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How to Strategically Navigate Australia's Archaic Fundraising Laws and Regulations

FEDERAL

ACNC - Register with the ACNC and submit the annual information statement

STATE

NSW

An authority to fundraise in NSW, allowing an organisation to fundraise for its charitable purposes from NSW public only.
Apply for AUTHORITY if over $15K

VIC

The Fundraising Act 1998 (the Act) defines a fundraiser as any person or organisation, including a business, that collects money for a beneficiary, cause or thing, rather than solely for their own profit or commercial benefit.
REGISTER and commence in 21 days if no response if over $10K

ACT

From July 2017, charities registered with the ACNC are exempt from requiring a licence in the ACT and from reporting to Access Canberra.

STATE

QLD

Before you can fundraise for a charity or for a charitable purpose, it must be registered with us. Organisations not eligible for registration as a charity can fundraise for a charitable or a community purpose by getting a sanction from us.

REGISTER OR OBTAIN A SANCTION OR AUTHORITY. Advertise 1 month, objections 1 month

WA

Only organisations which raise funds in Western Australia, as defined by section 6 of the Chartiable Collections Act 1946, are required to be licensed.

Section 6 includes fundraising activities such as doorknocking, telemarketing, television-radio appeals, street appeals, mail outs, entertainments, fetes, functions etc., as well as advertising at certain types of events. Apply for AUTHORITY. Wait for approval

THE PROBLEM FOR CHARITIES

An organisation that wants to run an online campaign across Australia would need a fundraising licence in most jurisdictions.

👆 **The current laws are not based on conduct but on regulation and reporting**
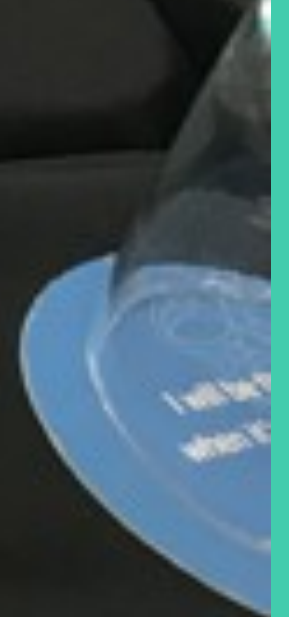
👆 **They do not support cross border or digital fundraising**

👆 **Definition of "charitable purpose" varies between juristictions.**

👆 **Complexity forces accidental and complicit non compliance**

#FIXFUNDRAISING

REMOVE ALL STATE BASED REGULATION.
USE AUSTRALIAN CONSUMER LAW (ACL), IN CONJUNCTION WITH REPORTING TO THE ACNC AND A MANDATORY CODE OF CONDUCT.

The Australian Consumer Law is generalist, principles-based consumer law

Regulates ethical behaviour

Is national in its application

Already applies to activities of charities, including fundraising activities. (Some minor amendments and clarifications are required)

It is well understood by the public (donors)

The same State and Territory regulators responsible for fundraising laws, are also responsible for its enforcement

STRONGER. SMARTER. SIMPLER

THE WHOLE PANTRY

100 Recipes for Eating Deliciously, Getting Back to Basics, and Living a Well-Nourished Life

Belle Gibson

CREATOR OF THE WORLD'S FIRST HEALTH, WELLNESS, AND LIFESTYLE APP

PERSONAL CAUSE VS CHARITY

mycause

Who are you fundraising for ?

Personal cause or **Charity**

Personal cause
- For yourself, your friend, work mate, family member or community
- Funds sent to your bank
- No goal requirements
- 0% platform fee

start now

Charity
- For any Australian charity
- All donations receipted and funds sent direct to the charity
- Request donations from friends, family and your network
- Free fundraising

start now

PayPal
Giving Fund

1. Supporters donate on PayPal, Facebook and GoFundMe.

2. We receive the donations and donors receive receipts.

3. We grant the funds to your charity.*

gofundme

WHO IS THE FUNDRAISER

PERSONAL

Does the fundraiser have a licence or authority. That depends on the platform.

Danger: people taking your money into their own bank account

CHARITY

Does the fundraiser have a licence or authority – PPGF

• Where is your donor data?
• What if I don't like this?

FIX FUNDRAISING IN THE TIME OF FOLAU

Folau what if he bought a new house?

- GFM

Campaign creator ACL

Fundraiser – Folau

- **AUST CHRISTIAN LOBBY**

Campaign creator ACL

Fundraiser – ACL

Over 200 people have reported the charity ACL to the ACNC

Using the ACL means that the activity is regulated rather than the entity or the person

WHAT SHOULD BE DONE?

👍 Understand that fundraising means promotion via email, direct mail, SMS, face to face, phone or online

👍 Understand and comply with regulation

👍 Promote fundraising on your website in an easy way. Don't leave a gap that forces your supporters to search alternatives

👍 Make sure your staff are trained and are actively compliant

👍 Ensure you have an Australian third party platform contracted

👍 Ensure the charity operations staff understand the state of play in the market

👍 Decide on your policy for non- contracted third party platforms and PAFs

👍 Know your charity's charter and objects and make sure staff know too