

Who can audit fundraising accounts?

Legal information for community organisations

This fact sheet covers:

- ▶ the different meanings of 'auditor' that apply under the different fundraising laws in Australia
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Each Australian state and territory has its own different rules relating to fundraising. The meaning of auditor' is different under each of these fundraising regimes.



Disclaimer

This fact sheet provides general information. This information is intended as a guide only and is not legal advice. If you or your organisation has a specific legal issue, you should seek legal advice before deciding what to do.

Please refer to [the full disclaimer](#) that applies to this fact sheet.

In general, auditors must be 'independent'.

This means auditors can't:

- be involved with the organisation (for example, be an employee, or sit on the committee or board)
- have a conflict of interest (for example, have been involved in the preparation of the accounts and records that will be audited), or
- have a business or financial relationship with the organisation



More information

For more information about the different fundraising regimes across Australia, including the various financial and reporting obligations in each state and territory, see:

- our guide to fundraising laws in Australia, and
- our more detailed fundraising guides for each state and territory, on our [fundraising webpage](#).



Note – other financial reporting obligations

In addition to state or territory fundraising obligations, there are many situations where community organisations may be required to report to government agencies. This may include lodging audited accounts.

Depending on its structure, its turnover, and whether it is registered as a charity with the Australian Charities and Not-for-profits Commission (**ACNC**), your organisation may need to report to:

- the ACNC (for charity annual reporting)
- the Australian Tax Office (**ATO**) (in relation to tax)
- the Australian Securities and Investments Commission (**ASIC**) (for organisations that are structured as companies limited by guarantee), or
- the state or territory regulator for organisations that are incorporated associations

The requirements around who can conduct an audit and the requirements of audited accounts for these agencies may be different to the requirements under the state or territory fundraising regime (or regimes) that apply to your organisation's fundraising activities.

For more information about various reporting obligations, see our [webpage on financial reporting to government](#).

The different definitions of 'auditor' under the relevant fundraising regimes in each Australian state and territory are set out in the table below.

In most jurisdictions, the relevant fundraising laws state that an auditor of fundraising accounts includes a person who is registered under the *Corporations Act 2001* (Cth) (**Corporations Act**).



'Auditor' under the Corporations Act

Under the Corporations Act registration process, auditors and prospective auditors who wish to audit companies and other entities must register to become a 'registered company auditor' or an 'authorised audit company' with ASIC.

Guidance for auditor registration is set out in [ASIC's Regulatory Guide 180](#).

A person satisfies auditor requirements under the Corporations Act if they:

- hold a degree, diploma or certificate from a prescribed university or institution, and have passed exams in accountancy, or commercial law and have completed a course in auditing as prescribed by the regulations, or
- have other qualifications and experience that, in ASIC's opinion, are equivalent to the above requirements.

The auditor must also be capable of performing duties, be a fit and proper person, and not be disqualified from managing corporations.



Who is an ‘auditor’ under the relevant fundraising regimes in each Australian state and territory?

| Jurisdiction and legislation | Who can conduct an audit? |
|---|---|
| <p>Victoria</p> <p>Fundraising Act 1998 (Vic)</p> <p>Fundraising Regulations 2019 (Vic)</p> | <p>A person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act, or • a person approved in writing by the Director of Consumer Affairs Victoria (CAV) <p>For more information, visit Consumer Affairs Victoria's website, Clubs and fundraising</p> |
| <p>New South Wales</p> <p>Charitable Fundraising Act 1991 (NSW)</p> <p>Charitable Fundraising Regulation 2021 (NSW)</p> | <p>A person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act • an authorised audit company, or • a person having other qualifications or experience acceptable to NSW Fair Trading <p>For more information, see NSW Fair Trading's website Auditing Charitable Fundraising Guidelines - Reporting requirements</p> |
| <p>Queensland</p> <p>Collections Act 1966 (QLD)</p> <p>Collections Regulation 2008 (QLD)</p> | <p>A person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act • a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA' • a member of Chartered Accountants Australia New Zealand who is entitled to use the letters 'CA' or 'FCA' • a member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA', or • a person who the chief executive (appointed by the Minister) considers has appropriate qualifications. <p>For more information, see Queensland Office of Fair Trading's webpage, Reporting requirements for charities and fundraisers</p> |
| <p>Western Australia</p> <p>Charitable Collections Act 1946 (WA)</p> <p>Charitable Collections Regulations 1947 (WA)</p> | <p>For organisations that are required to provide audited accounts:</p> <ul style="list-style-type: none"> • a person approved by the Commissioner for Consumer Protection <p>In policy guidance from the Minister, an audit of medium or large-sized charities must be conducted by an independent person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act • a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA' • a member of Chartered Accountants Australia New Zealand who is entitled to use the letters 'CA' or 'FCA' • a member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA', or • a member of the Association of Taxation and Management Accountants (ATMA) |



| Jurisdiction and legislation | Who can conduct an audit? |
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| | <p>For further information, see the Western Australian Department of Mines, Industry Regulation and Safety webpage, Auditing accounts</p> |
| <p>South Australia</p> <p>Collections for Charitable Purposes Act 1939 (SA)</p> | <p>A person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act • a firm of registered company auditors • a person who is a member of the CPA Australia or Chartered Accountants Australia New Zealand • approved by the Corporate Affairs Commission, or • otherwise approved by the Minister <p>For more information, see the South Australian Government's Charities webpage.</p> |
| <p>Australian Capital Territory</p> <p>Charitable Collections Act 2003 (ACT)</p> <p>Charitable Collections Regulation 2003 (ACT)</p> | <p>A person who is:</p> <ul style="list-style-type: none"> • registered as an auditor under the Corporations Act, or • an auditor approved in writing by the Director General <p>For more information, see Access Canberra's webpage on charitable collections.</p> |
| <p>Northern Territory</p> | <p>The Northern Territory doesn't have a fundraising regulatory regime</p> |
| <p>Tasmania</p> <p>Collections for Charities Act 2001 (Tas)</p> <p>Collections for Charities Regulations 2011 (Tas)</p> | <p>There are no standard auditing requirements. However, the fundraising regulator in Tasmania (Consumer Building and Occupational Services), may compel an organisation to report in certain circumstances and may attach certain reporting conditions to an approval of a fundraiser.</p> <p>For further information, see the Consumer, Building and Occupational Services' webpage on annual returns for incorporated charities website.</p> |