governments, the public, public and private ancillary funds and the corporate sector monitor how and what RAWCS does. The Company reports regularly to the Regulators and makes submissions to Government in support of its tax deductibility status.

The in-kind donations & equipment repurposing activity is a key area for RAWCS as it engages with Rotarians and community members nationally enabling millions of dollars' worth of redundant goods and equipment in Australia to be placed where they are needed and can be used.

The distribution centres are the temporary repository for equipment to enable containers to be packed and dispatched. The centres ensure suitability of goods and provide space for volunteers to sort materials and equipment in preparation for transportation.

### 4. GOVERNANCE

Governance is defined as the overall guidance, direction, oversight and stewardship of an organisation. Good governance supports growth and development and reduces risks. Funding agencies, potential sponsors and governments look favourably to a well-managed and governed organisation. ([Refer to 'Governance for Good' the ACNC guide for charities](#))

#### 4.1. Misappropriation of Donated Equipment/Goods

***RAWCS has a responsibility to honour the intent of goods and equipment that is donated in Australia for charitable purposes.***

RAWCS does not and will not condone the misappropriation or on-selling of the donated goods or equipment either in Australia or other countries for personal gain or to other organisations for commercial profit. Due diligence must be undertaken to ensure that beneficiaries distribute the donated items in accordance with the charitable intent.

Disciplinary action will be taken against any team member, volunteer, employee (or agent) who breaches this policy.

#### **4.2. Equipment/Goods Control Guidelines**

The Overseas Aid Gift Deduction Scheme (OAGDS) enables approved Australian organisations to issue tax deductible receipts for donations made to support their overseas aid activities. Tax deduction is only allowable where the donation is to support activities in countries declared as a 'Developing Country' by the Minister for Foreign Affairs. 'Developing Country' status is reviewed every three years.

***For RAWCS to maintain their Tax Deductibility Status, in-kind donations & equipment repurposing activities must work within these guidelines.***

#### **4.3. Records Keeping**

Records are to be kept for a period of seven years, in accordance with ASIC company requirements.

#### **4.4. Attendance Records**

The activities are required to keep records of the attendance of all volunteers who visit the centre to assist with a project or make deliveries of equipment. These records are essential for any insurance claim resulting from any accident or injury which may have occurred whilst working in the centre and must be kept.

Recording the number of hours contributed by volunteers and others is optional.

#### **4.5. Regional Reporting**

Regional managers are required to provide an activity report each quarter of their centre to their region and forward a copy to the national manager.

#### **4.6. Container Reporting**

Without proper reporting and tracking, entities at the receiving end could experience difficulties in the clearance of containers through customs and could be burdened with demurrage and storage charges. Charges may also be expected with the abandonment or non-return of containers.

Problems will occur as the result of not following proper procedures with the consignment of containers in the misbelief that responsibility ceases once the container has been packed and consigned. Shipping and logistics companies will expect compensation for lost or the non-return of their containers and the Shipper, the legal owner of the goods will be held responsible.

RAWCS on-line recording of container movements system is required to be used. The system enables containers to be tracked and is a tool for managing and reporting accurately of all movements and can be found at: ([www.rawcs.org.au/admin/donations](http://www.rawcs.org.au/admin/donations))

#### **4.7. Code of Conduct**

RAWCS activities are based on deeply held values and principles. It is essential that commitment to humanitarian principles and values is supported and demonstrated by all members of the Board of Directors, Regional Committees, Activities, Volunteers, and Associates and paid Staff. The code of conduct is designed for guidance and

protection and to understand what RAWCS considers to be acceptable professional and ethical behaviour.

In accepting participation in RAWCS activities, whether in Australia or overseas, a person undertakes to discharge their duties and to regulate their conduct in line with the requirements of this code. A copy of this Policy can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

#### **4.8 Anti-bribery & Corruption**

RAWCS does not and will not condone bribery and corruption either in Australia or other countries. Disciplinary action will be taken against any team member, volunteer, employee (or agent) who breaches this policy. A copy of this Policy can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

#### **4.9. Operations Teams**

Responsibilities:

- Managing policies and procedures
- Regularly communicating with other members, volunteers and public and responding to feedback
- Obtaining resources and ensuring that all financial and legal matters are properly managed
- Ensuring that all members of the team act as leadership role models
- Making decisions that are in the best interest of the organisation and not for individual gain

Members must operate as a team, draw on the skills and talents of each member, and work toward common goals to ensure the organisation's success. Effective team members should have:

- A commitment to the organisation
- Sufficient time to devote to their roles
- An understanding of the role of the team and their role within it
- Leadership skills and willingness to accept responsibility

The specific tasks required of team members vary according to the organisations plan and the attributes of the volunteers. It is important that the team is made up of people with a range of skills and expertise to support the objectives of the organisation. A copy of the Operations Guidelines can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

#### **4.10. Succession Planning**

Succession planning is a process for identifying and developing people with the potential to fill key leadership positions in the organisation. Succession planning increases the availability of experienced and capable people that are prepared to assume these roles as they become available. Succession planning is focused on identifying specific back-up people for key positions and guarantees people being on hand ready and waiting to fill roles.

Succession planning objectives.

- Identify those with the potential to assume greater responsibility in the organisation
- Provide critical development experiences to those that can move into key roles

- Engage the leadership in supporting the development of future committee members
- Improve commitment and retention
- Meet the expectations of existing members

#### 4.11. Appointment

The Regional Managers are each appointed by the Board through the respective activity manager in consultation with individual Regional Operations Co-ordinator. A regional manager may appoint activity coordinators of whom up to three (3) may be non-Rotarians. All Regional Managers and Coordinators are appointed for a three (3) year term and are eligible for reappointment for a maximum of three (3) terms, a total of nine (9) years.

#### 4.12. Training, Development and Support

Team members must receive the necessary induction, training and ongoing support needed to discharge their responsibilities effectively.

To maximise the benefits of development and learning (training) and support, teams need to ensure they are equipped to carry out their responsibilities. Given the level of responsibility that teams have for the organisation, it is important that members are provided with appropriate support and training to carry out their role.

#### 4.13. Duty of Care

***RAWCS has a duty of care relating to the in-kind donations & equipment repurposing activity and other activities. In accordance with RAWCS policies the Operations Teams members have a Duty of Care to volunteers, visitors and members of public who work there.***

The RAWCS activities are therefore required to act in accordance with the company's Constitution, Regulations and Policies & Procedures. Existing RAWCS national policies accommodate the specific requirements of various State and Territory Legislations and are to be referred to as the overriding documents.

Policy documents required:

- Workplace Health and Safety (WH&S)
- Risk Management
- Working with Children
- Young and Youth & Vulnerable Persons
- Anti-discrimination & Harassment
- Drug and Alcohol
- Conflict/Dispute Resolution
- Underperformance & Misconduct
- Accommodating people with disabilities

All team members of not-for-profit organisations owe a 'duty of care' once they agree to be a team member of an incorporated body and its activities. This duty of care is summarised in five (5) legal statements:

- A duty to act in good faith
- A duty not to gain advantage by improper use of the position
- A duty not to misuse information

- A duty to act with diligence and care
- A duty not to trade while insolvent

#### 4.14. Workplace Health & Safety

When collecting, sorting, packing and exporting equipment and goods, Regions, Rotary Clubs and other organisations must abide by Workplace Health and Safety Legislation. This applies particularly to the managing of a warehouse or distribution centre from which the activity is operating.

The in-kind donations & equipment repurposing activity must refer to the Workplace Health and Safety Policy (WHS) of Rotary Australia World Community Service Ltd. A copy of this Policy can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

#### And;

Establish a policy document in accordance with the regulations as enacted or passed by Parliament in their State or Territory for the appropriate WH&S Regulations for the particular centre. ***This document must be held and readily available at all in-kind donations & equipment repurposing centres.***

#### 4.15. Risk Management

In-kind donations & equipment repurposing activities must implement a Risk Management Plan as part of best practice to minimise accidents and claims on insurance.

There are five basic steps in the workplace health and safety management process when implementing a plan:

- Identify hazards
- Assess risks that may result because of the hazards
- Decide on control measures to prevent or minimise the level of the risks
- Implement control measures
- Monitor and review the effectiveness of measures

#### 4.16. Responsibility to Youth and Young & Vulnerable Persons

Rotary Australia World Community Service Ltd (RAWCS) activities are based on deeply held values and principles. It is essential that commitment to humanitarian principles is supported and demonstrated by all members of the Board of Directors, Members of Regional Committees, Volunteers, Supporters and Associates.

It is their duty to safeguard, to the best of their ability, the welfare of and prevent the assault, physical or sexual or emotional abuse and harassment of all people with whom they come into contact.

- **Youth** – means any individual who is under 18 years of age: a “child” as being below 12 years of age and young person’ as being 12 years of age or older, but not yet 18 years of age
- **Vulnerable Person** – a cognitively impaired person includes someone with an intellectual disability, a developmental disorder, a neurological disorder, dementia, severe mental illness. A brain injury, age and frailty

A copy of the RAWCS Policy for the Prevention of Abuse and Harassment of Young and Vulnerable persons can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)



***This document must be held and readily available at in-kind donations & equipment repurposing centres.***

***All volunteers must be fifteen (15) years or over.***

#### **4.17. Working with Children**

Working with Children Check (WWCC) or the appropriate State or Territory legislation:

*The Working with Children Act 2005* requires that people who work or volunteer in certain child-related activities apply for, and pass, a WWCC. The WWCC helps to protect children from sexual or physical harm by checking a person's criminal history for serious sexual, serious violence or serious drug offences and the person's history with specific professional disciplinary bodies for certain findings. The requirement is to have a WWCC undertaken for all employees and volunteers in unsupervised direct contact with children.

#### **4.18. Responsibility for Children's Indemnity**

An indemnity form or agreement is a contract where one party agrees to protect another party against certain future claims or losses. Children's Indemnity forms must be available on file.

#### **4.19. Anti-discrimination & Harassment Policies**

***It is unlawful to discriminate on the basis of age, disability, race and sex.***

Discrimination and harassment occur when a person is discriminated against or harassed in the workplace and in certain areas of public life, because of their race, colour, descent or national or ethnic origin. Because of their sex, marital status and pregnancy or because of a disability, or because of age as defined under the *Age Discrimination Act 2000* and some grounds under the *Australian Human Rights Commission Act 1986*.

- RAWCS is committed to ensuring that the working environment is free from discrimination and harassment
- Discrimination and harassment will not be tolerated under any circumstances
- Disciplinary action will be taken against any volunteer, employee (or agent) who breaches the policy

#### **RAWCS aims to:**

- Create a working environment which is free from discrimination and harassment and where all members are treated with dignity, courtesy and respect
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities
- Provide an effective procedure for complaints based on the principles of natural justice
- Treat all complaints in a sensitive, fair, timely and confidential manner
- Guarantee protection from any victimisation or reprisals
- Encourage the reporting of behaviour which breaches the discrimination and harassment policy
- Promote appropriate standards of conduct at all times

#### 4.20. Drug & Alcohol Policy

RAWCS is committed to providing safe and healthy workplaces and is committed to the well-being of volunteers, operations teams and members of public and to enable all persons to perform their work in a manner which is both productive and does not jeopardise their own safety or the safety of others. RAWCS attitude is that it is unacceptable to volunteer or work under the influence of alcohol or drugs.

To achieve the highest standards of health and safety, the company will maintain a drug and alcohol cut off level that sets out the requirements for determining whether an employee is under the influence of drugs and alcohol.

Persons are expected to have blood alcohol concentration (BAC) levels consistent with community expectations.

#### **RAWCS does not and will not condone:**

- The use, sale or possession of any illegal/prohibited substance or alcohol at its premises, the workplace, or a work-related event
- The presence of employees adversely affected by alcohol at the workplace, premises, or work-related event
- The consumption of alcohol at the workplace or at a work-related event without express management permission

The company acknowledges that alcohol may be consumed at some activities involving persons including RAWCS initiated activities. When attending a function as representative of RAWCS, persons are expected to conduct themselves responsibly within the bounds of the company's policies.

#### 4.21. Conflict/Dispute Resolution Procedures

This applies to disputes between;

- A member and another member; or
- A member, volunteer and the operations team

When a dispute arises, in the presence of a facilitator the parties to the dispute must meet and discuss the matter, and if possible, resolve the dispute. Resolving issues before they grow into disputes can create strong commitment to the solution. If the issues are able to be settled privately it can save time, and spare both parties the stress of a formal legal process.

If the parties are unable to resolve the dispute or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.

The mediator must be;

- A person chosen by agreement between the parties; or
- In the absence of agreement;
  - For a dispute between a member and another member – a person appointed by the Board; or
  - For a dispute between a member and the Board – a person who is an independent mediator

A member of RAWCS can be a mediator. The mediator cannot be a party to the dispute. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

The mediator, in conducting the mediation, must;

- Give the parties to the mediation process every opportunity to be heard
- Maintain records of all interactions and steps taken throughout the mediation.
- Allow due consideration by all parties of any written statement submitted by any party; and
- Ensure natural justice is accorded to the parties to the dispute throughout the mediation process
- The mediator must not determine the dispute
- If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute otherwise at law

A copy of this Policy can be found at: ([www.rawcs.org.au](http://www.rawcs.org.au) – [Key Documentation](#))

#### **4.22 Underperformance & Misconduct**

There is a difference between underperformance and misconduct.

Underperformance shows up as;

- failure to do the duties of the role or to meet the standard required
- non-compliance with workplace policies, rules or procedures
- unacceptable behaviour at work
- disruptive or negative behaviour that affects co-workers

If underperformance is not addressed early, it could become more serious and start to affect the productivity and performance of the whole organisation.

Misconduct is misbehaviour and, at worst, is gross misconduct, for example:

- inappropriate behaviour with other volunteers that affects their job
- abusive behaviour
- drinking or drug abuse on site
- corruption
- theft

#### **Disciplinary Procedures**

If a team member or volunteer is underperforming or carrying out gross misconduct, there may be reasonable grounds to request that person to leave.

However, depending on the severity of the act, it may be beneficial to investigate the matter and gather evidence before resorting to dismissal. By carrying out an investigation first, it can be proven that reasonable steps were taken to review the situation which in turn may aid in any claims against the organisation.

Steps to follow when investigating underperformance or misconduct:

- Choose an internal or external investigator who is qualified and has experience in investigating such cases.
- Maintain records of all interactions and steps taken throughout the investigation.

- Interview all parties involved in the matter to explain the reasoning behind the investigation, to gather facts and provide an opportunity for all parties to give an explanation.
- Based on the results of the investigation one can decide on the course of action whether or not to i.e., request the person to leave. Keep in mind there will be a requirement to give the person a written explanation, a brief statement that explains the reason.
- It may be advisable to seek legal or advice from higher authority such as the RAWCS Board before acting.

#### **4.23. Procedures for Supporting People with Disabilities**

It is the policy of RAWCS to provide reasonable support for individuals with disabilities.

RAWCS activities shall comply with all applicable Federal, State & Territory laws and regulations regarding reasonable requirements needed to provide equal opportunity to individuals with disabilities. An individual with a disability is a person who, with or without reasonable support, can perform the essential functions of a task.

In-kind donations & equipment repurposing activities must endeavour to support people with disabilities in carrying out tasks and provide a suitable environment as far as practical.

**The interactive process to determine a reasonable support involves the following steps:**

- Analyse the task involved to determine its purpose and essential functions or requirements
- Talk with the individual to identify the precise task related limitations imposed by the person's disability and how these limitations could be overcome with reasonable support
- Involve the individual in identifying a range of support and assessing the effectiveness each would have in enabling the individual to perform the essential functions of the task

## **5. MARKETING, PROMOTIONS & PUBLIC RELATIONS**

RAWCS recognises the complexity of issues and the range of people and organisations that it is required to communicate with. Communications must be professional and targeted.

There are a vast number of communities that rely on the generous work of Australian Rotary volunteers to deliver humanitarian aid to improve their way of life. RAWCS seeks ways to acknowledge these volunteers and to publicise this vital work and encourages others to provide financial assistance to support their efforts.

RAWCS has set guidelines in relation to the RAWCS and Rotary brand. Team members are responsible for maintaining all marketing and communications for an in-kind donations & equipment repurposing activity in accordance with RAWCS marketing and communications policy and branding requirements of Rotary International.

In-kind donations & equipment repurposing activity operations teams members are to promote the Vision, Mission and Objects of RAWCS.

## **6. SPONSORSHIPS & PARTNERSHIPS**

In-kind donations & equipment repurposing activity teams are encouraged to advocate sponsorships and partnerships in providing costs for shipping of containers and local and interstate cartage and donations of acceptable used or end of life equipment and goods.

**Financial donations are to be made on-line via the RAWCS website.**  
([www.rawcs.org.au](http://www.rawcs.org.au))

## **7. RESOURCES**

### **Governance for Good – ACNC’s Guide for Charities**

(<https://www.acnc.gov.au/tools/guides/governance-good-acncs-guide-charity-board-members>)

### **RAWCS – Container Reporting**

([www.rawcs.org.au/admin/log in/donations in kind](http://www.rawcs.org.au/admin/log%20in/donations%20in%20kind))

### **RAWCS – Code of Conduct**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **RAWCS – Anti-bribery & Corruption Policy**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **RAWCS – In-kind Donations & Equipment Repurposing Operations Guideline**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **RAWCS – Workplace Health & Safety Plan**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **RAWCS – Policy for the Prevention of Abuse & Harassment of Young & Vulnerable Persons**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **RAWCS – Conflict/Dispute Resolution Procedures**

([www.rawcs.org.au](http://www.rawcs.org.au) – Key Documentation)

### **Australian Government National Guidelines for Managing Donated Goods**

[https://dhs.sa.gov.au/\\_\\_data/assets/pdf\\_file/0004/1894/national-guidelines-for-managing-donated-goods.pdf](https://dhs.sa.gov.au/__data/assets/pdf_file/0004/1894/national-guidelines-for-managing-donated-goods.pdf)

### **Australian Guidelines for Drug Donations**

([http://www.health.gov.au/internet/main/publishing.nsf/Content/A3AFDE12DEFB5FF5CA257BF00018CD4F/\\$File/augudddc.pdf](http://www.health.gov.au/internet/main/publishing.nsf/Content/A3AFDE12DEFB5FF5CA257BF00018CD4F/$File/augudddc.pdf))

**Pharmaceuticals – Controlled Substances Guidelines**

(<http://www.health.gov.au/internet/main/publishing.nsf/Content/ocs-treaties-compliance-prohibited-impexp-precursor.htm>)

**WHO Guidelines for Health Care Equipment Donations**

([http://www.who.int/medical\\_devices/publications/en/Donation\\_Guidelines.pdf](http://www.who.int/medical_devices/publications/en/Donation_Guidelines.pdf))

**World Health Organisation (WHO) Guidelines for Drug Donations**

([http://www.who.int/hac/techguidance/guidelines\\_for\\_drug\\_donations.pdf](http://www.who.int/hac/techguidance/guidelines_for_drug_donations.pdf))

**World Health Organisation (WHO) Guidelines for Donation of Medicines**

([www.who.int/medicines/publications/med\\_donationsguide2011/en/](http://www.who.int/medicines/publications/med_donationsguide2011/en/))