

Charitable Collections (National Fundraising Principles) Determination 2024

Disallowable instrument DI2024–220

made under the

Charitable Collections Act 2003, s 62A (Minister may determine fundraising principles)

1 Name of instrument

This instrument is the *Charitable Collections (National Fundraising Principles) Determination 2024*.

2 Commencement

This instrument commences on the commencement of the *Housing and Consumer Affairs Legislation Amendment Act 2024*, section 26.

3 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:

- (1) 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.
- (2) 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).
- (3) Always make and keep written records of fundraising activities that can be easily read and understood.
- (4) Always acknowledge and comply with a:
 - (a) refusal to make a donation,
 - (b) request not to receive future solicitations (including marketing and promotional materials),
 - (c) request to be contacted at a more convenient time or by a different means, and
 - (d) request to limit the number, type or frequency of solicitations.
- (5) Never conduct door-to-door or telephone fundraising activity at the following times:
 - (a) before 9 am or after 5 pm on a weekend,

- (b) before 9 am or after 6 pm (door-to-door) or 8 pm (telephone) on a weekday, or
 - (c) on a public holiday, unless the public holiday is closely connected with a fundraiser's charitable purpose.
- (6) Never mislead, deceive or knowingly use false or inaccurate information when fundraising.
 - (7) Never place undue or unreasonable pressure on a person when fundraising, or act unconscionably in any way to obtain a donation.
 - (8) Never exploit the trust, lack of knowledge, lack of capacity, apparent need for care and support, or vulnerable circumstances of any donor.
 - (9) Always make it clear whether a donation is a one-off or an ongoing donation, and clearly explain how to end an ongoing donation.
 - (10) 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:

- (11) Conduct all reasonable due diligence when engaging third parties to assist, support or deliver fundraising activities on its behalf.
- (12) Make and keep written records of the total funds raised and the purposes for which funds are applied.
- (13) 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.
- (14) 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.
- (15) Ensure information covered by the *Privacy Act 1998* (the Act) is collected, used and managed in accordance with the Australian Privacy Principles where required under the Act.
- (16) 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.

Shane Rattenbury MLA
Attorney-General
15 July 2024