

Guide to fundraising laws in Australia

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Part 1

Introduction

Introduction

This part:

- ▶ sets out the purpose of this guide
- ▶ sets out what is covered by each part of this guide, and
- ▶ explains terms we use in this guide



Each Australian state and territory has its own distinct rules about fundraising.

If you are planning to conduct fundraising activities, or are already doing so, you need to understand these laws and their requirements. You may need to comply with multiple jurisdictions' fundraising laws (including obtaining multiple licences to fundraise).



Disclaimer

This guide provides information on fundraising laws in Australia. 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 guide.

Compliance with fundraising laws is important for many reasons.

Lawful and ethical fundraising helps to maintain public trust and confidence in the charity and not-for-profit sector, ensuring continued support of such organisations. But if your organisation fundraises unlawfully, legal penalties and reputational damage can follow.

The purpose of this guide

The purpose of this guide is to help organisations that fundraise in multiple states and territories in Australia, or online, to navigate the different fundraising regimes by:

- providing an overview of the different regimes, and
- step-by-step guidance to identify which regimes might apply to your specific fundraising activities



More information – fundraising guides

This guide is not a comprehensive overview of how to comply with fundraising laws in every state. There are more detailed fundraising guides for each state and territory available on [our fundraising webpage](#), together with resources on a range of other laws that apply to your fundraising activities beyond the state-based fundraising regimes (summarised in part 4 of this guide).



Note – other relevant laws

The Australian Consumer Law sets out rules against misleading and deceptive conduct, and unconscionable conduct that apply to the conduct of fundraisers.

Local government requirements will also apply to certain fundraising activities (for example, for face-to-face collections), and additional permits or approvals from local government may be required. This guide does not cover these requirements in detail.



Note – ‘private fundraising’

The requirements outlined in this guide do not necessarily apply in the same way to ‘private fundraising’. Private fundraising includes asking friends or family to support a private activity, like studying overseas, or fundraising in the context of capital or equity raisings by for-profits for business purposes.



More information

For more information about other laws that may apply to your fundraising activities, in addition to those discussed in this guide, visit our webpages on:

- [raffles and trade promotions](#)
- [holding events](#)
- [communications and advertising](#)
- [managing insurance and risk](#)
- [managing people](#)
- [deductible gift recipient status](#)
- [privacy](#)
- [laws for charities](#)

The self-regulatory bodies – [Fundraising Institute of Australia](#) and [Public Fundraising Regulatory Association](#) – also provide codes and guidance on fundraising best-practice.



The parts of this guide

This guide sets out the process of identifying and complying with relevant fundraising laws:

Part 1	• Introduction
Part 2	• What fundraising regulatory regimes are relevant to your fundraising activities?
Part 3	• Is your fundraising activity regulated under the regimes identified in part 2? If not, no need to comply with the regimes in this guide
Part 4	• Does your organisation need approval (such as a licence, permit, authority) to conduct the regulated fundraising activities in each jurisdiction identified in part 2 and are you ready to apply for the relevant licences or seek approvals?
Part 5	• What ongoing obligations apply to your planned fundraising activities under each relevant regulatory regime?
Part 6	• What record keeping and reporting requirements apply to my fundraising activities under each relevant regulatory regime?



Checklists

We provide a checklist at the end of each part of the guide that you can use to confirm that you have complied with the relevant fundraising regimes.

Terms we use in this guide

‘Charity’ and ‘not-for-profit’

‘Charity’ and ‘not-for-profit’ mean different things.

A ‘not-for-profit’ organisation is restricted from distributing profits to members – this means any profit made must be used to further the aims of the organisation rather than for private gain.

Charities are a subset of not-for-profit organisations, however they must also meet some narrower requirements such as having ‘charitable purposes’ for the ‘public benefit’.

Both charities and not-for-profits regularly conduct fundraising.

The difference in type of organisation is important because in some states and territories, fundraising by any not-for-profit (including charities) is regulated, but in other states and territories only fundraising by charities (or fundraising conducted for charitable purposes), is regulated.

It’s also important to note that the term ‘charity’, and the concept of ‘charitable purposes’, have slightly different definitions across the states, territories and at a federal level.

The word ‘charity’ is mostly used to refer to organisations that are registered with the Australian Charities and Not-for-profits Commission (**ACNC**) (a federal body), under the definition in the [Charities Act 2013 \(Cth\)](#). However, when it comes to fundraising, it is the state and territory meanings of ‘charity’ and ‘charitable purposes’ that are relevant. **This guide makes it clear which definition of charity is relevant at each point.**



Note – charities registered with the ACNC

To register and remain registered with the ACNC, a charity must comply with [the ACNC’s Governance Standards](#). Fundraising lawfully is an important part of meeting the Governance Standards. If the charity operates overseas, it must also comply with the ACNC’s External Conduct Standards.

Fundraising campaigns by a registered charity must also align with the charity’s organisational purpose. If a fundraising campaign indicates that a charity is conducting activities that don’t align with this purpose, its registration may be jeopardised.

‘Fundraiser’ and ‘fundraising’

Many individual people, groups of people, clubs, businesses, not-for-profits, charities and commercial fundraisers engage in fundraising activities in Australia.

In this guide, we refer to anyone undertaking fundraising activities as ‘fundraisers’.

‘Fundraising’ is defined differently under the different regimes, however in general, it includes the following types of activities:

- requesting donations to help a person, cause or organisation (whether in person or online)
- raffles and other games
- crowdfunding
- selling merchandise or memberships where some or all the profits will go towards helping a person, cause or organisation, or
- holding events to raise money for a person, cause or organisation



Part 2

What fundraising regulatory regimes are relevant to your fundraising activities?

What fundraising regulatory regimes are relevant to your fundraising activities?



This part:

- ▶ considers 'where does fundraising take place?' and
- ▶ sets out the fundraising regulatory regime and relevant regulator for each state and territory

Except for the Northern Territory, **each state and territory in Australia has a fundraising regulatory regime** that is separate to the Commonwealth regulatory regime.

Many of these regimes were set up years ago, when fundraising activities looked very different to how they do today. Fundraising has traditionally been conducted locally – for example, through collection tins or events like trivia nights and balls.

Modern fundraising takes many forms, and often crosses jurisdictions (for example, online fundraising campaigns). Unfortunately, most fundraising regulatory regimes don't contemplate modern fundraising methods. This creates some difficulty for fundraisers.



Note – Fundraising law reform

Justice Connect's campaign to [#FixFundraising](#) has long advocated for the following three things to happen:

1. **Single point for registration** – if a charity is registered with the ACNC and is complying with its ACNC requirements, it should have 'deemed authority' to fundraise (and shouldn't have to apply for an authority to fundraise in every state and territory)
2. **Single place of reporting** – fundraising charities should only be required to report once a year, to one regulator (the ACNC)
3. **Single set of rules to help ensure ethical fundraising practice**

In February 2023, Commonwealth, state and territory governments [agreed to a set of nationally consistent fundraising principles](#) to support ethical charitable fundraising practice.

State and territory governments will each release a plan to implement these changes by July 2023. For more information, see [our webpage on the National Fundraising Principles](#).

The table below sets out the fundraising regulatory regime and relevant regulator for each state and territory.

**Fundraisers need to:****1.**

identify the jurisdictions in which their fundraising is or will take place

2.

work out the nature of the fundraising, and

3.

consider what they need to do to lawfully conduct their particular fundraising activities in those jurisdictions

**Tip**

The assessment of where a fundraising activity is 'taking place in' can be difficult.

'Taking place in' can include:

- the place where an appeal is run (for example, the office where campaign letters are sent from)
- the place where people receive fundraising communications, and
- the place where people actually make their donation

**Note – fundraising in multiple states**

If your fundraising activities are 'taking place in' multiple states, you will need to comply with multiple fundraising regimes. This might require obtaining a number of fundraising approvals (with varying conditions attached).

Online and email fundraising – where does fundraising take place?

Identifying the fundraising regime that applies and must be complied with for online and email fundraising activities can be difficult.

In general, fundraising regulation applies where:

- the solicitation of a donation (making an appeal)
 - the making of a donation (whether by making a donation or purchasing a product or service as part of a fundraising campaign), or
 - the receipt of a donation or funds from purchase of a fundraising product,
- has occurred in a state or territory.

This means – if you run an online campaign that is promoted broadly online (for example, through Facebook, a crowdfunding website, or emails to subscribers), the fundraisers involved need to comply with regimes in all the states and territories:

- where the soliciting occurs (for example, where the email is sent from)
- where the fundraising communications are received, (for example, where the people who open the email are)
- where the making of donations occurs (for example, where a person fills in an online donation form), **and**
- where the receipt of a donation occurs (for example, the fundraising headquarters)



This will often require compliance with regimes in multiple states and territories across Australia.



Tip

A strategy to manage this tricky issue could be to:

- choose a limited number of states and territories for your campaign
- make it clear on your campaign materials which states and territories the campaign relates to, and
- require donors to confirm that they are in those states and territories before making a donation

In this way, you will only need to comply with fundraising regulation in the states and territories listed in your campaign.



Example

In Tasmania, 'soliciting' means seeking a donation by a request made in person or by mail, fax, telephone, email, documents left on premises, through the internet or any appeals through the media (newspaper, radio or television). This means – if you send a fundraising email from your office in Sydney, to subscribers on your list based in Tasmania, you may be technically fundraising in Tasmania, as well as NSW.

Fundraising regulatory regimes for each state and territory

	Relevant laws	Regulator	Register
New South Wales	<i>Charitable Fundraising Act 1991 (NSW)</i> <i>Charitable Fundraising Regulation 2021 (NSW)</i>	NSW Fair Trading	Publicly searchable register of licensed fundraising organisations in NSW
Victoria	<i>Fundraising Act 1998 (Vic)</i> <i>Fundraising Regulations 2019 (Vic)</i>	Consumer Affairs Victoria	Publicly searchable register of registered fundraisers in Victoria
South Australia	<i>Collections for Charitable Purposes Act 1939 (SA)</i>	Consumer and Business Services	Publicly accessible list of current, expired and revoked charity fundraising licenses
Queensland	<i>Collections Act 1966 (QLD)</i> <i>Collections Regulation 2008 (QLD)</i>	Queensland Office of Fair Trading Office of Liquor and Gaming Regulation	Publicly searchable register of charities and associations in Queensland (both charitable and community purposes)



Tasmania	<u>Collections for Charities Act 2001 (Tas)</u> <u>Collections for Charities Regulations 2021 (Tas)</u>	<u>Consumer, Building and Occupational Services</u>	Publicly accessible list of approved fundraisers in Tasmania
Western Australia	<u>Charitable Collections Act 1946 (WA)</u> <u>Charitable Collections Regulations 1947 (WA)</u> <u>Street Collections (Regulation) Act 1940 (WA)</u> <u>Street Collections Regulations 1999 (WA)</u> <u>Gaming and Wagering Commission Act 1987 (WA)</u> <u>Liquor Control Act 1988 (WA)</u>	<u>Department of Mines, Industry Regulation and Safety WA, Consumer Protection Division</u>	Publicly accessible list of licensed charities in Western Australia Roster of organisations conducting street collections in Perth and the days they are collecting.
Australian Capital Territory	<u>Charitable Collections Act 2003 (ACT)</u> <u>Charitable Collections Regulation 2003 (ACT)</u>	<u>Access Canberra</u>	Publicly searchable register of entities holding an licence or conduct collections in the ACT

Part 2 checklist

Have you identified which jurisdictions' fundraising laws could apply to your proposed fundraising activities?



Part 3

**Is your fundraising activity regulated
in the relevant jurisdiction?**

Is your fundraising activity regulated in the relevant jurisdiction?



This part:

- ▶ sets out types of fundraising activity regulation
- ▶ considers different meanings of 'charitable purpose' and 'charity'
- ▶ sets out the regulated fundraising activities under the different fundraising regimes

Each state and territory's fundraising laws are different – they regulate different fundraisers and types of fundraising activities and impose varied licencing and reporting obligations on those activities.

Some regimes specifically set out activities that are exempt from approval or regulation, even though those activities would otherwise meet the definitions of a fundraising activity. This means – the same fundraising activity may be regulated in one jurisdiction, but not regulated in another.

The table below provides a general overview of the regulation of fundraising activities across the states and territories.

If your fundraising activities are regulated fundraising activities in any jurisdiction, you will need to consider the next parts of this guide, which cover required approvals (part 4) and obligations (part 5).

Types of fundraising activity

Fundraising activity – always regulated (with examples)

Fundraising activities that are **always regulated** regardless of the jurisdiction (excluding the Northern Territory where there is no fundraising regime):

- a charity running a fundraising appeal for itself or providing a mechanism for receipt of donations for itself, for example:
 - an online form, or
 - a collection box in a public place
- a group running a fundraising campaign for a charitable purpose (some states have a broad definition of a charitable purpose, while others have a more narrow definition) or for a particular charity, for example:
 - a benefit ball where funds will be provided to a charity, or
 - a campaign to raise funds for a person for charitable purposes, such as helping a person who can't afford to pay their medical expenses
- third party commercial fundraisers raising funds on behalf of a charity, not-for-profit or other group that needs to comply with fundraising regimes

Fundraising activity – sometimes regulated (with examples)

Fundraising activities that are **only sometimes regulated**, and whether they are regulated depends on the rules in each jurisdiction:

- raising funds for a community, patriotic, philanthropic or animal welfare purpose
- a person raising funds for a charity, charitable purpose, or community purpose
- a not-for-profit (that is not a charity) raising funds for itself
- a person raising funds for a not-for-profit (that is not a charity)

Fundraising activity – sometimes excluded (with examples)

Fundraising activities that are **sometimes excluded** from regulation under some fundraising regimes, and whether they are regulated depends on the rules in each jurisdiction:

- raising funds for non-charitable or non-community purposes, for example:
 - a person raises funds from friends and family to support their overseas study
- asking for and receiving membership or joining fees of a club or group
- fundraising within an organisation between employees, or that is targeted to past and present members or their friends and relatives
- seeking bequests (for more information, see our fact sheet on [gifts, wills, bequests and endowments](#))
- applying for grants of money, goods, services or benefits from a government body
- seeking, receiving or providing sponsorship or corporate partnership arrangements



More information – guides for each state and territory

A summary of regulated fundraising activities in each state and territory is set out in the table below.

For more information about the fundraising laws in each state and territory, see [the fundraising guides we have published for each state and territory](#).

Different meanings of ‘charitable purposes’ and ‘charity’

One common type of fundraising covered by fundraising laws is fundraising by or for a ‘charity’.

The meaning of ‘charity’ and ‘charitable purposes’ differs between jurisdictions.

The table below refers to the common law (judge made law) definition of ‘charitable purposes’.

This definition of ‘charitable purposes’ is based on the preamble to the *Statute of Charitable Uses Act 1601* (UK). This is different to the modern definition of charitable purposes applied by the ACNC, contained in the *Charities Act 2013* (Cth) (**Charities Act**).



The common law definition of ‘charitable purposes’

Under the common law definition, there are four main categories of charitable purposes:

- relief of poverty, age or impotence
- advancement of education
- advancement of religion, and
- other purposes beneficial to the community that are within the spirit and intention of the *Statute of Charitable Uses* (a long list of ‘other purposes’ has developed over time through judge made law)

Many definitions of charitable purposes in the state and territory fundraising regimes use the common law definition as a starting point, and add further specific categories of purpose that are considered charitable.

For example:

- Tasmania and New South Wales define charitable purposes as inclusive of ‘philanthropic, benevolent or patriotic’ purposes
- Queensland adds a long list of extra purposes to the common law definition of charitable purposes
- South Australia and Western Australia don’t use the common law definition or the Charities Act, but instead have their own lists of charitable purposes.

In South Australia, the Australian Capital Territory, Victoria and Queensland, organisations that collect for charitable purposes are automatically licensed to fundraise within those states and territories if they are registered with the ACNC and have notified the state or territory regulator. Becoming registered with the ACNC is one of the ways to fundraise lawfully in these states and territories. In NSW, organisations registered with the ACNC are automatically eligible to fundraise but still have to apply for a fundraising licence (although this process is streamlined).

South Australia and Queensland maintain their own registers of ‘charities’ which are separate to the register of charities maintained by the ACNC.

To be registered on the Queensland charity register, fundraising laws require the state regulator to assess whether your organisation’s objectives are charitable based on the particular state-based definition of charity in the states in which you are fundraising and whether your organisation meets other governance criteria regime.

Regulated fundraising activities under different fundraising regimes

New South Wales

The New South Wales fundraising regime regulates ‘**fundraising appeals**’ for a purpose that is or includes a ‘**charitable purpose**’.

‘**Fundraising appeal**’ means the soliciting or receiving by any person of any money, property or other benefit, if before or in the course of any such soliciting or receiving, the person represents:

- that the purpose of that soliciting or receiving, or
- that the purpose of an activity or enterprise of which that soliciting or receiving is a part,

is or includes a charitable purpose.

This includes the soliciting or receiving money or benefits using a wide variety of methods (for example, in person, by post, telephone or other electronic means). Money or benefits received as a donation (for example, to a lottery or competition), by sponsorship (for example, sponsoring a



walkathon) or in connection with any other commercial undertaking (for example, the supply of food, entertainment or other goods or services) are also included.

'Charitable purpose' includes charitable purposes as defined under common law (see above), with the addition of any benevolent, philanthropic or patriotic purpose.

Examples of exempt fundraising activities:

- requests for or receipt of money by educational facilities or services, child-minding services, goods or services supplied through a supported employment service for people with disabilities, nursing or medical services, or other care or welfare services, and
- requests for or the receipt of money for membership renewal fees, appeals (or the receipt of money or benefits) by an organisation from members of that organisation, or from any Commonwealth, State or local government authority, or among people who share a common employer or place of work, and requests for property

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in New South Wales](#).

Victoria

The Victorian fundraising regime regulates 'fundraising appeals' which involves the soliciting or receiving of money or a benefit where a representation is made that the soliciting or receiving is 'not solely for a profit or commercial benefit'.

Examples of exempt fundraising activities:

- raising money for a patriotic fund (as defined in section 23 of the *Veterans Act 2005* (Vic))
- memorial gifts (such as donations in lieu of flowers at a funeral), or
- soliciting or receiving money from corporations, partnerships or trusts that are permitted to donate under their constitutive documents (for example, a trust deed or constitution)

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in Victoria](#).

South Australia

South Australia's fundraising regime regulates 'collectors' where the collection (or attempt to collect) is wholly or partly for a 'charitable purpose'.

'Collectors' are those who:

- obtain or attempt to obtain money or property (including by the sale of a disc, badge, token, flower, ribbon or other device)
- obtain or attempt to obtain a bequest, devise or other grant of money or property, or
- charge or attempt to charge for admission to entertainment, where it is held out that the proceeds are to be devoted,

wholly or partly for a 'charitable purpose'.

'Charitable purpose' means:

- the provision of, or assistance or support to the provision of, health services (within the meaning of the *Health Care Act 2008*) or research in the field of health or such health services
- the affording of relief, assistance or support to diseased, disabled, sick, infirm, incurable, poor, destitute, helpless, or unemployed persons, or to the dependents of people in those categories
- the relief of distress due to war (whether caused by a war in SA or elsewhere)
- the affording of relief, assistance, or support to people who are or have been members of the armed forces of Australia or to their dependents, or
- the provision of welfare services for animals



Examples of exempt fundraising activities:

- if the volunteer collector fundraises by collecting money or property from people known to them and, the money or property is given to a charity that holds a licence to fundraise in SA (see part 4), or
- if the volunteer collector fundraises by collecting money or property for the benefit of a particular person, or the dependants of that person, and the money or property is given to that person or those dependants

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in South Australia](#).

Queensland

Queensland's fundraising regime regulates any **'appeal for support'** for **'charitable'** or **'community purposes'**.

'Appeal for support' means any invitation (expressed or implied, and whether made verbally, or by writing or conduct, or by any advertisement), to the public, which is designed to obtain money or articles for that purpose including:

- any collection for that purpose
- any advertisement of any art union or the selling or offering for sale of any ticket or chance in any art union promoted or conducted for that purpose
- any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, or any collections at, any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sport, game or other diversion, activity, or function (whether of the classes previously enumerated or not) are intended or are to be appropriated for that purpose
- the holding of any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sports, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) any proceeds of which, or any moneys from which, or any collections at which are appropriated or intended for that purpose
- any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, the sale of any articles or the supplying of any service are intended or are to be appropriated for that purpose
- the sale of any articles or the supplying of any service, any proceeds of, or any moneys from which are appropriated or intended for that purpose
- any notification to the public, expressly or impliedly indicating that the whole or part of any fees for membership of any association are intended for or are to be appropriated for that purpose, or
- anything prescribed to be an appeal for support

'Charitable purposes' means:

- a purpose which is exclusively charitable under the common law of Queensland (see discussion of common law definition of charity above)
- the supplying of help, aid, relief, or support to, or the education or instruction (whether spiritual, mental, physical, technical, social, or otherwise) of, or the care, housing, or assistance otherwise of, any persons in distress
- the aiding in any manner howsoever, of any hospital or ambulance or nursing service in the state, whether established or proposed to be established
- any charity
- any purpose which the Minister determines to be a charitable purpose, and
- any purpose declared charitable under a regulation to be charitable for the purposes of the Act

A **'community purpose'** means:

- a purpose that promotes the general welfare of the public (for example, constructing a building, maintaining a park, repairing a recreation ground)
- the objects of any association where such objects are both charitable and community purposes
- any purpose which the Minister determines to be a community purpose, and
- a purpose declared under a regulation to be a community purpose for the purposes of the Act

Examples of exempt fundraising activities:

- appeals for support made solely for the purpose of advancement of religion by or on behalf of any recognised religious denomination, or
- appeals for support for a charitable or community purpose by or on behalf of any recognised religious denomination (except in relation to door-to-door or street collections)

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in Queensland](#).

Tasmania

Tasmania's fundraising regime regulates '**soliciting**' for a '**charitable purpose**'. It's unclear whether the soliciting must be conducted solely for a charitable purpose or whether soliciting in part for a charitable purpose is regulated as it is in most other jurisdictions.

'**Soliciting**' means seeking a donation by a request made in person or by mail, fax, telephone, email, documents left on premises, through the internet or any appeals through the media (newspaper, radio or television).

'**Charitable purpose**' is defined as purposes charitable under the common law (as discussed above) as well as benevolent, philanthropic or patriotic purposes and purposes for the protection of the environment or the welfare of animals.

Examples of exempt fundraising activities:

- soliciting using the sale of goods or services (for example, fundraising through sale of a commercial product)
- an appeal within premises that are used by a club or religious organisation, or
- soliciting by a religious organisation by an appeal to its adherents or any other person who has attended a religious service held by that organisation

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in Tasmania](#).

Western Australia

Western Australia's fundraising law regulates any person or organisation that intends to **collect or attempt to collect** money or goods (including by the sale of any disc, badge, token, flower or other device), conduct entertainment, a function or advertise (where it is held out that any part of the proceeds of the entertainment or function are to be devoted) wholly or partly for a '**charitable purpose**'.

'**Charitable purpose**' means a purpose for:

- the relief of the sick, diseased, poor, destitute, helpless or unemployed, or their dependants
- the relief of distress caused by war and the support of people who are members of the armed forces
- support of hospitals, child health centres, schools, kindergartens
- support of activities of a social or welfare character, and
- any other benevolent, philanthropic or patriotic purpose and includes animal welfare, conservation and environmental causes



There are no specifically exempt fundraising activities under the Western Australian fundraising laws, although the following activities will not usually constitute fundraising for which a licence is required:

- sale of goods for valuable consideration
- obtaining government grants
- Lotteries Commission grants
- membership subscriptions
- gaming machines
- online crowdfunding by a person, parent or guardian, raising funds on their own behalf
- online crowdfunding for a terminally-ill beneficiary towards a funeral service, and
- online crowdfunding to assist repatriation of a deceased person

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in Western Australia](#).

Australian Capital Territory

The ACT's fundraising regime regulates '**collections**' wholly or partly for '**charitable purposes**'.

'**Collections**' means soliciting or receiving money or a benefit, and can be made using any method (for example, by internet or email), where it is represented that the purpose of the solicitation is or includes a charitable purpose. A '**benefit**' includes property or any gain or reward.

A '**Charitable purpose**' is defined in the ACT fundraising legislation as including any benevolent, philanthropic or patriotic purpose.

Examples of exempt fundraising activities:

- collections within an organisation's premises conducted for its own purposes
- collections between people sharing a common employer or workplace for a purpose connected with one of those people or their relative or partner, or
- soliciting or receiving money from an Australian government, local government or another public entity that represents the Australian government

For more detail on fundraising appeals and exemptions, see our [guide to fundraising in the Australian Capital Territory](#).

Part 3 checklist

Are your fundraising activities regulated in any of the jurisdictions identified in part 3?

Are your fundraising activities exempt from regulation in any of the jurisdictions identified in part 3?



Part 4

Who needs approval to conduct regulated fundraising activities?

Who needs approval to conduct regulated fundraising activities?



This part sets out:

- ▶ when you need to seek approval
- ▶ the approvals required under different fundraising regimes

Unless their specific fundraising activity is exempt from regulation, an organisation requires approval to fundraise in each relevant jurisdiction.



Tip

Once your organisation has obtained approval, make a note of the length of the approval (this may differ by jurisdiction) and set reminders for renewals.

The form of approval required depends on:

- the jurisdiction
- the type of fundraising activity, and
- whether the fundraiser is raising funds for their own organisation, or on behalf of another (either on a commercial basis, or as a volunteer fundraiser)

In general, the website of the relevant jurisdiction regulator will provide a form for registration or licencing that you can complete and lodge by post or email.

The table below sets out the circumstances in which individual people or organisations will need to seek formal approval (for example, through a registration, authority, permit or licence).

Effect of registration with the ACNC

In some jurisdictions, such as Victoria, South Australia, the Australian Capital Territory and Queensland, provided the organisation has notified the relevant state or territory regulator, registration as a charity with the ACNC is sufficient for the organisation to engage in their fundraising activity. In NSW, charities registered with the ACNC are automatically eligible to fundraise, although they are still required to submit an application form with the regulator.



More information

For more information on how to apply for fundraising licenses or approval, and the steps involved, see our detailed [fundraising guides](#) for each state and territory.



Note

Even if approval is not required under the fundraising laws, people and organisations may still need to comply with certain obligations while conducting regulated fundraising activities (see part 5).

Many charities engage third party or commercial fundraisers (fundraisers that are contractors to your organisation rather than employees who work for your organisation) to conduct regulated fundraising activities. The table below does not cover obligations in relation to engaging these third parties.

Who needs approval under the different fundraising regimes?

New South Wales

An **organisation** intending to fundraise in NSW must:

- obtain an **authority to fundraise**, or
- enter into an **arrangement with the holder of an authority** to fundraise on that holder's behalf

This regime contemplates that an **individual** intending to fundraise in NSW must apply individually for an authority or obtain authority from an authority holder to fundraise on its behalf. In practice, individuals rarely obtain authorities themselves, and rather operate under an arrangement with the holder of an authority.

An authority to fundraise is valid for a maximum of **five years**. The period of an authority will be clear in the conditions of the authority issued by the regulator.

An authority to fundraise, once granted, requires the holder to comply with certain standard conditions and may also be subject to special conditions.

Exempt organisations and individuals

- an organisation or person that receives less than \$15,000 in a financial year from fundraising (small fundraisers), does not receive remuneration from conducting the fundraising appeal (other than payment of lawful and proper expenses), and only engages volunteers to fundraise
- local councils
- trusts with a local council as a trustee
- universities, or
- certain religious organisations (these organisations are exempt from the NSW fundraising laws in their entirety, so need not comply with the obligations set out in part 5 of this guide).

You can download an authority to fundraise application form from [NSW Fair Trading's website](#).

Victoria

An **organisation** (or **individual**) intending to **conduct fundraising appeals** in Victoria must **register as a fundraiser** unless the organisation is a registered charity with the ACNC.

Individuals, all company directors, persons nominated as appeal manager (any person who has managerial or financial responsibility for any fundraising activities) and persons nominated as an associate (any other person who is involved in the organisation's management, such as CEOs) must complete a criminal record and personal insolvency declaration.



If the money is intended to be distributed overseas, a letter of verification from the government, local embassy or consulate where the money will be distributed, or recognised aid provider in the area (ie. Red Cross or World Vision) must also be submitted.

An organisation or individual must apply for registration at least **28** days before conducting any fundraising appeal. The registration period is for **three years**.

The regulator can impose conditions on the registrations of fundraisers at any time during the registration. For example, if beneficiaries will receive less than:

- 50% of the estimated fundraising proceeds, the registration will be subject to a public disclosure condition that will apply to all fundraising activities (for example, if it's estimated that 40% of funds will be distributed, the regulator may require this figure to be disclosed in person or in writing to prospective donors), or
- 35% of the estimated fundraising proceeds, the regulator must be satisfied that the proposed fundraising activity is in the public interest and that the applicant can 'show cause' as to why it should be registered (for example, the administration costs are high due to the nature and type or maturity of the appeal or the size of the appeal means that a significant benefit will ultimately flow to the beneficiaries).

Exempt organisations and individuals

Examples of exempt organisations and individuals include:

- religious organisations that have authority to marry people
- trade unions registered in Victoria
- political parties registered under the Victorian or Commonwealth Electoral Acts
- universities, TAFE colleges and other tertiary education institutions
- public and denominational hospitals, public health services, state-funded residential care services, and other registered health agencies funded by the state government
- federally registered associations of employees, associations of employers or enterprise associations, or
- Cancer Council Victoria

You can access the application for fundraiser registration or renewal on [Consumer Affairs Victoria's myCAV portal](#).

South Australia

An **organisation** or **individual** intending to fundraise must obtain:

- a **Collections for Charitable Purposes Licence** (a '**Section 6 Licence**') or
- authority from a holder of a Section 6 Licence to fundraise on behalf of the licence holder

Licences are granted for a period of **one year**.

Exempt organisations and individuals

- The category of organisations requiring a licence is much narrower in South Australia than in many other jurisdictions. **It's only fundraising for a charitable purpose that is regulated**. It follows that fundraising for some religious organisations, sports or environmental groups, and some educational institutions are not regulated. For example, a football club is exempt if it raises funds to send their players on a football tour around Australia.
- A charity registered with the ACNC is deemed to hold a Section 6 Licence if it notifies the Consumer and Business Services of its intention to fundraise in South Australia.

You can apply for a charitable purposes licence or (if registered with the ACNC) notify your intention to fundraise using an online form available from the [South Australian Government website](#).

Queensland

An **organisation** intending to fundraise must:

- register as a charity through the Office of Fair Trading
- obtain **an authority from an organisation registered as a charity in Queensland, to fundraise on behalf of the charity**, or
- obtain a sanction through the Office of Fair Trading for a particular appeal or for a community purpose

An **individual** intending to fundraise must obtain:

- a sanction to fundraise for a community purpose
- registration as a charity
- a sanction for a one-off appeal (note other individuals need to be included in the application), or
- authority from an organisation that can lawfully fundraise to raise funds on behalf of that organisation

Registration as a charity continues so long as the organisation is eligible to be registered as a charity under Queensland fundraising law.

Note – where an organisation or person conducting an appeal is not a charity, but the purpose of the appeal is charitable or for a community purpose, then a **sanction** for that purpose can be applied for. Applying for a sanction may be beneficial if you don't plan to fundraise on an ongoing basis. A sanction will be for the duration of time approved by the regulator (applicants include the desired time frame in the initial application form, which can be a defined period, or indefinitely).

Exempt organisations

- religious organisations (recognised denominations)
- hospital foundations, or
- parents and citizens associations

You can download an application for registration as a charity form from the [Queensland Government website](#).

Tasmania

An **organisation** must obtain **approval to collect for a charity** in Tasmania if it's:

- incorporated outside Tasmania
- a company under the *Corporations Act 2001* (Cth) with a principal office located outside of Tasmania, or
- an unincorporated group or association in Tasmania

Individuals will also need an approval to fundraise unless they are doing so on behalf of an organisation that has an approval (or is exempt from the requirement to gain an approval).

The duration of an approval to fundraise for an organisation or individual will vary and will be stipulated as a condition when granted.

Exempt organisations

- an incorporated association based in Tasmania
- a corporation whose principal office is located in Tasmania, or
- an appeal by an organisation to its membership (such as a cricket club or hobby group)

You can download an application for approval to collect charitable donations from the [Consumer, Building and Occupational Services website](#).



Western Australia

An **organisation** intending to fundraise for a charitable purpose in Western Australia must obtain:

- a **Charitable Collections Licence** through the Commissioner for Consumer Protection (applications received are reviewed by the Charitable Collections Advisory Committee), or
- **authority to fundraise on behalf of a holder of an existing licence** (the Commissioner for Consumer Protection is required to consider whether the proposed activities of an applicant would be more effectively or economically carried out by an existing licence holder)

An **individual** or **unincorporated group** must obtain authority to fundraise from an organisation holding an existing licence. While the legislation allows for the granting of a licence to an individual or unincorporated body, licences are generally only granted to incorporated bodies.

Since July 2020, licence holders have been issued with a continuous licence at their next renewal date. Licences no longer must be renewed every three years. Continuous licences are issued on the condition that the licensed organisation meets its reporting obligations and complies with the licence requirements.

Any individual or organisation intending to conduct a **street collection** in the Perth metropolitan area (regardless of whether they hold a licence to fundraise) must have a separate street collections permit. The *Street Collections (Regulation) Act 1940* only allows for 50 days to be allocated each year for street appeals, which means that generally only one appeal is allowed for each applicant per year. Permits are not issued to individuals.

Street collections must be held on a Friday, unless otherwise approved. Only three organisations can conduct street appeals on any one day. For more information on street collections see the [Government of Western Australia's webpage on street collections](#).

Exempt organisations

No specific organisations are exempt from the requirement to obtain a licence or authority.

Australian Capital Territory

An **organisation or individual** intending to fundraise in the ACT must obtain:

- a **Charitable Collection Licence**, or
- **authority to fundraise** on behalf of the holder of an existing licence or an ACNC registered entity

A licence may be granted for a period of up to **five years**.

Exempt organisations and individuals

Charities registered with the ACNC do not need to hold (or renew) a Charitable Collection Licence, as their registration with the ACNC is sufficient for the organisation to engage in their fundraising activity.

Other examples of exempt organisations and individuals include:

- organisations (or individuals) who collect less than \$15,000 from ACT residents in a year, or
- non-government aid organisations accredited with AusAID

See the ACT fundraising legislation for other activities for which a licence is not required and other organisations and individuals who are exempt.

You can download an application form for a new or amended charitable collection licence from the [ACT Government website](#).



Part 4 checklist

- | | |
|--|--------------------------|
| Is a licence, authority, registration or approval generally required in any of the relevant jurisdictions for your regulated fundraising activities? | <input type="checkbox"/> |
| Is your type of organisation exempt from the need to register, get a licence or get approval in any relevant jurisdictions? | <input type="checkbox"/> |
| Have you downloaded the relevant jurisdiction fundraising guides from our website to help with the application processes? | <input type="checkbox"/> |
| Have you considered the local government requirements for the locations in which you intend to fundraise? | <input type="checkbox"/> |
| Do you have enough lead time to apply for the relevant authorities and licences before you start fundraising? | <input type="checkbox"/> |
| Have you noted the lengths of each licence or approval and set reminders for renewals if required? | <input type="checkbox"/> |



Part 5

Ongoing obligations while
fundraising

Ongoing obligations while fundraising



This part covers:

- ▶ general ongoing obligations
- ▶ obligations under other laws and standards which may apply to fundraising activities
- ▶ state and territory specific ongoing obligations

Fundraisers who conduct regulated fundraising activities must meet certain obligations under fundraising laws.

We have set out the state and territory specific ongoing obligations in the table below.

However, fundraisers also have general ongoing obligations.

General ongoing obligations

In general, fundraisers should:

- ensure fundraising activities align with the purpose of the intended charity
- make sure fundraising campaigns are truthful, make no misrepresentations, and comply with requirements for adding licence or registration numbers to advertising materials, packaging or communications
- make sure any money raised is given to the intended beneficiaries or used for the purpose for which it was obtained
- make sure high standards of governance and risk management are applied to any campaign, including considering whether people involved are suitably qualified and of proper character (you may want to consider screening volunteers and staff, see [our webpage on background checks](#)), and whether appropriate safety measures have been taken to protect people involved
- meet specific requirements for involving children in fundraising (see the table below), and ensure that there is appropriate risk management where children are involved
- make sure all people authorised to collect on your behalf are aware of obligations that apply to the fundraising activities
- provide people participating with an appropriate identification badge, including a unique identifying number (see the table below for further details on the information that is required on identification badges)
- maintain appropriate records of collectors and their identifying numbers
- properly account for funds received through fundraising activities, which may include issuing receipts (especially where donations are received in cash) and putting funds raised into a dedicated bank account
- ensure appropriate safeguards for managing cash donations, including around the collection, storage and emptying of collection tins, boxes and envelopes
- meet reporting requirements for funds raised within the required time



- conduct the fundraising activities in accordance with the conditions of the approvals, and
- comply with directions given by relevant fundraising regulators, if written notice is given

In addition to the obligations under fundraising regimes, fundraisers need to make sure that they comply with any other laws and standards, which may apply to their fundraising activities.

Other laws and standards which may apply

The Australian Consumer Law

The Australian Consumer Law (**ACL**) prohibits misleading or deceptive conduct in 'trade or commerce'. The ACL prevents fundraisers from making false or misleading representations in relation to the sale of goods and services as part of a fundraising campaign (for example, merchandise or event tickets).

Generally, if you engage in fundraising activities that involve the supply of goods or services, are a for-profit professional fundraiser, or continually fundraise in an organised or repetitive way, then you will have obligations under the ACL.

The ACL also imposes requirements in relation to unsolicited consumer agreements entered into as part of a fundraising campaign involving the sale of goods and services.

Unsolicited consumer agreements involve the supply of goods or services through things like door-to-door sales or telemarketing. Certain unsolicited consumer agreements rights may apply in these scenarios, such as consumers being allowed a cooling off period. Other criteria will also need to be met for these requirements to apply.

In general, it's important to make sure dealings with consumers are fair and respectful, and that their wishes are honoured (for more information, see our [guide to advertising in Australia](#)).

The Telecommunications (Telemarketing and Research Calls) Industry Standard

The Telecommunications (Telemarketing and Research Calls) Industry Standard, published by the Australian Communications and Media Authority, sets out rules relating to fundraising telemarketing. This includes information to be provided in calls, the timing of calls, caller identification and the termination of calls.

You can see the full Standard on the [Australian Communications and Media Authority's website](#).

Privacy laws

Privacy laws (state and federal), set out requirements relevant to the collection, use and disclosure of 'personal information' in connection with fundraising activities.

For more information, see [our webpage on privacy](#).

Local government requirements

Local government requirements can relate to when and where you fundraise. Many local governments require fundraisers to apply for permits to door-knock or undertake face-to-face fundraising.

Fundraisers should contact all relevant local councils to make sure they have the necessary permits in place and understand extra requirements that may apply.



Work, health and safety laws

Work, health and safety or occupational health and safety (**WHS** or **OHS**) laws set out obligations around protecting the health, safety and welfare of employees and other persons who are at, or come into contact with, a 'workplace'.

For more information, see [our webpage on work health and safety laws](#).

Workplace laws

Workplace laws cover national employment standards and other worker entitlements, set out under *the Fair Work Act 2009* (Cth) and *Independent Contractors Act 2009* (Cth). Child employment and child protection laws in each jurisdiction must also be observed.

For more information, see [our webpage on the fair work system](#).

Child protection laws

Child protection laws are set out under state and territory based screening programs (for example, Working With Children Checks and Police Checks), child employment, child safety and mandatory reporting schemes. For more information, see [our webpage on background checks](#).

There are also a range of self-regulatory codes that fundraisers can sign up to that provide further requirements, as well as guidance on conducting fundraising activities properly. For more information on self-regulation, see [our fundraising webpage](#).



Note

Organisations often engage third party commercial fundraisers to raise funds on their behalf.

While this guide doesn't cover third party fundraisers, the ACNC has published a guide, '[Working with fundraising agencies](#)', to help charities identify and manage key issues associated with these arrangements. The guide is a useful resource for any not-for-profit organisation engaging third parties to assist with their fundraising.

Ongoing obligations under different fundraising regimes



Caution

The information in this table is not exhaustive, and serves as a guide only.

Fundraisers should look at detailed information in [our fundraising guides for each state and territory](#).

New South Wales

Specific obligations exist in relation to:

- direct marketing such as by phone, email, internet or mail, requires that certain information be provided on request
- supplying goods and services, including to take all reasonable steps to ensure that the expenses payable in respect of the appeal do not exceed a fair and reasonable proportion of the gross income obtained
- face-to-face appeals
 - collectors must wear badges which are consecutively numbered, include the authorised fundraiser's name and phone number, the collector's name and include the words 'paid collector' (if applicable), indicate the issue and expiry date for the appeal, be signed and dated by authorised fundraiser, be large enough to be easily read and be recovered by authorised fundraiser once the collector's involvement in the appeal has ended
- children participating in fundraising appeals including that:
 - the minimum age is eight years for volunteering and 13 years for paid work
 - children must not participate in a fundraising appeal for more than four hours or later than 8:30pm on a school day or more than six hours on any other day
- using collection boxes, bins or bags
 - they must be securely constructed, sealed, consecutively numbered and labelled with the name of the authorised fundraiser, and the authorised fundraiser must ensure the use and emptying is properly supervised and controlled
- advertisements, notices and information
 - certain details must be included on communication about fundraising and products being sold, such as the authority number and address of the fundraiser (these details are usually included as conditions attached to a fundraising authority)
- soliciting from motor vehicles (a fundraising appeal must not be conducted by soliciting from people in motor vehicles), and
- when seeking donations of money only (rather than fundraising through a sale of goods and services) you must take all reasonable steps to ensure that total expenses are not more than 50% of the gross proceeds



Victoria

Specific obligations exist in relation to:

- face-to-face collections
 - collectors in public places must wear clearly visible identification badges with their name, name of the organisation or person conducting the appeal, unique identification numbers where soliciting from motor vehicles and must state whether they are a paid or volunteer collector
- using collection tins or other receptacles
 - they must be secure, properly sealed, consecutively numbered, clearly labelled with the name of the appeal or name of the person conducting the appeal and the person or class of people the appeal is for and the authorised fundraiser must ensure the use and emptying is properly supervised and controlled

South Australia

All individuals and organisations (including charities registered with the ACNC that are deemed to hold a Section 6 Licence) must comply with the *Collection for Charitable Purposes Act 1939 (SA)* and the Charities Code of Practice when collecting for charitable purposes in South Australia.

Specific obligations exist in relation to:

- face-to-face collections
 - collectors must wear clearly visible identification badges with their name or a unique identifier, the name of the licensed charity, the telephone number or website of the licensed charity and must state whether the collector is paid or a volunteer
 - collections at residential premises may only take place between 9am and 6pm on weekdays, 9am and 5pm on Saturdays, and 11am and 5pm on Sundays and most public holidays
 - collections in a public space may only take place between 7am and 6pm on weekdays, 9am and 5pm on Saturdays, and 11am and 5pm on Sundays and most public holidays
- telephone collections
 - collectors must state their name, or unique identifier, the name of the licensed charity and whether they are paid or a volunteer
 - the collection must not take place on Sundays or public holidays, before 9am or after 8pm on weekdays or before 9am and after 5pm on Saturdays
- using unattended collection boxes
 - these must be marked in a reasonably prominent position with the name and contact details of the licensed charity and the website where the charity's 'fundraising income and expenditure statement' can be viewed (if one has been previously submitted)
- conducting entertainment, selling tickets for entertainment or advertising entertainment
 - advertising or tickets must contain the name and contact details of the licensed charity, the website where the charity's 'fundraising income and expenditure statement' can be viewed (if one has been previously submitted) and a statement indicating that disclosure of amounts paid to entertainers can be obtained from the charity, on request
- promoting collection activities by the licensed charity
 - charity websites, display promotional material, radio advertising, television advertising and internet advertising must all include the name of the charity and the purpose for which the funds are being collected
 - charity websites and display promotional material must also include contact details of the charity, and internet advertising must also include the charity's website (if any)
 - a charity's website must include all the required information on their home page, or by way of link from the home page

Queensland

Specific obligations exist in relation to:

- door-to-door and street collections
 - collectors must wear an armlet or badge signed by the collector
 - collections may only take place on assigned days and between 9am and 5pm
 - a record of each collector must be kept and a written itinerary provided for each paid collector and lodged with the regulator 14 days before collections or for a door-to-door appeal within one year before the appeal day
 - collectors must not take part in a 'hijack' collection, or wear a mask or use a toy firearm while collecting
 - collectors must not unreasonably annoy or intimidate or stay in a residence or place of employment if asked to leave
 - collectors must issue receipts for all donations
- collections boxes
 - these must be securely constructed, sealed, properly issued by the association's governing body, clearly labelled with an identification number and the name of the association conducting the appeal
 - the seal can only be broken and the contents counted by a person authorised by the association's governing body
- unattended collection boxes left at places of residence or employment and wishing wells or other similar things
 - these must be collected or emptied and counted and the donations accounted for at least once a month
- envelope collections
 - an association must provide envelopes with gummed flaps that securely close and the seal can only be broken and the contents counted by a person authorised by the association's governing body
- selling devices door to door or through street collections where an authorised fundraiser has applied for an exclusive right to distribute a particular device
 - a register of devices must be kept
 - for door-to-door and street sales, a price tag must be on the devices
- advertising
 - an advertisement about an appeal must state the name and address of the promoter of the appeal and the charity or association conducting the appeal and must be approved by the regulator before distributed
- children participating in collections
 - a child under 15 must have written consent from a parent or guardian and be accompanied by an adult

Tasmania

Specific obligations exist in relation to:

- street collections
 - collectors must wear an identity card showing their name, the name of the approved fundraiser and the location of its principal office and obtain the permission of the Tasmania Police to collect donations on a public street
- door-knocking
 - collectors must wear an identity card with their name, the name of the approved fundraiser and the location of its principal office, and the purpose of the donation
 - collectors can collect on any day only between:
 - 9am and 8pm between 1 November and 31 January
 - 9am and 7pm between 1 February and 30 April
 - 9am and 5pm between 1 May and 31 August
 - 9am and 7pm between 1 September and 31 October
- telephone appeals
 - calls must only take place between 9am and 8pm
 - the caller must state their name, the name of the approved fundraiser and the location of its principal office
- written, electronic media or advertisements
 - these must include a statement specifying the purpose for collecting donations, the name of the approved fundraiser, the location of its principal office and contact number
- children taking part in collections
 - children aged under 12 must be under the immediate control of an adult
 - children aged between 12 to 15 must be under adult supervision

Western Australia

Specific obligations exist in relation to:

- compliance with the conditions imposed on a Charitable Collections Licence (such conditions may require contracts or other arrangements under which money is spent to be submitted to the Commissioner for Consumer Protection for approval)
- record retention
 - collection records must be kept and retained for seven years after the end of the financial year to which they relate
- street collections
 - a separate street appeal permit is required
 - collections can only take place on an allocated Friday between 7am and 9pm unless otherwise approved
 - collectors must wear numbered identification badges with their name, the name of the authorised fundraiser and the period of time the fundraiser has authority to collect
 - unless permitted under a street appeal permit, a permit holder must not pay its collectors
- door-knocking
 - collectors must wear numbered identification badges with their name, the name of the authorised fundraiser and the period of time the fundraiser has authority to collect



- collectors can collect from Monday to Saturday, between 9am and 6pm, but not on Sundays or public holidays, unless otherwise approved
- telephone appeals
 - collectors must state their name and the name of the authorised fundraiser
 - collectors can only take place Monday to Saturday between 9am and 8pm, but not on Sundays or public holidays, unless otherwise approved
- collection boxes
 - these must be secure, sealed, consecutively numbered, prominently display the name of authorised fundraiser, date of collection, must not be fixed to a pole or otherwise designed to be held beyond the reach of the collector
 - a register of boxes and their corresponding collector must be kept
- children taking part in collections
 - children under the age of 16 are not allowed to collect unless otherwise approved
- no payment or reward may be given directly or indirectly to any person or collector connected with the appeal, except such payments as are shown in the application and approved

A licenced organisation or individual may choose to comply with a Voluntary Code of Practice for public fundraising, which sets out a set of principles and guidelines.

Australian Capital Territory

Specific obligations exist in relation to:

- street collections and door-knocking
 - collectors must wear an identification or a tag with their surname or unique number given to the collector by the authorised fundraiser, the fundraiser's name or logo and contact number, the purpose of the collection and how and where the proceeds of the collection will be spent, and notification that the person is a 'paid collector' if applicable
- telephone appeals
 - collectors must state the purpose of the collection, how and where the proceeds of the collection will be spent, the authorised fundraiser's name and contact number, and notification that the person is a 'paid collector' if applicable
- written and website collections
 - these must state the purpose of the collection, how and where the proceeds of the collection will be spent, the fundraiser's name and contact number, and notification that the person is a 'paid collector' if applicable
- collection bins
 - these must show the authorised fundraiser's name and contact number and the purpose of collection
- children taking part in a collection
 - there are extensive requirements set out in the Regulations, for example:
 - unless with an adult, children can't take part before 6am or sunrise (whichever is later), or after 7pm or sunset (whichever is earlier)
 - children can do no more than three hours a day (aged under 12) or no more than seven hours a day (aged at least 12)
 - written parental consent is required for the child to take part in the collection
 - the collection must be conducted in a way to give a parent reasonable opportunity to contract the child and require direct supervision (aged under six) or adequate supervision (aged over six)



Part 5 checklist

Are you prepared and ready to comply with obligations under the relevant fundraising regimes in relation to your fundraising activities?

Are you conducting any types of fundraising that have additional requirements, such as door-knocking, and do you understand those additional requirements?

Have you considered other laws that apply to your fundraising activities, such as the Australian Consumer Law, and are or will you be complying with these laws as well?



Part 6

Financial and reporting obligations

Financial and reporting obligations



This part covers:

- ▶ general reporting requirements
- ▶ financial and reporting obligations under different fundraising regimes
- ▶ what can you do with funds raised?

The state and territory fundraising regimes have different reporting requirements.

Fundraising reporting is generally required in addition to any reporting to regulators of an organisation's incorporation or, if registered as a charity, to the ACNC.

Meeting fundraising reporting obligations can be a significant burden, especially when fundraising is occurring across multiple jurisdictions.

The following guidance can help fundraisers comply with these reporting requirements. However, you will need to carefully look at the detailed requirements of each relevant regime.

In general you must:

- keep accurate records of fundraising, including keeping clearly identifiable records of the individual campaign to which funds received relate (if your organisation runs multiple campaigns), and complying with relevant accounting standards for simplified auditing of the accounts
- keep funds raised separate and safeguarded from other personal or organisational funds
- make a calendar of jurisdiction-specific reporting dates for your fundraising activities, as they may be different in each jurisdiction
- check whether extra reporting requirements above and beyond general requirements set out in the fundraising regimes have been included in conditions attached to fundraising approvals, and
- remember that in some jurisdictions fundraisers need to notify regulators if certain things change, such as key contact people for fundraising, or the registered address of the fundraiser



Note

The meaning of 'audit' and 'auditor' is different under each fundraising regime.

In general, auditors must be 'independent', which means that they cannot be involved with the organisation (for example, sit on the committee or board), and can't have been involved in the preparation of the accounts and records that will be audited.



Tip

Where an obligation seems overly onerous, it's worth speaking to the relevant regulators to ask whether the requirements can be waived in your circumstances.

Regulators may be open to a discussion with you if you have to meet conflicting requirements in different jurisdictions for the same campaign, or if your campaign is small and low-risk, and requirements seem overly onerous.

Financial and reporting obligations under different fundraising regimes

New South Wales

All funds raised by a fundraiser must be deposited immediately into a separate bank account that is exclusively for money received in the course of fundraising appeals immediately upon receipt. The account must be in the name of, or on behalf of, the fundraiser conducting the appeal and is to be operated by at least two people.

Since 1 July 2021, ACNC-registered charities with authority to fundraise in NSW have reduced reporting and renewal requirements.

An ACNC-registered charity that holds a NSW authority to fundraise still has reporting obligations to both the ACNC and NSW, but can meet these obligations by providing its annual return and statement of compliance with its Annual Information Statement (**AIS**) to the ACNC.

All other authority holders must submit an annual return, financial statement and statement of compliance NSW Fair Trading.

If certain thresholds are met, additional requirements apply:

- if the gross income from any fundraising appeal is more than \$100,000 in a financial year, information must accompany the income statement (including accounting principles and methods adopted in the preparation of the statement and information about the use of income from the fundraising appeal), or
- if the gross income from any fundraising appeal is more than \$250,000 in a financial year, the organisation must also submit an auditor's review and report of all accounts related to the appeal

Victoria

All funds must be deposited into a separate bank account that is used exclusively for money received in the course of fundraising appeals, in either the name of the beneficiary of the funds or a bank account with a name that indicates it contains fundraising proceeds.

Registered fundraisers must submit an annual statement to continue fundraising.

The annual statement must be submitted on Consumer Affairs Victoria's online [myCAV](#) portal within six months of the end of the fundraiser's financial year. The statement must include details of all beneficiaries and the amounts distributed to each, a copy of the fundraiser's most recent financial statements, and other information. Full details can be found on the ['fundraiser responsibilities'](#) section of Consumer Affairs Victoria's website.

ACNC-registered charities (including Victorian incorporated associations) intending to fundraise in Victoria have reduced reporting and renewal requirements. If notification has been provided to Consumer Affairs Victoria (through myCAV) of the charity's registration with the ACNC, the charity is not required to:

- apply for fundraiser registration



- renew its fundraiser registration, or
- lodge an annual statement

with Consumer Affairs Victoria.

However, all fundraisers that are registered charities continue to have ongoing responsibilities to CAV and the Victorian public. See [Consumer Affairs Victoria's website](#) for further details.

South Australia

The holder of a Section 6 Licence must keep proper records and submit a copy of audited accounts after the end of the financial year to Consumer and Business Services.

Licence holders must also submit a 'fundraising income and expenditure statement', at the time stated on the Licence. This statement will be made publicly available on the [Consumer and Business Services website](#).

If your organisation is a registered charity with the ACNC, has been deemed to hold a Section 6 Licence and has complied with its ACNC reporting requirements, it will not be required to comply with the above reporting requirements.

Note that there may be exemptions from audit requirements for individuals who fundraise. It is best to speak to Consumer and Business Services to confirm what is required of individual fundraisers.

Queensland

All funds collected must be deposited, as soon as practicable following receipt, into a separate bank account in the name of the registered charity or sanctioned association.

For registered charities and organisational holders of sanctions, a financial report must be lodged with Queensland Office of Fair Trading within seven months of the end of the organisation's financial year.

For sanctioned one-off appeals, an audited statement of receipts and payments in relation to the appeal and written confirmation from the beneficiary that they have received the donation must be lodged with the Office of Fair Trading within one month of the end of an appeal.

The audited reports must be completed by a person with appropriate and prescribed qualifications, being:

- a person registered as an auditor under the Corporations Act
- a person who is a member of CPA Australia, the Institute of Chartered Accountants in Australia, or the Institute of Public Accountants, or
- a person who the chief executive (appointed by the Minister) considers has appropriate qualifications

If a charity or community purpose organisation is also registered with the ACNC, they are exempt from lodging an annual return with the Office of Fair Trading if they:

- satisfy the ACNC annual reporting requirement
- include their Queensland registration number on their ACNC report, and
- are not a part of an ACNC group reporting arrangement or a group for whom the ACNC withholds publication of financial data



Tasmania

There are no standard reporting requirements. However, 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.

For example, Consumer, Building and Occupational Services has indicated that:

- for organisations based outside of Tasmania, there are no annual reporting requirements, but the conditions attached to the fundraising approval may require that they provide details of all donations received
- for unincorporated associations in Tasmania and individuals, the regulator will require a financial statement to be lodged annually detailing donations received

An incorporated associated registered with the ACNC does not have to provide financial statements to the regulator.

Western Australia

All funds must be deposited into a separate bank account that is used exclusively for money received in the course of fundraising appeals within seven days of receipt.

Within 30 days after the date of a street collection, a permit holder must lodge a Street Collections Statement setting out the amount of money raised, the expenses incurred and, if applicable, the amount that has been (or is to be) distributed to each of the persons for whom the collection was made.

All licensed organisations are required to submit annual financial returns to Consumer Protection within six months of the end of the licence holder's financial year.

- Small charities (annual revenue of less than \$500,000) are not required to complete a review or audit of their financial report.
- Medium-sized charities (annual revenue of at least \$500,000 but less than \$3 million) must provide a reviewed or audited financial report.
- Large charities (annual revenue of \$3 million or more) must provide an audited financial report.

If your organisation is a registered charity with the ACNC and has complied with its ACNC reporting requirements, it is not required to submit annual financial returns to Consumer Protection.

Australian Capital Territory

All funds must be deposited into a separate bank account that is used exclusively for money received in the course of fundraising appeals within five days of receipt. The account must be operated with the signature of two people.

A licence holder must provide a financial report to the Director General in relation to all collections under the Licence:

- for a licence less than 12 months, the report must be given within 120 days of Licence expiry date
- for a licence for more than 12 months, the report must be given within 120 days after the end of each 12-month period and within 120 days of the Licence expiry date

The financial report provided to the Director General must be audited if the fundraising income within the relevant 12 month period exceeds \$50,000.

If an organisation is registered with the ACNC it does not need to provide a financial report as long as it submits the AIS to the ACNC.



Part 6 checklist

- | | |
|---|--------------------------|
| Do you understand what kinds of reporting you need to provide to which regulators, and when you need to do so? Have you set up reminders around when reports are due? | <input type="checkbox"/> |
| Have you set up systems and records management so that you will be able to report in the ways required? | <input type="checkbox"/> |
| Do you need an auditor under any of the relevant jurisdictions? | <input type="checkbox"/> |

What can you do with funds raised?

If you have successfully raised funds through fundraising activities, keep the following restrictions on what you can do with those funds in mind:

If you said in your fundraising that you will put funds raised to a particular use or purpose, you should follow through on this representation.

If you can't do this (for example, the charity that you raised funds for no longer exists), you should contact the relevant regulators who will advise what to do with the funds. This will often be to provide the funds to charities or beneficiaries similar to those that you originally raised the funds for.

'Non-distribution' rules apply to charities and not-for-profit organisations.

This means that funds can't be distributed outside an organisation unless that distribution is in furtherance of the purpose or mission of the organisation.

Using funds raised to cover expenses

Funds raised through fundraising activities can be used to cover the expenses of running a fundraising campaign or the organisation itself. However, payments of unreasonably large amounts to third parties, like landlords or providers or fundraising services, may be characterised as contravening non-distribution rules. This is particularly the case where there is a relationship between those approving the payment and the recipient.



Caution

The payment of unreasonably large amounts to third parties may also amount to a breach of directors' duties to exercise care, skill and diligence, and if they are known to the director, could also give rise to a conflict of interest.



More information

For more information on directors' duties, see [our webpage 'Who runs the organisation?'](#)

For more information on managing conflicts of interest, see the [ACNC guide 'Governance for good'](#).

