



POLICY: NATIONAL BEQUESTS

PREAMBLE

The St Vincent de Paul Society National Council of Australia is united in its spirituality and management through the International Confederation of the St Vincent de Paul Society (*The Rule*, Part II, Art. 1.1). National Council is instituted by the International Council General (Part III, Art. 15) and follows the international and Australian statutes outlined in *The Rule*.

The St Vincent de Paul Society in Australia ('the Society in Australia') is governed by *The Rule* which embraces the principle of subsidiarity such that decisions are made as close as possible to the level where activities are performed ensuring local circumstances are taken into consideration (Part I, Art 3.9).

The Society in Australia consists of the National Council and six State Councils and two Territory Councils that together assist the Society's members carry out good works.

Under *The Rule*, the National Council is the Society's superior council in Australia (Part II, Art. 1.6). National Council authorises the legal entities that operate in Australia in the name of the St Vincent de Paul Society. Each of the Society's nine councils in Australia is registered as a charity with the Australian Charities and Not-for-profit Commission (ACNC).

Each of the nine councils has established a civil incorporated entity as the vehicle to deliver charitable works within their jurisdiction. National Council has established a legal entity to assist it to implement the mission of National Council in the civil environment. This entity is St Vincent de Paul Society National Council of Australia Inc. (the Association) which is registered to operate in every state in Australia. In this document the Association is referred to as National Council.

National Council and some of the state and territory councils have established and control separate subsidiary legal entities to assist in the good works of the Society. Each subsidiary entity is registered with the ACNC.

This policy integrates *The Rule* with the Constitution of St Vincent de Paul Society National Council of Australia Inc.

INTRODUCTION

A bequest is a transfer of personal property such as cash, securities or other assets which generally is tied to the owner's death and as specified in their will.

More than any other type of giving, a bequest is characterised by long-term timeframes (e.g. a clause in an individual's will). The recipient of a bequest is often unaware of the donor's intent until the bequest is made.

The National Council can receive bequests but does not have a bequest program in place.

It is noted that the legislation covering bequests differs in each State and Territory accordingly, standards should be considered in conjunction with the relevant State or Territory legislation – where a conflict arises between the FIA guidelines and legislation, the relevant legislation prevails.

DEFINITIONS

Within this policy and all related governance documents, the following definitions apply:

Benefactor is a person who gives money or other help to a person or cause.

Bequest means a gift or asset or right given to an organisation by a donor by the donor's will and includes a legacy, residuary bequest, pecuniary bequest or contingency bequest or a specific bequest.

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 specific sum of money.

Special Purpose Bequest means a specific and severable asset or right.

Residuary Bequest means the residual of a donor's estate.

SCOPE

This Policy applies to National Council Directors and Officers.

POLICY STATEMENT

1. Directors and Officers shall act in accordance with the National Council's Code of Conduct including honesty, respect, integrity, empathy, and transparency if the subject of a bequest is made with them.
2. Directors and Officers shall not engage in solicitation activities that may harm the Society or engage in activities which contradict the mission and legal obligations of National Council.

TYPES OF BEQUESTS

3. There are four main types of bequests a donor can leave in their will:
 - 3.1 Residual - this is the remainder of the donor's estate after first leaving gifts to their loved ones. A residual bequest will keep up with inflation.
 - 3.2 Percentage or fractional - this is a gift expressed as a percentage or fraction of the donor's estate. Again, these gifts aren't influenced by inflation. Donors can leave a percentage of either the residue of their estate or a percentage of the entire estate.
 - 3.3 Pecuniary or specific - this is a specified gift which can be money, property or stocks and shares.
 - 3.4 Whole estate - this comprises the donor's entire estate and is usually left by those without family or other preferred beneficiaries, or those wanting to achieve something very significant with their gift.
4. It is noted that a bequest may be given freely (i.e. the donor gifts moneys for a purpose(s) to be determined by the recipient charity) which means the recipient charity can choose to deal with it as it sees fit within the aims of the organisation, or it may be given with conditions which must be honoured.

DOS AND DON'TS

The following advice is provided in the event National Council is involved in a bequest.

5. Directors and Officers of National Council must ensure that they maintain an appropriate relationship with the donor with regards to their confirmed or proposed bequest, or after the bequest is made, any executor of the will.
6. They must not inappropriately influence or coerce the donor about a confirmed or proposed bequest.
7. They must not provide financial planning or other financial advice to the donor except that which is contained within these principles and standards and should always encourage the donor to seek independent legal advice in relation to the bequest.
8. They must observe and respect a donor's refusal to make a bequest and accordingly cease or, where appropriate, limit the frequency of solicitations through all channels including face-to-face visits.
9. Where a bequest is confirmed, they should exclude all forms of public recognition if the donor chooses to remain anonymous and provide written acknowledgement and receipt of a bequest to the donor's executor or legal representative.
10. Where a bequest is for a special purpose, the executor or representative is comprehensively informed as to how the Society will comply with the bequestor's wishes. Should the Society not be able to comply with the request, the executor or representative must be informed at the earliest possible opportunity.
11. The representative must not agree or request to be appointed executor of the will or trustee of the estate nor suggest that any Director or officer of the Society be appointed.

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12. Society representatives must not allow personal or commercial interests to affect their decision to accept or refuse a bequest nor derive or accept any personal benefit from a bequest received by the Society, nor should they offer to compensate a donor for preparation of a will.
13. When a donor chooses to include a bequest section in their will, National Council must have its preferred will wording readily available to the bequestor. The preferred wording should include the full and legal name of the organisation, address, ABN and ARBN.

INFORMATION DISCLOSURE

14. A representative of National Council must not disclose to anyone outside of the Society any personal private information about a donor, including details of their will, except in the case of seeking confidential legal advice with regard to affecting the bequest or with the explicit consent of the bequestor.

COMPLIANCE AND MANAGEMENT

15. Representatives of National Council must comply with FIA's Principles and Standards of Fundraising; relevant Commonwealth, State and Territory legislation including **The Spam Act 2003**, **Competition and Consumer Act 2010**, **Privacy Act 1988**, and the **National Australian Privacy Principles**.

RELATED DOCUMENTS

The Spam Act 2003

Competition and Consumer Act 2010

Privacy Act 1988 (as amended in 2024)

Australian Privacy Principles

National Council Privacy Policy

DOCUMENT INFORMATION

TITLE	National Bequests
DOCUMENT TYPE	Policy
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RESPONSIBLE OFFICER	National Council Chief Executive Officer
APPROVER	National Council
ENQUIRIES	admin@svdp.org.au

Board Resolution 46/2025

That National Council endorses the reviewed Bequests Policy.

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