

GUIDANCE PACK FOR FUNDRAISERS

INSTRUCTION SHEET

Communities respond quickly when tragic events occur and it is common for fundraising activities to start soon after the event. It is important to remember that special laws apply to fundraising when it relates to a charitable purpose such as an emergency appeal.

All collectors, whether licence holders or persons who have received authority from licence holders to collect, need to ensure that all donations are lawfully collected. Making appropriate arrangements before an appeal means that there will be adequate governance practices in place to ensure that the funds raised are managed correctly.

Sections 6 and 8 of the *Charitable Collections Act 1946* provide that the holder of a charitable collections licence may give authority to another person or organisation to conduct collections under this licence.

To ensure that the reputation and legal obligations of the licensed organisation are protected, it is recommended that the licence holder prepare a written agreement which clearly outlines all the conditions and expectations on both parties when an authority to fundraise is given.

To assist organisations, the Department of Mines, Industry Regulation and Safety, Consumer Protection Division (Consumer Protection) has developed this **Guidance Pack for Fundraisers**. This Pack includes:

1. An **Application for Authority Form** – intended to be used by the person or organisation wishing to collect under the authority of the licence holder;
2. An **Acknowledgment Letter** – confirms that the licence holder has given authority for the applicant to collect under the licence and outlines the conditions of that authority
3. A **Financial Reporting Statement** – to be returned at the conclusion of the fundraising activity so that the licence holder may accurately record all income and expenditure in their financial accounts.

The documents contained in this pack are only a guide.

All of the above documents are attached to these instructions. Please read through the information carefully and decide whether these documents will suit your organisation, whether you need to change them, or whether your organisation wants to develop its own documentation and conditions.

For example you may wish to amend the application and letter to include information relevant to your organisation such as the use of your logo or the provision of receipt books and collection tins.

Developing your own documentation

If your organisation chooses to develop its own documentation it is important to ensure that provisions are included to address the requirements under the *Charitable Collections Act 1946* and *Charitable Collections Regulations 1947*.

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In preparing any agreements it is important to be mindful of the following:

Charitable Collections Act 1946

s9. Revocation of authority by society

Section 9 requires all money, books, vouchers and items held or controlled because of the authority to be returned to the licence holder within 7 days after a written termination notice.

Charitable Collections Regulations 1947

11 Bank Account

Regulation 11 requires monies collected under the authority of a licensed organisation must be deposited into the licence holder's accounts within 14 days of being collected.

14. Permitted collection times

Regulation 14 states:

- (1) *A collector must not visit a house for the purpose of making an appeal or of selling goods for support of the charitable purpose —*
 - (a) *on a Sunday or public holiday; or*
 - (b) *on any other day before 9 a.m. or after 6 p.m.,**unless authorised by the Minister in writing to do so.*
- (2) *A collector must not telephone another person for the purpose of making an appeal or of selling goods for support of the charitable purpose —*
 - (a) *on a Sunday or public holiday; or*
 - (b) *on any other day before 9 a.m. or after 8 p.m.,**unless authorised by the Minister in writing to do so.*

The organisation should also take into consideration the objects and purposes outlined in its rules, constitution or articles and the conditions outlined in the Charitable Collections Licence issued by Consumer Protection.

Need more information?

Copies of the *Charitable Collections Act 1946* and *Charitable Collections Regulations 1947* can be downloaded from the State Law Publisher's website www.slp.wa.gov.au.

Information about charitable collections is available by contacting the Charitable Collections Licensing Section at Consumer Protection on **(08) 6552 9364** or **1300 30 40 74** or visiting www.dmirs.wa.gov.au/charities.

Please note that the Department is unable to provide legal advice and if you have specific enquiries about matters relating to your situation then you are strongly urged to seek independent professional advice.