

Australian Fundraising Principles

As a charity registered with the ACNC, we pledge to take all reasonable steps to ensure our fundraising is lawful, truthful and transparent. To do this, we will adhere to the following principles of ethical fundraising practice. These principles are designed to provide a national standard for fundraising in place of the current confusing, expensive and ineffective state-based system.

Underpinned by the Australian Consumer Law, Privacy Act, Telecommunications Industry Standard, local council regulations, and the ACNC, but with states retaining their oversight and enforcement powers, we believe these principles will lead to stronger fundraising and better regulation. These principles are designed to complement existing self-regulatory fundraising codes, and do not require any additional compliance to meet them.

1. When fundraising, we will always try to explain the purpose of our charity, and the purpose to which the funds raised will be applied, where that is reasonably possible.
2. We will not mislead or deceive or use false or inaccurate information when fundraising.
3. We will not place undue or unreasonable pressure on a person when fundraising, or act unconscionably in any way to obtain a donation.
4. When fundraising, we will take all reasonable measures to never exploit the trust, lack of knowledge, lack of capacity, apparent need for care and support, or vulnerable circumstances of any donor.
5. We will ensure that our fundraisers are always clearly, and individually, identifiable by the public.
6. We will take responsibility for the standards, practices and conduct of all our fundraising activities, regardless of who conducts them (us, or a third party on our behalf), or how they are delivered.
7. We will conduct all reasonable due diligence when engaging third parties to assist, support or deliver fundraising activities on our behalf.
8. When we use paid fundraisers we will tell the public this before they donate.
9. Where we use third parties, we will ensure this information includes the name of the company, and how we pay them.
10. Charities must have appropriate systems in place to properly account for all donations received, and be able to demonstrate that all expenses incurred due to its fundraising were proper and lawful. (Draft – 22/09/20)
11. We will ensure that fundraisers employed, or directly engaged by us, only work within the designated hours of operation as permitted by relevant national, state/territory or local laws, or by a properly constituted self-regulatory body if no such laws exist.
12. We will only contact the public to seek support where we have the proper and lawful authority to do so, where this is required.
13. We will ensure personal information we collect, use and manage is done so in accordance with the Australian Privacy Principles.
14. We will take all reasonable measures to protect the health and well-being of fundraisers employed or directly engaged by us, and members of the public, during the course of our fundraising activities.
15. We will operate a complaints process that allows for the proper investigation and redress of fundraising complaints by the public and encourage anyone with any concerns about fundraising activity conducted in our name to contact us.

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FAQs

(Note: the Northern Territory has never had any specific charitable fundraising laws and the Australian Capital Territory has already streamlined the issue for ACNC charities, so these FAQs only refer to the existing State fundraising laws)

Why is the Charities Crisis Cabinet putting these principles forward now?

We have the attention of the State and Federal governments because of the current COVID-19 pandemic. Now we need to be clear about what our sector needs and push for repeal of the existing State-based fundraising laws which are out of date and don't work; laws that are holding us back from raising funds online to help us deliver for the Australian community at a time of great need. By putting these principles forward, we are showing all Australian governments that there is a simple, principles-based approach to fundraising regulation that will be more effective and better meet the needs of today's charities. No cost and something that can happen now.

So how would the principles work in practice?

If States repeal their fundraising laws, then a charity registered with the ACNC would agree to follow these principles as a condition of being granted a 'deemed' authority to fundraise. Each State would recognise these principles as meeting their terms for that deemed authorisation, thereby creating a nationally consistent framework. This means all jurisdictions would have the same rules (national consistency), but the States would retain the power to investigate any charities they suspected of breaching the principles in their jurisdiction. If a serious breach was proven, a State could then revoke a charity's 'deemed authorisation', preventing the charity from fundraising in that State (and the charity would most likely be reported to the ACNC as well).

So it's a new fundraising code then?

No, a code is a detailed set of rules that are primarily designed to help individual fundraisers do their job better and ethically. We support all of the existing codes and have consulted with the owners of those codes, but these principles have a different objective – it's about boards of charities demonstrating ownership of their fundraising and committing to high standards to the ACNC and States, in order to achieve repeal of out-of-date State laws. It would mean that a charity in Tasmania no longer needs a physical office in NSW just because they have a donate button on their website.

So we now have two or more documents we need to follow?

No, there's nothing in the Australian Fundraising Principles that is new or additional to what is already out there, whether it's in the Australian Consumer Law, or in the FIA / PFRA / ACFID codes of Fundraising Practice. Adopting these principles – when States repeal their fundraising laws – won't mean you having to do anything additional to what you do now. This is about having a simple set of nationally consistent principles against which the ACNC and States can evaluate charitable fundraising quickly, fairly and easily.

Does it cover all forms of fundraising, aren't we going to miss something with it being so short?

Possibly, but nothing big. It's a first draft, designed to demonstrate what can be achieved and to show how we could safely repeal State laws. It isn't the finished article and we're keen for further scrutiny and development. The more we have informed people within the charity sector involve, then the stronger it'll be. It's already gone to the FIA, PFRA, ACFID, and many large charities. We want this debate to continue on both the charity and government side. This is the beginning, not the end of the journey.

So what happens now?

The Charities Crisis Cabinet will be making a submission to the national consultation and this will form part of that submission. We have already met with all the States and ACNC earlier this month and are looking to establish another meeting to discuss a practical plan to build a genuinely national fundraising system of regulation. Our aim is to keep the pressure up for repeal of out-of-date State laws; this is a once in a generation opportunity to achieve lasting and significant change that will mean more funds to Australian charities and more services for our communities.

Charities Crisis Cabinet contacts on fundraising reform are:

Sue Woodward (Justice Connect)
0419 347 997
sue.woodward@justiceconnect.org.au

David Crosbie (Community Council for Australia) 0419 624 420
davidc@communitycouncil.com.au