Fundraising licence requirements for registered charities

Legal information for charities

This fact sheet:
► summarises the states and territories where ACNC-registered charities must apply to fundraise, and
► provides an overview of the fundraising licence requirements in each jurisdiction for ACNC-registered charities

This fact sheet provides a summary and an overview of fundraising licence requirements for ACNC-registered charities in each Australian state and territory.

Note
This fact sheet provides information on fundraising licence requirements for ACNC-registered charities in each Australian state and territory. 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 making a decision about what to do.

Please refer to the full disclaimer that applies to this fact sheet.

Each state and territory (apart from the Northern Territory) has its own rules about fundraising activities, including its own system of fundraising licensing. If your organisation intends to fundraise in more than one jurisdiction (for example, if it fundraises online and donations are made in different states and territories), your organisation may need to apply for a fundraising licence in some or all of those jurisdictions.

Does your organisation fundraise online?
If it does, your organisation may need to apply for a fundraising licence in more than one state or territory.

However, some states and territories don’t require ACNC-registered charities to apply for a fundraising licence. In these states and territories, ACNC registration itself is enough to allow a charity to fundraise, as long as any notification requirements are fulfilled.

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Related Not-for-profit Law resources

This fact sheet doesn’t:

• provide detailed information on the licence application processes themselves
• cover the legal definition of ‘fundraising’ (which differs between states and territories), or
• set out the legal obligations that apply while carrying out fundraising activities

This information is available in fact sheets and guides on Not-for-profit Law’s fundraising webpage.

Related Not-for-profit Law resources

Raffles and lotteries are generally regulated separately from other fundraising activities. See Not-for-profit Law’s raffles and minor gaming webpage for more information.

Related Not-for-profit Law resources

Also see also Not-for-profit Law’s fundraising reform webpage for up-to-date information on the campaign to harmonise fundraising laws across Australia and reduce red tape for charities.

Summary of state and territory requirements

The flow charts below show the states and territories where ACNC-registered charities are required to apply for a fundraising licence, and those where ACNC registration alone is enough.

*Note – in NSW, an ACNC-registered charity is still required to lodge an application. However, as it is automatically eligible for the authority to fundraise, the application process is stream-lined.
Overview of fundraising requirements by jurisdiction

The tables below summarise the requirements for ACNC-registered charities to fundraise in each state and territory.

States where charities are required to apply for a licence

New South Wales

<table>
<thead>
<tr>
<th>Regulator</th>
<th>NSW Fair Trading (Fair Trading)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence name</td>
<td>Fundraising licence</td>
</tr>
<tr>
<td>Do ACNC-registered charities need to apply?</td>
<td>Yes, although, since 1 July 2021, the application and renewal process has become more streamlined.</td>
</tr>
<tr>
<td>Application process</td>
<td>Since 1 July 2021, ACNC-registered charities are automatically eligible to apply for and receive an authority to fundraise with NSW Fair Trading. These charities still need to complete an application form, but the process is more streamlined. All they need to provide to NSW Fair Trading are their ACNC registration details on the application form (available from the NSW Fair Trading website). Licences are subject to standard conditions (called ‘Standard Authority Conditions’), which include the maintenance of proper accounts and records, reporting on the outcome of appeals, and requirements for collection boxes. A licence may be granted for a specific event or for a specific timeframe, after which it will need to be renewed. There are some exemptions from the requirement to hold a fundraising licence, for example, organisations which receive less than $15,000 in a financial year from fundraising.</td>
</tr>
<tr>
<td>Other permissions required</td>
<td>Some activities require specific permissions. For example, door knock appeals, street collections and large outdoor events generally require a local council permission or a NSW Police permit or both.</td>
</tr>
</tbody>
</table>

Queensland

<table>
<thead>
<tr>
<th>Regulator</th>
<th>Office of Fair Trading (OFT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence name</td>
<td>There are three types of registration or licence for organisations that wish to fundraise in QLD: • registration as a charity – for organisations that wish to fundraise for a charitable purpose (QLD has its own register of charities and list of charitable purposes) • a sanction to fundraise – for organisations that are not eligible for registration as a charity in QLD but want to fundraise for a charitable or community purpose (a community purpose is something that promotes the general welfare of the public, for example, maintaining a park), or • a sanction to fundraise for a one-off charitable appeal – for organisations and individual people who wish to fundraise for a charitable or community purpose for less than six months (unless a longer period is agreed by the OFT)</td>
</tr>
<tr>
<td>Do ACNC-registered charities need to apply?</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Application process

The process depends on whether the application is for charity registration or a sanction to fundraise:

- for charity registration, an ‘Application for Registration of a Charity’ form must be completed
- for a sanction to fundraise (either for a community purpose or for a one-off charitable appeal) an ‘Application for a sanction (Form 5)’ must be completed

Various supporting documents are required with either application, including a copy of the organisation’s constitution and the organisation’s last financial statement.

There are some exemptions from the requirement to register as a charity or obtain a sanction, for example, hospital foundations and parents and citizens associations.

Other permissions required

Some activities require specific permissions. For example, special rules apply to street and door to door collections, and raffles are separately regulated by the Office of Liquor and Gaming Regulation.

Tasmania

Regulator
Consumer, Building and Occupational Services (CBOS)

Licence name
Approval to collect for a charity

Do ACNC-registered charities need to apply?
Yes

Application process

The type of approval required will depend on the circumstances:

- organisations or corporations located outside Tasmania need to apply for approval using a Form 1
- non-incorporated groups or associations located in Tasmania need to apply using a Form 2

Form 1 approvals last for up to three years. Form 2 approvals last between one to two years. Approval periods depend on the circumstances of each application. At the end of the approval period a new application form will need to be submitted.

There are some exemptions from the requirement to have approval to fundraise – a corporation whose principal office is located in Tasmania and an incorporated association based in Tasmania.

Other permissions required
Some fundraising activities require specific permissions. For example, door knock appeals, street collections and large outdoor events may require local council permission or a police permit or both.

Western Australia

Regulator
Department of Mines, Industry Regulation and Safety, Consumer Protection Division (Consumer Protection)

Licence name
Charitable collections licence

Do ACNC-registered charities need to apply?
Yes

Application process

An ‘Application for WA charitable collections licence’ form must be submitted to Consumer Protection, along with supporting documents including the organisation’s constitution and its latest financial report.
<table>
<thead>
<tr>
<th>States and territories where charities are not required to apply for a licence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victoria</strong></td>
</tr>
<tr>
<td><strong>Regulator</strong></td>
</tr>
<tr>
<td><strong>Licence name</strong></td>
</tr>
<tr>
<td><strong>Do ACNC-registered charities need to apply?</strong></td>
</tr>
<tr>
<td><strong>Notification</strong></td>
</tr>
<tr>
<td><strong>Other permissions required</strong></td>
</tr>
<tr>
<td><strong>Australian Capital Territory</strong></td>
</tr>
<tr>
<td><strong>Regulator</strong></td>
</tr>
<tr>
<td><strong>Licence name</strong></td>
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<tr>
<td><strong>Do ACNC-registered charities need to apply?</strong></td>
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<td><strong>Notification</strong></td>
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<tr>
<td><strong>Other permissions required</strong></td>
</tr>
<tr>
<td><strong>South Australia</strong></td>
</tr>
<tr>
<td><strong>Regulator</strong></td>
</tr>
<tr>
<td><strong>Licence name</strong></td>
</tr>
<tr>
<td><strong>Do ACNC-registered charities need to apply?</strong></td>
</tr>
</tbody>
</table>

Licenses are continuous and don’t need to be renewed.

Some fundraising activities require specific permissions. For example, door knock appeals, street collections and large outdoor events may require local council permission or a police permit or both.
**Notification**

ACNC-registered charities wishing to fundraise in SA must notify:

- the ACNC in the registration application form or annual information statement:
  - stating the charitable purposes they intend to fundraise for and how they will provide relief to beneficiaries, and
  - giving consent for the ACNC to notify CBS of the charity’s intention to fundraise in SA, and
- CBS in the online CCP application or notification form, which can be accessed from the charities page of CBS’s website. The application type will be a ‘notification of intention to act as a collector in SA (registered with ACNC)’

**Other permissions required**

Some fundraising activities still require specific permissions (including for ACNC-registered charities). For example, door knock appeals, street collections and large outdoor events may require local council permission or a police permit or both.

**Northern Territory**

The Northern Territory doesn’t have fundraising legislation. However, if a charity wants to conduct fundraising through raffles or gaming activities, they will need to have a gambling licence, and comply with the relevant gaming legislation which is regulated by the Northern Territory Government’s Department of Business.
Resources

Not-for-profit Law resources

► Fundraising and events
  This page covers the main legal issues when fundraising and has specific resources for each state and territory.

► Running the organisation
  This page features resources to assist those running not-for-profit organisations to understand and comply with legal requirements.

► Communications and advertising
  This page provides information on advertising and promotions and social media, such as Facebook and twitter.

Other related resources

► Consumer Affairs Victoria - Fundraisers
► Fair Trading New South Wales
► South Australian Office of Liquor and Gambling Commissioner – Fundraising
► Queensland – Charities and Fundraising
► Tasmania Office of Consumer Affairs and Fair Trading – Charities
► Western Australia Department of Mines, Industry Regulation and Safety – Charities
► Australian Capital Territory Access Canberra– Charitable Collections

Australian Charities and Not-for-profits Commission (ACNC)

► ACNC website homepage
► ACNC - Charities and fundraising
  ACNC’s webpage on charities and fundraising