

# Guide to Fundraising (WA)

Information for organisations undertaking fundraising activities in Western Australia

Nov 2020

# Contents

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<b>What is fundraising?</b>	<b>3</b>
What is a fundraising activity? .....	5
What is a regulated fundraising activity? .....	5
<b>Obtaining a Licence or Authority</b>	<b>8</b>
Does our organisation need a charitable collections licence? .....	9
Authority to fundraise .....	9
Exemptions for commercial fundraisers .....	10
How to obtain a Licence .....	10
What other relevant permissions and laws do we need to consider when fundraising? ..	11
Extra permissions needed .....	11
Other laws .....	12
What are our obligations after obtaining a Licence? .....	13
General obligations when undertaking charitable collections .....	13
Door-knocking and street collections .....	13
Financial and reporting requirements for charitable collections .....	14
Revocation of charitable collections licence .....	16
<b>Fundraising and tax</b>	<b>17</b>
What are some of the available tax concessions? .....	18
<b>Interstate and online fundraising</b>	<b>20</b>
Interstate fundraising .....	21
Online fundraising .....	23
<b>Resources</b> .....	<b>26</b>



**What is fundraising?**

# What is fundraising?

**Organisations that undertake charitable collections need to comply with laws about collections. The laws relating to charitable collections or fundraising are different in each state and territory.**

This guide covers the laws on charitable collections in Western Australia only, including the *Charitable Collections Act (1946) (WA)*, *Charitable Collections Regulations 1947 (WA)* and *Street Collections (Regulation) Act 1940 (WA)* (**Western Australia's fundraising law**).

Fundraising in Western Australia is regulated by the Department of Mines, Industry Regulation and Safety, Consumer Protection Division (**Consumer Protection**).

When any person or organisation undertakes 'charitable collections' in Western Australia, they need to comply with the requirements under Western Australia's fundraising law, including applying for a licence or permit where necessary.



## Charitable collections can include:

- telephone appeals
- public auctions
- doorknock appeals
- tin collections
- clothing bins
- public appeals to support clubs, associations, causes or people, and
- a range of other activities that raise funds

Each Australian state and territory has its own rules relating to fundraising activities and there are differences across jurisdictions. Your organisation may need to comply with multiple jurisdictions' fundraising laws (including registering as a fundraiser in multiple jurisdictions or applying for licences in multiple jurisdictions) if it intends to fundraise in more than one state or territory.

For further information, a link to the relevant state and territory government agencies is provided in the resources section at the end of this guide.



## Caution – July 2020 licensing reforms

In July 2020, Western Australia's fundraising law was changed to simplify the application and reporting requirements for licensed charities in Western Australia. As a result of these changes:

- continuous charity licences (ie. with no expiry date) were introduced in Western Australia. From July 2020, licence holders will be issued with a continuous licence at their next renewal date (on receipt of an application) and the licence will no longer need to be renewed every three years
- for financial years ending on or after 30 June 2020, Western Australian licence holders which are also registered with the Australian Charities and Not-for-profits Commission (**ACNC**) will only have to report to the ACNC and will no longer need to report annually to Consumer Protection (this removes dual reporting requirements), and
- not all licence holders will have to have their financial reports audited. This will now depend on the licence holder's annual revenue (in line with the ACNC's thresholds for charities of different sizes)

Penalties for fundraising without a licence or breaching the terms of a licence have also been brought up-to-date and increased.

The information provided in this guide reflects the above changes.

## What is a fundraising activity?

Western Australia's fundraising law regulates '**charitable collections**'. The term 'charitable collections' essentially covers fundraising activities that a person or organisation may undertake when those activities are wholly or partly for a 'charitable purpose'.

A fundraising activity can be a single event over a limited period of time or an ongoing activity and may include:

- door knock appeals
- raising funds through the sale of raffle tickets
- telephone and radio appeals
- internet advertising (for example, funding pages)
- clothing bins
- mail outs
- entertainment events or functions
- fetes
- street collections
- op shops, and
- sale of discs, badges, tokens, flowers

## What is a regulated fundraising activity?

Western Australia's fundraising law regulates any person or organisation that intends to:

- collect or attempt to collect any money or goods for any charitable purpose
- obtain or attempt to obtain any money by the sale of any disc, badge, token, flower or other device for any charitable purpose
- conduct any entertainment or function to which any charge for admission is made, or sell or attempt to sell any ticket for admission to any entertainment or function in any case where it is held out that any part of the proceeds of the entertainment or function are to be devoted (either wholly or partly) for any charitable purpose, or



- advertise (by poster, streamer, handbill, notice in any newspaper or any other means) or hold out or represent in any manner that the whole or any part of the proceeds of any sports, races, fete, bazaar or other function will be paid into or applied for any charitable purpose



### Meaning of 'charitable purpose'

Under Western Australia's fundraising law, '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 or kindergartens
- support of activities of a social welfare or public character
- animal welfare, conservation and environmental causes, and
- any other benevolent, philanthropic or patriotic purpose



### Example

A theatre company puts on a play and gives a portion of the ticket sales to a local organisation that provides camps for disabled children. As the money is being obtained, in part, for a charitable purpose, the theatre company will require a licence.

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

If your organisation intends to raise money through raffles, sweepstakes, bingo, lotteries, gambling or gaming activities, you will need a permit from the [Gaming and Wagering Commission of Western Australia](#).



### Note

The definition of charity at a federal level (which is the definition used to assess whether an organisation is eligible to register as a charity with the Australian Charities and Not-for-profits Commission), is a different definition. Read more about the federal definition on [our charity webpage](#).



Although Western Australia's fundraising laws apply to people as well as organisations, only incorporated organisations (such as companies or incorporation associations) can apply for and receive a 'Charitable Collections Licence' (**Licence**) under Western Australia's fundraising law.

A person or unincorporated group wishing to fundraise should investigate whether or not they can obtain authority to fundraise under a Licence held by another organisation (**Authority**). This is covered in more detail in the next part of this guide.



# **Obtaining a Licence or Authority**



# Obtaining a Licence or Authority

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## This section covers:

- ▶ does our organisation need a fundraising Licence or Authority?
  - ▶ how does our organisation obtain a Licence?
  - ▶ what if my organisation breaches Western Australia's fundraising law or undertakes fundraising without a Licence?
  - ▶ what other relevant permissions and laws do we need to consider when fundraising?
  - ▶ what are our obligations after obtaining a Licence?
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## It's important to understand the licencing process before you begin collecting funds or property.

Failing to contemplate whether you need a Licence or Authority to fundraise before you begin activities can lead to issues further down the track.

## Does our organisation need a charitable collections licence?

Generally, an organisation that intends to fundraise for charitable purposes in Western Australia will need a Licence, unless:

- the activity does not constitute fundraising for which a Licence is required (see discussion above)
- the fundraising is being undertaken by a commercial fundraiser, or
- the fundraiser has been given an authority to fundraise on behalf of a holder of an existing Licence or Authority

Failure to obtain the appropriate Licence or Authority may leave a person or organisation exposed to a penalty of \$20,000.

It's important to note that even though under Western Australia's fundraising law, a person or unincorporated body may be granted a Licence, Consumer Protection generally only grants licences to incorporated bodies. The application form states that an applicant must be a body such as an incorporated association, a limited company or the trustee of a charitable trust.

## Authority to fundraise

Any organisation that holds a Licence may give another organisation or person authority to fundraise for a charitable purpose under that Licence.

There is no particular format that the Authority must take, but it's recommended that the Authority be documented in a written agreement. Consumer Protection provides some guidance on how to structure this arrangement in its [Guidance Pack for Fundraisers](#).

This is an easier and quicker route to undertaking fundraising compared to obtaining your own Licence – so always consider whether an Authority is an option available to you or your organisation.

### Caution



Organisations must have a charitable collections licence regardless of how much money they raise. This means that an organisation will need a licence whether they raise \$2 or \$2,000,000.

## Exemptions for commercial fundraisers

Commercial fundraisers don't require a Licence under Western Australia's fundraising law. A commercial fundraiser is a person or organisation outside your organisation who you hire to administer all or part of your fundraising activities.

For more information about engaging commercial fundraisers, see Consumer Protection's [Guidance Pack for Fundraisers](#).

There are no other specific types of organisations exempt from the requirement to obtain a Licence or Authority.



### Example

#### Examples of fundraising where a Licence or Authority IS generally required:

- A group of friends who start a 'go-fund me page' to raise money to support their friend who was in a car accident and requires medical treatment.
- A hospital selling tickets to a ball where a portion of the funds raised from the ticket sales will go to support the children's ward of the hospital.
- People with collection tins soliciting donations by carrying out a door knock appeal on behalf of a charity.
- Television or radio stations that promote a competition, talent quest or reality TV programs, where the public is invited to vote for a particular contestant, with a percentage of the funds raised by the telephone billing process being donated to a nominated charity.

#### Examples of fundraising where a Licence or Authority is NOT generally required:

- Organisations that raise funds to send an employee overseas to undertake a training course. This activity is not carried on for a 'charitable purpose' and is solely to benefit the organisation or employee.
- A marketing organisation runs a campaign for a charity. They are a commercial fundraiser and don't need a Licence.

## How to obtain a Licence

There is no fee to obtain a Licence.

If your organisation needs to obtain a Licence, you must submit a completed '[Application for WA charitable collections licence](#)' form to the Commissioner for Consumer Protection (**Commissioner**). The application will be reviewed by the Charitable Collections Advisory Committee (**CAC**), an independent body, which makes recommendations to the Commissioner.

The application form asks for detailed information including:

- the purpose for which the licence is sought and the type of fundraising activities the organisation will be conducting



- whether any other organisation is already operating in the field you wish to fundraise and whether you have approached that organisation
- details of three principal executive officers (ie. people who have decision-making powers for the organisation) and, if any of these people are related, a copy of the organisation's conflict of interest policy
- copies of the organisation's certificate of incorporation or registration and governing documents, such as rules or constitution or trust deed (this information is not required for organisations incorporated under the *Associations Incorporation Act 2015 (WA)*)
- the latest financial report including an income and expenditure statement and a balance sheet (not required for newly registered organisations), and
- expected total annual revenue (within three categories: \$0 to \$250,000; \$250,000 to \$1 million; or \$1 million and above)

**Note**

While CAC assesses applications for Licences, the Commissioner has ultimate discretion as to whether to grant or refuse a Licence.

When reviewing an application for a Licence, the Commissioner is required under Western Australia's fundraising laws to consider whether the fundraising aims could be more effectively or economically carried out by an existing Licence holder. The Commissioner has a responsibility to ensure duplication is minimised. You should consider this carefully before applying.

Since July 2020, licences are continuous and no longer have to be renewed every three years (this was the case previously). Continuous licences will be issued on the condition that the licensed organisation meets its reporting obligations and complies with the licence requirements.

To transition to this arrangement:

- from July 2020, licence holders will be issued with a continuous licence at their next renewal date (ie. when your licence expires, you must apply for a renewal and will then be granted a continuous licence); and
- for licences that were issued from 1 January 2019 to 30 June 2020, arrangements will be made for these to be reissued as continuous licences. Consumer Protection will contact the relevant licence holders directly to provide more information in the future.

A list of licenced charities in Western Australia is maintained by Consumer Protection and is available to the public on its [website](#).

**Caution**

Penalties for failing to obtain a Licence or breaching the terms of a Licence range from \$5,000 to \$20,000.

## What other relevant permissions and laws do we need to consider when fundraising?

Depending on the activity, you may require some other permission to fundraise and you may need to approach other organisations to get these permissions in addition to Consumer Protection.

### Extra permissions needed

Fundraising activities which may require other permissions include:

- **Door knock appeals** – you may require permission or additional permits from the local council of the area in which the door knock is to be conducted.



- **Street collections** – you may require permission or additional permits from the local council of the area in which the street appeal is to be conducted (this is the case in the Perth Metropolitan area).
- **Large event taking place outdoors** – you should consider whether you need to contact other authorities, such as the local council or Western Australia Police, and permits may be required.
- **Selling and supplying alcohol** - if a fundraising event includes selling and supplying alcohol it will be necessary to obtain a liquor licence. Associations organising fundraising events at which alcohol will be sold and supplied can apply for an 'occasional licence' under the *Liquor Control Act 1988 (WA)*.
- **Running lotteries or raffles** – if your organisation is planning to run a lottery, raffle or other gaming activities, you will need to contact the [Department of Local Government, Sport and Cultural Industries - Racing, Gaming and Liquor Division](#) to find out what approvals and permits you need.



### Further reading

For more information on running fundraising events, see [our webpage on events](#).

## Other laws

- **Australian Consumer Law (ACL)** – it's also important to consider the ACL when fundraising, particularly when your fundraising involves the sale of goods (like merchandise or event tickets) or services. The ACL prohibits conduct in:
  - trade or commerce that is misleading or deceptive, and
  - prevents fundraisers from making false or misleading representations in relation to the sale of goods and services as part of a fundraising campaign

For more information, see our [guide to the laws of advertising and your community organisation](#).

- The **[Telecommunications \(Telemarketing and Research Calls\) Industry Standard 2017](#)**, published by the Australian Communications and Media Authority, which sets out rules relating to telemarketing, including information to be provided in calls, timing of calls, caller identification and termination of calls (for more information, see the full Standard at [www.acma.gov.au](http://www.acma.gov.au)).
- **Privacy laws** (state and federal), which set out requirements relevant to the collection, use and disclosure of 'personal information' in connection with fundraising activities (for more information, see our privacy guides and privacy compliance manual on our [privacy webpage](#)).
- **Work, health and safety (WHS)** laws, which 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 [WHS Guides](#)).

There are also a range of self-regulatory codes that fundraisers can sign up to that provide further requirements as well as guidance on properly conducting fundraising activities.

More information on self-regulation is available on our [fundraising webpage](#).



### Note

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



## What are our obligations after obtaining a Licence?

### General obligations when undertaking charitable collections

Regardless of whether or not your organisation has obtained a Licence or Authority, when undertaking charitable collections it should:

- ensure that fundraising campaigns are truthful, that no misrepresentations are made, and comply with requirements around adding licence or registration numbers to advertising materials, packaging or communications
- ensure that high standards of governance and risk management are applied to any campaign, including considering whether people involved in administering the campaign are suitably qualified and of proper character (you may like to consider screening volunteers and staff – see our [webpage on background checks](#)), and whether appropriate safety measures have been taken to protect staff and volunteers involved
- meet all legal requirements if involving children in fundraising and ensure appropriate risk management of involvement of children
- ensure all those authorised to collect on their behalf are aware of particular obligations applicable to the fundraising activities
- provide people participating in an organisation's campaign with an identification badge including a unique identifying number, and keep records of collector identity and identifying numbers (see specific requirements below)
- 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 are in place for managing cash donations in regards to collection, storage and emptying of collection tins, boxes or envelopes
- meet reporting requirements in relation to funds raised
- apply funds to the charitable purpose or purposes for which they were raised
- conduct the fundraising activities in accordance with the application approved by the Commissioner and with any conditions placed on the Licence by the regulator, and
- comply with directions given by the regulator (for example, providing certain information or documentation relating to the fundraising activities), if and when a written notice is given

After your organisation has obtained a Licence, it can choose to comply with the [Voluntary Code of Practice for Public Fundraising \(Code\)](#). The Code sets out certain guidelines which can benefit charitable organisations that raise money from the community.

Further information about the Code and your obligations as a fundraiser can be found on [Consumer Protection's website](#).

### Door-knocking and street collections

If your organisation intends to conduct door-to-door appeals or street collections, special rules may apply.

A street collection is the 'soliciting of funds or contributions and the selling and offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions' in a public street or thoroughfare.

#### Application for street appeal permit

Any person 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. To obtain the permit, the approved form must be lodged – ['Street Appeal within Perth Metropolitan Area'](#).



### Note

Consumer Protection allows up to three organisations to conduct appeals on the same Friday. This means that only 150 organisations are able to conduct appeals each year and generally only one appeal is allowed for each applicant per year. Consumer Protection has published a [roster](#) of all organisations conducting street collections in Perth and the days they are collecting.

### Collection obligations

Your organisation must ensure that:

- street collections only take place on a Friday, between 7am and 9pm (unless otherwise approved by the Minister for Commerce and Industrial Relations), in the areas specified on the permit, and that collectors participating in these street collections are not paid
- door-knocking only takes place Monday to Saturday between 9am and 6pm (no Sundays or public holidays)
- collectors wear identification badges with the name of the authorised fundraiser and the period of time the fundraiser has authority to collect
- door-knocking appeals only take place specified days (Monday to Saturday, excluding public holidays) and during 9am and 6pm
- collection boxes are secure, sealed, consecutively numbering, prominently display name of authorised fundraiser, date of collection and a register of collections boxes and the corresponding collector is kept and maintained and no boxes are taken home by collectors (must be dropped at a collection point)
- collectors are 16 years of age or older, (unless authorisation is given by the Minister for collectors to be under 16 years of age however no approval will be given for pre-school or primary school age children to participate in collections), and
- it also obtains any necessary permission from the local council for the area that it intends to collect in

### Financial and reporting requirements for charitable collections

After your organisation has been issued with a Licence, you must meet certain financial and reporting obligations including:

- depositing funds into a separate bank account (with two account signatories who are officers of the organisation) within seven days of receipt
- keeping accounts of funds received and showing how the funds are applied
- maintaining a register of assets (if the organisation has assets other than cash on hand or at a bank and has not recorded these in its accounts)
- maintaining records of collections, and
- complying with annual reporting obligations, which depend on the size of your organisation and whether it is registered with the ACNC



### Note

From July 2020, Consumer Protection categorises charities as small, medium or large based on their annual revenue. This is consistent with the ACNC's categorisation of charities.

The thresholds are, by total annual revenue:

- **Small:** less than \$250,000
- **Medium:** \$250,000 or over but less than \$1 million
- **Large:** \$1 million or more

### Reporting requirements – from July 2020

Reporting obligations are now as follows:

- If your organisation is **not registered with the ACNC** it must submit an [Annual Financial Return](#) to Consumer Protection within six months of the end of the organisation's financial year. Small charities will no longer have to provide an audited financial report. Medium charities must provide a reviewed or audited financial report, and large charities must provide an audited financial report. (An audit is a more detailed and costly process than a review.)
- If your organisation is **registered with the ACNC** it will not have to report annually to Consumer Protection, as long as it submits the [Annual Information Statement \(AIS\)](#) to the ACNC every year and includes its Licence number as part of the AIS form. The level of financial reporting for the ACNC also depends on the size of the charity. Medium charities have to have their reports reviewed or audited and large charities must have their reports audited.

The above changes are not retrospective so only apply to financial years ending on 30 June 2020 or after.

After a **street collection** has been undertaken, the permit holder is required to lodge a [Street Collections Statement](#) setting out the amount of money raised and the expenses incurred. This statement must be lodged within 30 days of the appeal.

If you are a person or organisation that has been granted Authority to fundraise under an existing Licence, you must ensure that all money received while fundraising is paid to the Licence holder's nominated bank account within 14 days of collection, as well as comply with any other conditions under the Licence and Authority.



### Related resource

Consumer Protection has published the '[Charitable Collections in Western Australia – Self Check](#)' that assists organisations to comply with the various collection, financial and reporting obligations under Western Australia's fundraising laws.



### Related resources

There are several situations where community organisations may be required to report to government, in addition to in relation to its fundraising obligations, such as annual reporting and to meet notification requirements (for example, change of directors or officers).

Depending on its structure, your organisation may need to report to:

- the ACNC (for charity annual reporting)
- the Australian Tax Office (in relation to tax), or
- the Australian Securities and Investments Commission (for organisations that are structured as Companies Limited by Guarantee)

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

## Revocation of charitable collections licence

The Commissioner can revoke a Licence at any time.

The Licence can be revoked in circumstances where:

- the money or goods received are mismanaged or applied other than for the charitable purpose
- the money or goods received and to be applied for charitable purposes are applied inadequately in proportion to the total sum received
- remuneration which is excessive to the amount of money received is paid to any person from that money, or
- the organisation has ceased to carry out any charitable purpose





# Fundraising and tax



# Fundraising and tax

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**Some not-for-profit organisations may be entitled to certain tax concessions in relation to their fundraising.**

Your not-for-profit organisation must be registered with the ACNC in order to be classified as a charitable organisation, and to be eligible to apply for charitable tax concessions from the ATO. The ATO then determines whether your charitable organisation is entitled to any tax concessions. The ACNC link in the resources section at the end of this guide provides further information on registering as a charity

## What are some of the available tax concessions?

### GST

A not-for-profit organisation is required to register for goods and services tax (**GST**) when its annual turnover is \$150,000 or more, but can choose to voluntarily register if its turnover is less. If your organisation is registered for GST, or is required to be registered, it may be required to pay GST on any goods or services sold (supplied) as part of its fundraising events. These GST amounts must then be remitted to the ATO.

An organisation registered for GST can choose to treat all sales made in connection with fundraising events as 'input taxed'. This means that its sales will not be subject to GST. However, the choice to treat the sales as 'input taxed' must be made before any sales take place. Additionally, the organisation will not be able to claim 'input tax credits' for the costs incurred in making the sales (i.e. the GST component that was paid by the organisation in initially acquiring the supplies).

For more information about GST concessions that may be available to your organisation, see our [tax webpage](#).

We recommend your organisation talk to a specialist about GST.

### Income Tax

An organisation operating as a charity must be endorsed by the ATO to be exempt from income tax. Unless it's exempt from income tax, an organisation may be required to pay income tax on money received as part of its fundraising activities. An organisation exempt from paying income tax will still have income tax obligations with respect to any employees (such as Pay As You Go (**PAYG**)).

For more information about income tax generally and whether your organisation is exempt, see our [tax webpage](#).

### Tax deductible donations

Your organisation can only offer 'tax deductible donations' (for example, claiming to the public that 'donations over \$2 are tax deductible') if it has been endorsed by the ATO as a deductible gift recipient (**DGR**) or if it has been listed by name in tax legislation as a DGR.

Unless your organisation has received DGR status, members of the public who donate to your fundraising activity are not entitled to claim a tax deduction on their donations to you and you cannot provide a tax deductible receipt.

For more information about DGR status and tax deductible donations see the [ATO website](#) or visit our [DGR webpage](#).

**Note**

It is important that your organisation can identify whether a donor or contributor might be entitled to a tax deduction so that you can accurately inform a potential donor and provide appropriate receipts.



# **Interstate and online fundraising**

# Interstate and online fundraising

## This section covers:

- ▶ interstate fundraising, and
- ▶ fundraising online

## The information in this guide covers the laws on fundraising in Western Australia only.

Each Australian state and territory has its own rules on fundraising activities, including different registration systems.

## Interstate fundraising

If your fundraising appeal will be conducted in more than one state or territory, or is aimed at residents from another state or territory, then you will need to ensure that you are complying with the requirements in each of the other states or territories. This includes applying for a fundraising authority where necessary or ensuring you have a 'presence', (an address) within the state or territory.



### Related Not-for-profit Law resource

Our 'Guide to fundraising laws in Australia' on our [fundraising webpage](#) provides information to help organisations and people undertaking fundraising activities understand the requirements of the different regimes and assess whether they require additional permits in other states or territories.

The table below sets out the relevant departments in each state or territory and an overview of their general requirements for registration, approval or licensing with respect to fundraising activities.

There are fundraising guides available for each jurisdiction on our [fundraising webpage](#).



### Note

The Northern Territory does not have laws on general fundraising activities.

State or territory	Body	Definition of 'fundraising'	Requirements for registration
New South Wales	NSW Fair Trading	Soliciting or receiving money, property or some other benefit with the representation that it will go in whole or part to a charitable purpose.	Any person or organisation that fundraises in NSW must apply for an 'authority to fundraise' licence or enter an arrangement with a holder



			of a licence to fundraise on that holder's behalf, unless exempt.
<b>Victoria</b>	Consumer Affairs Victoria ( <b>CAV</b> )	Soliciting or receiving money or some other benefit with the representation that it is not solely for the profit or commercial benefit of that person or any other person.	A person or organisation that fundraises in Victoria must register as a fundraiser by submitting an application to CAV, unless exempt. If registered with the ACNC, a charity will only need to notify CAV of its intention to fundraise in Victoria in order to be considered a registered fundraiser, (ie. it will not need to apply separately to CAV).
<b>South Australia</b>	Consumer and Business Services ( <b>CBS</b> )	Collecting or attempting to collect money or property wholly or partly for a 'charitable purpose'.	Any person or organisation that fundraises in SA must apply for a licence or obtain authority from a holder of a licence to fundraise on that holder's behalf, unless exempt. ACNC-registered charities that have notified CBS of their intention to fundraise in SA are automatically licenced.
<b>Queensland</b>	QLD Office of Fair Trading	Any appeals for support for a charitable and/or community purpose.	Any person or organisation that fundraises in QLD must be registered as a charity (under QLD fundraising law), have a sanction to fundraise for a charitable or community purpose, or an authority to fundraise on behalf of a registered charity, unless exempt.
<b>Tasmania</b>	Consumer Building and Occupational Services	Soliciting for goods, services or donations for a charitable purpose.	Any person or organisation based outside Tasmania that fundraises in Tasmania, or an unincorporated Tasmanian body, must apply for approval to fundraise.
<b>Western Australia</b>	Department of Mines, Industry Regulation and Safety (Consumer Protection Division)	Collecting money or goods from the public for a charitable purpose.	Any organisation that fundraises in WA must obtain a licence or authority to fundraise on behalf of a holder of an existing licence, unless exempt. Individuals must also obtain authority to fundraise on behalf of an existing licence holder.
<b>Australian Capital Territory</b>	Access Canberra	Collecting money or a benefit for a purpose that is wholly or in part a charitable purpose.	An organisation collecting for charitable purposes must apply to Access Canberra for a licence or obtain authority from an existing licence holder to collect on their behalf, unless the organisation is registered with the ACNC or is otherwise exempt.



### Caution

If your organisation is using raffles, lotteries or other gaming activities to fundraise, there may be other laws and obligations that apply in each state or territory. We recommend you seek advice as to each state or territory's particular laws as early in the planning process as possible, as the rules and approvals required can often be different in each jurisdiction and may affect how you decide to run your fundraising activity.



### Related Not-for-profit Law resource

Not-for-profit Law supports a new framework for a nationally consistent approach to charitable fundraising regulation. For more information about our position, go to our [Law and Policy Reform page](#).

## Online fundraising

Organisations often use or obtain assistance from online fundraising websites to raise money for their cause. These websites may help your organisation in fundraising from guiding you on setting up a website for fundraising to acting as a portal to securely receive donation funds on your behalf.

Your organisation might use the internet or electronic communications to undertake fundraising activities such as:

- through a website or charity portal that may direct donations from shopping or other third party websites,
- by updating or sending out fundraising appeals by email or SMS,
- by adding podcasts, wikis and blogs to your fundraising activities, or
- by using social networking websites to fundraise, such as Facebook, Twitter or YouTube

New technologies create new challenges for fundraising regulation and may require careful consideration and assessment of the risks and benefits before use.

For example:

- **nuisance and spam** – there is potential to create nuisance or spam if the internet or electronic communications used for fundraising activities are overused. For example, it's against the law to send mass emails to people if they have not agreed to it under the *Spam Act 2003* (Cth).
- **privacy and data protection issues** – to enable the sending of mass communications to potential donors (for example, SMS, emails) and the collection, storage and use of people's information may subject your organisation to compliance with privacy laws where such information is considered 'personal information' (for example, name, address, telephone numbers, email addresses).
- **reputational issues and fraud** – the public may find it difficult to verify the identity of fundraisers operating on the internet. Others may claim to be affiliated with or collect funds on your organisation's behalf fraudulently.
- **compliance with state and territory laws and laws in other jurisdictions** – when donations are received online, the person donating may be from another state or territory (or even outside Australia). By creating your own online donation service you may need to be aware of the laws of other states and territories. The laws governing this area can be quite unclear.



### Note

The Western Australian Government released guidelines in October 2017 on the licensing of online crowdfunding campaigns for social causes. Crowdfunding on your own behalf, for your child, or a terminally-ill beneficiary is not considered for a 'charitable purpose' and therefore a licence is not required.

For further information on the guidelines, visit the [Western Australian Government website](#).



### Caution

Where you fundraise on the internet and receive funds from persons in different states and territories in Australia, you will need to comply with the fundraising laws in those jurisdictions, including potentially applying for multiple fundraising permits or registrations.

A strategy to manage this tricky issue may be to choose a limited number of states and territories for your campaign, making clear on your campaign materials which states and territories the campaign relates and requiring donors to confirm they are in those states and territories before making a donation. That way, you only need to comply with fundraising regulation in the states and territories listed.



### Tips – if your organisation fundraises online

If your organisation does fundraise online we recommend you take the following precautions:

- seek advice on each state and territory's requirements on online fundraising to see whether your organisation requires a licence or authority
- use a safe and trusted third party website through which to organise your donations
- ensure your online fundraising website has clear information on how the funds raised will be used
- ensure your online fundraising website is secure to protect personal information such as credit card details, and
- keep a clear account of the funds collected





### Tips - if your organisation uses third party online fundraising sites to promote or conduct your fundraising activities

It's worth checking:

- if those third party sites charge any fees, as some charge a percentage of any donations
- what payment systems are in place for your donors and security
- what payment options are available and commissions payable for credit card facilities
- how, and how quickly, you receive the money from the third party, and
- reviews of such online fundraising sites to see whether they have a good track history or whether donors have complained about them



### Related resource

For guidelines on how to fundraise online ethically see the [Fundraising Institute of Australia's Standards](#) on 'Electronic Fundraising' and 'Social Media Fundraising'.

# Resources

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## Related Not-for-profit Law resources

The [Not-for-profit Law website](#) contains many fact sheets and guides on different topics. The following topics contain relevant further information:

▶ [Running the organisation](#)

This page contains resources to assist those running not-for-profit organisations to understand and comply with legal requirements.

▶ [Fundraising and Events](#)

This page contains resources on the main legal issues when seeking funds or holding events, including in other states and territories.

▶ [Communications and Advertising](#)

This section offers information on advertising and promotions and social media, such as Facebook and Twitter.

▶ [Registering as a charity](#)

This page provides information on how to register as a charity and what's involved.

▶ [Tax](#)

This page includes information about accessing tax concessions, including Deductible Gift Recipient endorsement.

## Legislation

▶ [Charitable Collections Act 1946 \(WA\)](#)

▶ [Charitable Collections Regulations 1947 \(WA\)](#)

▶ [Street Collections \(Regulation\) Act 1940 \(WA\)](#)

▶ [Australian Charities and Not-for-profits Commission Act 2012 \(Cth\)](#)

## Other relevant resources

### [Department of Mines, Industry Regulation and Safety \(Consumer Protection Division\)](#)

▶ [Guidance Pack for Fundraisers](#)

▶ [Applying for a Licence](#)

▶ [Street Collections](#)

▶ [Commercial Fundraisers](#)

▶ [Forms and Publications](#)

▶ [Voluntary Code of Practice for Fundraisers](#)



- ▶ [Online crowdfunding campaigns for social causes guidelines](#)

### **Department of Local Government, Sports and Cultural Industries**

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

- ▶ [Australian Charities and Not-for-profits Commission - Charity Tax Concessions](#)
- ▶ [Australian Charities and Not-for-profits Commission - Applying for Charity Registration](#)
- ▶ [Australian Charities and Not-for-profit Commission - Ongoing Obligations to the ACNC](#)  
Provides an overview of all present, and future obligations of registered charities and not-for-profits

#### **Australian Taxation Office (ATO)**

- ▶ [Australian Taxation Office - Gifts and Fundraising](#)

#### **Fundraising bodies of other states and territories**

- ▶ [Australian Capital Territory, Access Canberra – Charitable collections licensing](#)
- ▶ [New South Wales Fair Trading - Charitable fundraising](#)
- ▶ [Queensland Office of Fair Trading, Queensland Government – Charities and Fundraising](#)
- ▶ [South Australian Consumer and Business Services - Charities](#)
- ▶ [Tasmania, Office of Consumer Affairs and Fair Trading – Charities](#)
- ▶ [Victoria, Consumer Affairs Victoria – Fundraisers](#)

#### **Other useful links**

- ▶ [Fundraising Institute of Australia - FIA Code](#)  
A voluntary code of conduct for best practice fundraising in Australia.

