

# Guidelines for major donors and sponsorships



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## Key Principles

The purpose of this document is to provide a guideline when determining the nature and reciprocity of philanthropic and sponsorship proposals.

## Target audience

These guidelines are for the use of Library staff and major donors and sponsors.

## Guidelines

### 1. Organisational overview

#### 1.1 State Library of New South Wales

The State Library of New South Wales is a world leading library and centre of digital excellence with origins dating back to 1826. The State Library informs, educates, inspires and surprises online, on site and on tour and through partnerships with the public library network and vibrant collaborations.

The State Library's extraordinary collections document the heritage of Australia and Oceania and are one of the New South Wales' most valuable assets. By building, preserving and delivering its collections, including today's born digital materials, the State Library enables Australians to interrogate our past and imagine our future.

As a developing centre of digital excellence, the State Library engages online across New South Wales, Australia and globally. Its heritage collections are increasingly delivered digitally for all to use and repurpose, providing depth for the researcher and stimulus to the creative industries. Heritage is complemented by online journals, databases and learning materials delivered freely throughout the State.

At its historic home on Macquarie Street at the heart of Sydney, the State Library is a knowledge landmark, a pre-eminent cultural destination which attracts scholars, students and visitors who can read, converse, learn, visit exhibitions or enjoy events. Mirrored online, the services and spaces for study, learning, exhibitions, events and encounter are friendly and stimulating.

The State Library works in partnership with the public library network to enrich the lives of people and communities across New South Wales. On site and online, public libraries anticipate the needs of children and families, young people and students, working people,

older people, visitors and business, and the particular interests of Australia's Indigenous peoples and culturally and linguistically diverse population. Local services are extended by the information services, educational programs and exhibitions provided on site, online and on tour through the expertise of the State Library's staff and the strength of its partnerships.

The State Library's core values and beliefs are:

- Equity of access
- Innovation and engagement
- Valuing people
- Honour and integrity
- Energy and teamwork.

### **1.2 Library Council of NSW**

The Library Council of NSW (Library Council) is the governing body of the State Library of NSW (State Library). Library Council objectives are defined in section 4A of the *Library Act 1939* and include:

- Promoting, providing and maintaining library and information services for the people of New South Wales; and
- Policy advising on library and information services and the assistance of those services.

### **1.3 The State Library of NSW Foundation**

The State Library of New South Wales Foundation (Foundation) is the major fundraising vehicle assisting the Library Council of NSW. The Foundation (ABN 76 343 150 267) has Deductible Gift Recipient (DGR) status, Income Tax Exempt Charitable Entity (ITEC) and Charity Tax Concessions (TCC).

## **2. Relationships**

### **2.1 Nature of relationships**

The State Library, through the Library Council and the Foundation, nurtures a variety of sponsorships and donor relationships which include those with individual philanthropists, trusts and foundations, organisations and large corporations. Referred to in a general sense as 'relationships', all of these relationships are based on clear and shared understandings and expectations.

The reciprocity in each relationship is based on the State Library's ability to deliver social and cultural benefits to the people of NSW, Australia and the world by enhancing access to its extensive collections and the major donor/sponsors' capacities to support the work of the State Library.

There are two broad categories of support usually received by the State Library: donations and sponsorship.

The State Library perceives a:

- **Major Donor** as an individual or organisation giving a philanthropic contribution of monetary value in cash, pro bono or in kind (by gift or bequest) to the State Library or the Foundation without receiving any material benefits; and
- **Sponsor** as an individual or organisation giving a contribution of monetary value in cash or in-kind, or pro bono to the State Library and who receives recognition through advertising or other material benefit.

The nature and value of each gift/contribution and the purposes to which it may be applied are clearly defined at the commencement of each major donation or sponsorship. Consideration may be given to what is required to honour conditions of the bequest. Additional or extended funding may be negotiated during or at the conclusion of each project.

Gifts/contributions may be pledged or paid in single or multiple instalments over a prescribed term usually correlative with the project. These arrangements will be confirmed at the commencement of each major donation or sponsorship.

## **2.2 Acceptance of Support**

The Foundation is the primary body receiving support for the State Library.

Support through relationships is accepted in accordance with the *Library Act 1939 (NSW)* and other relevant legislation, regulation and government policy including:

- [Copyright Act 1879 \(NSW\) \(Legal Deposit Provision, ss5-7\)](#)
- [State Library Collections Donations Policy](#)
- [State Library Collection Acquisitions Policy](#)
- [State Library Collection Development Policy](#)
- [State Library Collection Retention and Withdrawal Policy](#)
- [NSW Department of Trade & Investment, Regional Infrastructure and Services Sponsorship Policy TI-G-136 version 4.0 16/02/2016](#)

The [Commonwealth Cultural Gifts Program](#) provides useful guidance.

All intending donors or sponsors should however obtain their own legal and financial advice concerning the taxation (including GST) status and effects of their contributions.

## **3. Audiences**

As a landmark cultural institution, the State Library provides access to local, national and international audiences through on-site, online and on tour activities. The Library's audience includes students of all ages, youth, general public, professional researchers, academics, and residents of regional and remote areas, community groups and special interest groups.

Currently the Library attracts:

- 1 million visits onsite annually
- 3.4 million visits offsite annually.

## **4. Key projects**

The State Library has many funding opportunities for both major philanthropic donors and sponsors including:

- Educational and community programs
- Activities relating to disadvantaged communities through outreach programs
- Acquisition of new collection items
- Conservation and preservation of collection items
- Exhibitions (onsite, offsite or regional touring)

- Online and digital offerings
- Facilities, rooms and equipment
- Scholarships and fellowships
- Prizes and awards
- Publications and catalogues
- Events and seminars
- Capital or building projects
- Specific appeals.

## **5. Benefits and Acknowledgements**

### **5.1 Major Donor benefits and acknowledgements**

These may include:

- Association with a world leading Library
- Acknowledgement in State Library publications and Macquarie Street Honour Wall listing (where applicable)
- Special editorial coverage in State Library publications including SL Magazine
- Invitations to special Library events.

### **5.2 Sponsorship benefits and acknowledgements**

These may include:

- Association with the State Library of NSW brand and market position
- Access to a global audience through an online presence
- Acknowledgement in State Library publications, digital promotion, and Macquarie Street Honour Wall listing
- Marketing collateral, onsite signage and PR leveraging
- Naming rights (refer to Library Naming Policy)
- VIP invitations to exclusive events, Library openings and behind the scenes viewings for sponsor's guests or staff
- Unique hospitality opportunities.

## **6. Formalisation of relationships**

Each relationship will be recognised and formalised in writing by the State Library.

In certain circumstances the relationship will be formalised in a written agreement negotiated and agreed with the provider of the relevant support.

Sponsorships may be described in a written agreement, the terms of which may need to be determined on a case by case basis. The Library will be guided by a document such as "[Sponsorship in the Public Sector](#)" in formulating such agreements.

Relationship documentation will address the conditions of relationships set out in Section 7 below.

Sponsorship agreements will be agreed and signed in duplicate by each party – one copy to be retained by each party.

## **7. Conditions of relationships**

### **7.1 Duration of relationships**

The term of each relationship will be specified. These will usually be consistent with the duration of the relevant project. The terms may be short term or multi-year commitments. Multi-year relationships will include annual milestones.

### **7.2 Supporting the State Library's mission and values**

Relationships will:

- a) Support the State Library's mission, vision and strategic goals described in section 1 above;
- b) Be consistent with the objects of the State Library under section 4A of the Library Act 1939;
- c) Benefit the State Library by association and be consistent with its values and standing as a New South Wales cultural institution;
- d) Where the Foundation is the recipient of support from a major donor or sponsor on behalf of the State Library, be consistent with the objects of the Foundation as described in its Constitution; and
- e) Comply with applicable government policies and laws.

### **7.3 Ethics and exclusions**

7.3.1 Major donors and sponsors must uphold:

- 1) Ethical standards in accordance with best practice;
- 2) The integrity of the 'good name' and reputations of the major donor/sponsor and the Library;
- 3) Safeguards against any abuse of the intellectual property of the Library and the major donor/sponsor;
- 4) Protection and promotion of the best interest of the State Library and its programs; and
- 5) Maintenance of probity and legislative and regulatory requirements including open access to the State Library's collections.

7.3.2 The State Library **will not** knowingly enter into relationships in which:

- 1) Projects are not in alignment with the State Library's mission, vision, goals and objectives;
- 2) The State Library's reputation, public image or probity may be compromised including situations in which a major donor/sponsor gains income from pornography, tobacco sales, weapon sales, sexual services, exploitation of women and children;
- 3) The activities of the major donor/sponsor are not consistent with the State Library's values and its general principles of equity, social justice, participation

rights or accessibility or its legislative functions;

- 4) Public access to the State Library or its collections may be restricted or other conflict with the Library Act 1939 may result from by the nature of the relationship;
- 5) There is any actual or perceived conflict of interest or issues of compliance as outlined in the State Library's Code of Conduct;
- 6) Any action of the major donor/sponsor that can be construed as discriminating, denigrating, offensive or hazardous or promotes a political party or religion; or
- 7) The activities of the major donor/sponsor promote or advertise products or services in a misleading or deceitful manner.

#### **7.4 Confidentiality and Privacy**

- a) Confidential information includes information which is by its nature confidential; is designated by the State Library or a major donor/sponsor as confidential; or which either knows or ought to know is confidential.
- b) The State Library and the major donor/sponsor acknowledge and agree that improper use or disclosure of confidential information of the other party could damage the interests of that party and will not be disclosed to any third party without that party's prior written consent unless:
  - 1) A party is required to disclose such information by any applicable law or legally binding order of any court, government, semi government authority, administrative or judicial body, or a requirement of a stock exchange or regulator;
  - 2) The information is in the public domain other than as a result of a breach of the agreement; or
  - 3) The information was at the time of disclosure already in the lawful possession of the receiving party.
- c) Each party agrees to take reasonable and adequate precautions to preserve the confidentiality of the other party's confidential information.
- d) The State Library and the major donor/sponsor agree to use the other party's confidential information only for the purposes of performing obligations and exercising rights under the agreement.
- e) The parties will not use or disclose any Personal Information for a purpose other than discharging their obligations under this agreement. The parties further agree to comply at all times with the Privacy Law. The parties will take all necessary steps to protect Personal Information in their possession against misuse or loss and it will return all such information to the owner of the information (or if requested by the owner, destroy or de-identify such information) upon termination or expiry of this agreement.
- f) **Privacy Law** means:
  - 1) The Privacy and Personal Information Protection Act 1998 (NSW); and
  - 2) The Privacy Act 1988 (Cth),including any ancillary rules, guidelines, orders, directions, directives, codes of conduct or other instruments made or issued there under, as amended from time to

time.

g) **Personal Information** has the meaning given in the Privacy Law.

## **7.5 Intellectual Property**

- a) Each of the State Library and the sponsor will retain ownership of their intellectual property existing at the date of the agreement including devices, trademarks, trade names, designs, copyright (including copyright owned in works created in the future) and other material the subject of intellectual property rights, registered or unregistered, which in the case of:
- 1) The State Library, includes State Library logos or emblems used to promote any aspect of the projects and more generally for achieving the State Library's objectives under the Library Act 1939;
  - 2) The major donor/sponsor, includes any trade mark, name, logo or slogan which refers to the major donor/sponsor or its products or services; or
- either party, is as specified in the agreement.
- b) Each of the State Library and the major donor/sponsor acknowledges and agrees that:
- 1) Neither party has any right, title or interest in or to any of the other party's existing intellectual property; and
  - 2) The existing intellectual property of either party may only be used as expressly specified in the agreement.

## **7.6 Management of relationships**

- a) The State Library and the relevant major donor/sponsor will meet periodically (e.g. quarterly/annually) or as otherwise may be agreed between them from time to time, to review and monitor progress with the project and to address any other matters which either may wish to raise concerning the relationship. The State Library or a major donor/sponsor may notify the other of any issues at any time during the term of the relationship.
- b) The State Library will provide detailed reports at regular intervals (e.g. quarterly, annually) concerning:
- 1) Financial and performance outputs and outcomes of the project;
  - 2) Reports detailing methodologies and statistical findings (relevant data on exhibition visitation, breakdown of audience, online web searches); and
  - 3) Other matters relevant to the project from time to time.
- c) A party may not assign, novate, or otherwise transfer all or any part of its rights or liabilities under the agreement or in respect of the project without the prior written consent of the State Library.

## **7.7 Dispute resolution & termination**

- a) The State Library and its major donor/sponsor will seek through their reasonable

endeavours to resolve all issues and disputes in an amicable manner.

- b) If an issue in dispute cannot be resolved during a 90-day period, the State Library and the major donor/sponsor agree to refer the dispute to a mediator if one of them requests it.
- c) The State Library and the major donor/sponsor agree to terminate the agreement amicably within 90 days or other agreed period of notice if a dispute between them cannot be resolved in accordance with the process set out in this section 7.7.
- d) If the agreement is terminated for any reason, the major donor/sponsor will meet all payments due at the date of termination and the State Library will complete all contracted activities for which payments have been received.

### **7.8 Interpretation**

- a) No relationship of employer and employee, principal and agent, partner or joint venture arises between the State Library and any major donor/sponsor under an agreement. For avoidance of doubt, all references to partner or partners in this document are intended in a general sense and are not intended to connote a legal relationship.

## **8. Responsibilities**

The Foundation office will ensure the guidelines are regularly reviewed and updated. The State Library will provide detailed reports at regular intervals (e.g. quarterly, annually) as negotiated and confirmed in the letter of agreement.

Identify the responsibilities of relevant nominated positions for implementation, management and accountability.

## **9. Related Key Legislation and Policy**

*Library Act 1939 (NSW)*

*Library Regulation 2010 (NSW)*

*State Records Act 1998 (NSW)*

*Government Sector Employment Act 2013 (NSW)*

*Independent Commission against Corruption Act 1988 (NSW)*

Open access information requirements of the *Government Information Act 2009 (NSW)* (GIPA Act)

*Privacy and Personal Information Protection Act 1998 (NSW)*

## **10. Related policies**

Recognition of Support Policy: Naming Rights Document

Bequests

Code of Conduct - Library Council of New South Wales This policy summarises the expectations of ethical conduct of members of Library Council and all members of committees established by Library Council.

Staff Code of Ethics and Conduct This policy outlines the conduct expected of all State Library Staff.

Financial Delegations Policy This policy identifies position titles and their respective limits of financial delegations under the *Public Finance and Audit Act 1983*.

Fraud and Corruption Prevention Policy This policy is designed to ensure that the State Library establishes and maintains a healthy ethical culture.



Gifts and Benefits Policy and Procedure This policy states the State Library's requirements regarding the management of gifts and benefits.

Honours and Honorary Appointments of the Library This Policy specifies how the Library Council of New South Wales may recognise outstanding individuals who have contributed to the State Library of New South Wales.

## 11. Other related documents

Privacy Management Plan

NSW 2021 Plan

NSW Government Personnel Handbook

Sponsorship in the Public Sector (ICAC) 2006

Bribery, Corrupt Commissions and Rewards (ICAC) 2009

## 12. Document history and version control

Version	Date approved	Approved by	Brief description
V.1	26/11/2015	State Librarian and Chief Executive, State Library of New South Wales	
V.2	10/01/2017	Foundation, State Library of New South Wales	Version involved changing the format to align with other Library policies/guidelines.