

Queensland Implementation Plan for National Fundraising Principles

Background

Fundraising activities in Australia are regulated by state and territory governments. Charities who fundraise across borders have historically been subject to the various registration and reporting requirements of each jurisdiction in which they operate, and have also had to negotiate each jurisdiction's regulations as to how fundraising is carried out.

The Queensland Government has been working with other jurisdictions, including the Commonwealth, to harmonise fundraising regulation and reduce red tape for charities that conduct fundraising across borders.

To date, the Queensland Government has:

1 JULY 2022

Harmonised **financial reporting** requirements for charities registered with the Australian Charities and Not-for-profits Commission (ACNC), by generally exempting those charities from Queensland Government reporting requirements under the *Collections Act 1966* (Collections Act) and *Associations Incorporation Act 1981* (AI Act). As a result, these charities need only prepare reports for the ACNC. The reporting exemption has benefitted an estimated 72.5% of the organisations authorised to conduct fundraising in Queensland.

The Queensland Government has also reduced red tape for charities that are not registered with the ACNC, for example by:

1 MAY 2023

Implemented a nationally-agreed **cross-border recognition** scheme, under which charities registered with the ACNC are able to obtain a Queensland fundraising authorisation simply by providing a notification to the Office of Fair Trading via a short online form.

1 MAY 2023

Removing the 28-day public notification and objection process for charities that seek registration under the Collections Act.

1 JULY 2023

Changing financial reporting thresholds to significantly reduce the number of audits required from incorporated associations;

1 JULY 2023

Replacing the mandatory audit requirement under the Collections Act with a risk-based reporting arrangement matching the new thresholds that apply to incorporated associations.

Harmonisation of laws regarding how fundraising is conducted

Following national work to harmonise registration and reporting requirements for ACNC-registered charities, the Queensland Government has also participated in an interjurisdictional working group to harmonise fundraising requirements amongst states and territories.

In February 2023, Commonwealth, state and territory treasurers agreed to a set of fundraising principles to streamline and harmonise laws dealing with how fundraising is conducted across Australia.

National Fundraising Principles

When conducting fundraising activities, charitable organisations must ensure that their employees, volunteers, contractors and anyone else who they engage or arrange to raise 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 to display 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
 - 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
 - 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* (C'wlth) (Privacy Act) is collected, used and managed in accordance with the Australian Privacy Principles where required under the Privacy 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.

Proposed implementation plan

The Queensland Government is aware that the charitable fundraising sector want the harmonisation of conduct laws as soon as possible. With this in mind, the government:

- intends to implement the principles to the extent possible through subordinate legislation
- anticipates that conduct requirements consistent with the 16 National Fundraising Principles will be prescribed, as soon as practicable, in the Collections Regulation 2008 (Collections Regulation) to replace the prescribed conditions for street and door-to-door fundraising
- intends, via the Regulation, to seamlessly apply the principles to other forms of fundraising, including telephone and online, for most charities and community purpose organisations to which the Collections Act applies
- will repeal existing conduct provisions of the Collections Regulation
- will consider Collections Act amendments later, if necessary to address any coverage gaps.

The Queensland Government will also take into account the need for a nationally coordinated approach when implementing the principles.

Consultation

As consultation on the principles has already occurred at a national level, the Department of Justice and Attorney-General will undertake targeted consultation with key stakeholders as implementation progresses.