



## **Charitable Fundraising Regulation Reform**

### **Request for Comments Response**

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## **WHO IS ENDEAVOUR FOUNDATION**

The Endeavour Foundation (Endeavour) is one of the largest non-government organisations in Australia providing services to people with a disability and their families. We support more than 3000 people with a disability through a mix of services and businesses, including accommodation, day and employment services at over 220 locations across Queensland & New South Wales.

While we are a not-for-profit, we are also a public company limited by guarantee. Our 'shareholders' are our Endeavour Members. These Members not only consist of families of people with a disability but members of the broader community who want to be associated with an organisation that does great work with Australians who need support – a little or a lot – in their everyday lives.

<b>Consultation Question Responses</b>
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**2.1 Is it necessary to have specific regulation that deals with charitable fundraising?**

*Yes. If the premise of regulation is to improve transparency and accountability to the public then all participants should come under the same regulation regardless of the amount raised. The likelihood of misappropriation is greater from unregulated organisations and individuals especially regarding deceptive conduct and false or misleading representations.*

**2.2 Is there evidence about the financial or other impact of existing fundraising regulation on the costs faced by charities, particularly charities that operate in more than one State or Territory?**

*Harmonization of regulatory requirements has been evidenced to demonstrate a reduction in compliance burden and costs.*

**2.3 What evidence, if any, is available to demonstrate the impact of existing fundraising regulation on public confidence and participation by the community in fundraising activities?**

*N/A*

**2.4 Should the activities mentioned above be exempted from fundraising legislation?**

*Yes*

**2.5 Are there additional fundraising activities that should be exempt from fundraising regulation?**

*N/A*

**2.6 Is the financial or other effect of existing fundraising regulation on smaller charities disproportionate?**

*N/A*

**2.7 Should national fundraising regulation be limited to fundraising of large amounts? If so what is the appropriate threshold and why?**

*No, please refer to response 2.1.*

**2.8 Should existing State or Territory fundraising legislation continue to apply to smaller entities that engage in fundraising activities that are below the proposed monetary threshold?**

*Yes, if scale is to be applied.*

**2.9 Should a transition period apply to give charities that will be covered by a nationally consistent approach time to transition to a new law?**

*Yes, a reasonable time based on similar functions should be provided.*

**2.10 What should be the role of the ACNC in relation to fundraising?**

*The role of the ACNC should be to register charities and authorize registered charities to engage in fundraising activities across Australia. This will provide accountability and line of view across both purposes as well as streamlining the process for charities. A body such as ACNC should be able to hear complaints and refer for investigation to appropriate agencies eg. ATO or an ombudsman.*

**2.11 Should charities registered with ACNC be automatically authorized for fundraising activities under the proposed national legislation?**

*Yes*

**2.12 Are there any additional conditions that should be satisfied before a charity registered with the ACNC is also authorized for fundraising activities?**

*N/A*

**2.13 What types of conduct should result in a charity being banned from fundraising? How long should the ban last?**

*(1) misleading or deceptive conduct;*

*(2) unconscionable conduct;*  
*(3) false or misleading representation; and*  
*(4) harassment and coercion.*  
*12 month ban period for contravention.*

**3.1 Should the aforementioned provisions of the ACL apply to the fundraising activities of charities?**

*Yes*

**3.2 Should the fundraising activities of charities be regulated in relation to calling hours?**

*No, there are requirements for fundraising on public holidays for specific purposes e.g. Good Friday Appeal.*

**3.3 Should unsolicited selling provisions of the ACL be explicitly applied to charitable entities? Alternatively, should charitable entities be exempt for the unsolicited selling provisions of the ACL?**

*No*

*Yes, as many fundraising activities are already established and occur regularly during unsolicited selling times. E.g. weekends for Prize Home Lottery ticket sales.*

**4.1 Should all charities be required to state their ABN on all public documents? Are there any exceptions that should apply?**

*Yes, in order to provide transparent, accountable and responsible fundraising activity, charities should qualify their status and registration as authorized fundraising bodies.*

*No*

**4.2 Should persons engaged in charitable fundraising activities be required to provide information about whether the collector is paid and the name of the charity?**

*Yes*

**4.3 Should persons engaged in charitable fundraising activities be required to wear named badges and provide contact details for the relevant charity?**

*Yes, this forms the reciprocal purpose of both identifying the caller to the potential donor for their safety and the identity and safety of the caller.*

**4.4 Should specific requirements apply to unattended collection points, advertisements or print materials? What should these requirements be?**

*Yes, ABN and contact details.*

**4.5 Should a charity be required to disclose whether the charity is a Deductible Gift Recipient and whether the gift is tax deductible?**

*Absolutely, this impacts the volume of the gift and the donor should be made aware of the tax implications of their gift.*

**4.6 Should charities be required to provide contact details of the ACNC and a link to the ACNC website, on their public documents?**

*Yes, where the gift will be distributed/allocated within the organisation.*

**4.7 Should charities be required to provide contact details of the ACNC and a link to the ACNC website, on their printed documents?**

*Yes, as a form of qualification of their status as an authorized fundraiser.*

**5.1 Should reporting requirements contain qualitative elements, such as description of the beneficiaries and outcomes achieved?**

*Yes*

**5.2 Should charities be required to report on the outcomes of any fundraising activities including specific details relating to the amount of funds raised, any costs associated with raising those funds, and their remittance to the intended charity? Are there any exceptions that should apply?**

*No, this would place too great a burden on charities requiring additional staffing to write reports specific to ACNC's criteria.*

**5.3 Should any such requirements be complemented with fundraising-specific legislated accounting, record keeping and auditing requirements?**

*This needs to be consistent with what is provided to the Australian Tax Office.*

**5.4 What other fundraising-specific record keeping or reporting requirements should apply to charities?**

*Percentage of fundraising costs annually.*

**6.1 Should internet and electronic fundraising be prohibited unless conducted by a charity registered with the ACNC?**

*This could prove problematic to establish and enforce.*

**6.2 Should charities conducting internet or electronic fundraising be required to state their ABN on all communications? Could this be impractical in some circumstances?**

*Yes, the ABN should be stated in all transactions.*

**6.3 Are there any technology-specific restrictions that should be placed on internet or electronic fundraising?**

*N/A*

**7.1 Is regulation required for third party fundraising?**

*Yes*

**7.2 It is appropriate to limit requirements on third party fundraising to those entities that earn financial benefit?**

*No, nuisance is not limited to fundraisers that earn financial benefit.*

**7.3 Should third party fundraisers be required to register with the ACNC for fundraising purposes only?**

*No*

**7.4 Should third party fundraisers be required to state the name and ABN of charities for which they are collecting?**

*Yes*

**7.5 Should third party fundraiser be required to disclose that they are collecting donations on behalf of a charity and the fees that they are paid for their services?**

*Yes*

**7.6 Should third party fundraisers (or charities) be required to inform potential donors that paid labour is being used for fundraising activities?**

*Yes*

**7.7 Is regulation required for private participators involved in charitable fundraising? If so what should regulation require?**

*Yes, a letter of authority from the charity including the ABN and photo ID for the caller.*