

National Fundraising Principles

Western Australia's Implementation Plan

Background

State and territory governments are responsible for the regulation of fundraising activities.

This means that charities wishing to fundraise across borders can be subject to a range of different registration and conduct requirements.

The WA Government has been working with other jurisdictions, including the Commonwealth, to support charities by harmonising fundraising regulation and reducing red tape.

Proposed implementation plan

The WA Parliament has now passed legislation that:

- implements a cross-border recognition scheme under which charities registered with the Australian Charities and Not-for-profits Commission (ACNC) will be able to obtain a WA licence through a simple notification process; and
- permits a set of mandatory, nationally agreed upon fundraising principles to be applied to all WA licences as a licence condition.

The amendments to the *Charitable Collections Act 1946* (WA) (CC Act) provide for the inclusion of the national fundraising principles as part of the Charitable Collections Regulations 1947 (WA) (Regulations) as a new mandatory code of conduct.

The Regulations will be amended to include the new code of conduct, together with necessary transitional arrangements which will see regulation of the conduct of charitable collections move from a voluntary to mandatory scheme.

Upon commencement of the amended Regulations, the current Voluntary Code of Practice for public fundraising will cease to have effect and compliance requirements will move to the new code of conduct. It is anticipated that the amended Regulations will commence during the first half of 2026.

Further information and guidance concerning the cross-border recognition scheme and the introduction of the new code of conduct will be provided by the Department of Local Government, Industry Regulation and Safety – Consumer Protection Division prior to commencement.

Progress to date

- **July 2020**
Implementation of new licensing and reporting arrangements to align WA requirements with those of the ACNC.
Introduction of continuous licences, removing the requirement for renewal applications.
- **July 2021**
Commencement of data-sharing arrangements with the ACNC to eliminate duplicated reporting.
- **July 2022**
Amendment of financial reporting thresholds for WA incorporated associations to align with ACNC thresholds.
- **November 2025**
Amendments to the CC Act pass WA Parliament.
- **Mid-2026**
Mandatory code of conduct to commence, along with the condition of compliance with the code.

The National Fundraising Principles

In February 2023, Commonwealth state and territory treasurers agreed to a set of fundraising principles to streamline and harmonise conduct requirements for fundraising activities. The principles will require all charities to ensure that employees, volunteers, contractors and anyone else raising funds on their behalf:

- Always explain the purpose of their charity and the purpose to which the funds raised will be applied in ways that are appropriate for the audience.
- Always be clearly, and individually identifiable by the public (including identification that contains the individual's name, whether they are a volunteer, employee or acting in some other capacity for a charitable organisation or commercial fundraising organisation, and that organisation's name and contact details).
- Always make and keep written records of fundraising activities that can be easily read and understood.
- Always acknowledge and comply with a:
 - refusal to make a donation;
 - request not to receive future solicitations (including marketing and promotional materials);
 - request to be contacted at a more convenient time or by a different means; and
 - request to limit the number, type or frequency of solicitations.
- Never conduct door to door or telephone fundraising activity at the following times:
 - before 9am or after 5pm on a weekend;
 - before 9am or after 6pm (door to door) or 8pm (telephone) on a weekday; and
 - on a public holiday, unless the public holiday is closely connected with a fundraiser's charitable purpose.
- Never mislead, deceive or knowingly use false or inaccurate information when fundraising.
- Never place undue or unreasonable pressure on a person when fundraising, or act unconscionably in any way to obtain a donation.
- Never exploit the trust, lack of knowledge, lack of capacity, apparent need for care and support, or vulnerable circumstances of any donor.

- Always make it clear whether a donation is a one off or an ongoing donation and clearly explain how to end an ongoing donation.
- For commercial fundraisers engaged to fundraise for a charitable organisation, never accept a donation without having explained that they are part of an organisation that makes a profit from fundraising as well as how they are paid.

At all times, charitable organisations must:

- Conduct all reasonable due diligence when engaging third parties to assist, support or deliver fundraising activities on its behalf.
- Make and keep written records of the total funds raised and the purposes for which funds are applied.
- Take all reasonable measures to protect the health, safety and wellbeing of fundraisers employed or directly engaged by them, as well as members of the public, when fundraising.
- Establish and maintain a complaints process that allows for proper investigation and redress of fundraising complaints that may be made by the public and encourage anyone with concerns about a fundraising activity conducted by or on behalf of the charity to contact them.
- Ensure information covered by the *Privacy Act 1998* (Act) is collected, used and managed in accordance with the Australian Privacy Principles where required under the Act.
- Always ensure remuneration to commercial fundraisers engaged to fundraise for a charitable organisation is not excessive when compared to money or goods received for the charitable purpose of the fundraising.

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