**WA CHARITABLE COLLECTIONS – SELF CHECK**

The following assessment will help your Governing Body (i.e. Management Committee or Board) identify any areas of non-compliance with the *Charitable Collections Act 1946.* **This form is not required to be lodged with Consumer Protection.**

# MANAGEMENT RESPONSIBILITIES

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| **Requirement of the Act** | **Complied** | **Guidance notes** |
| All members of the Committee/Governing Body are eligible. | Yes  No | *Clause 1 - Standard licence conditions*  Certain persons are disqualified from holding positions on the organisation’s governing body unless written consent is given by the Commissioner for Consumer Protection. Refer to the [charities webpage](http://www.dmirs.wa.gov.au/charities) for full details. |
| Conflict of interests in matters being considered by the Committee or Governing Board are declared when they occur. | Yes  No | Decision makers must take steps to manage any conflicts between their duties to the organisation and their personal interests.  Depending on the organisation’s corporate structure there may be specific legislative processes to be followed when dealing with a conflict of interest. Decision makers must be familiar with these requirements.  Incorporated associations in Western Australia – refer to the INC Guide: [The role and duties of the management committee](https://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/role-and-duties-management-committee) |
| Disclosures of interest are recorded | Yes  No |
| A person who declares an interest removes themselves from discussion and voting on matter. | Yes  No |
| Organisation has a conflict of interest policy. | Yes  No | Recommended best practice |

# BANKING AND FINANCIAL RECORD KEEPING

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| **Requirement** | **Complied** | **Guidance notes** |
| All collected monies to be banked within 7 days. | Yes  No | *Regulation 11(1) – Charitable Collections Regulations 1947* |
| All monies raised on behalf of a charity to be banked within 14 days of collection. | Yes  No | *Regulation 11(2) – Charitable Collections Regulations 1947* |
| Bank accounts controlled by two signatories authorised in writing. | Yes  No | *Regulation 11(4) – Charitable Collections Regulations 1947* |
| Records of all collections to be kept | Yes  No | *Section 15(1) – Charitable Collections Act 1946*  Collection records include:   * Accounts setting out the money and goods collected or received by the collector for a charitable purpose; and * Statements setting out the way the money and goods collected or received by the collector have been dealt with. |

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| BANKING AND FINANCIAL RECORD KEEPING continued | | |
| Collection records to be kept for at least seven (7) years. | Yes  No | *Section 15(2) – Charitable Collections Act 1946* |
| Financial statement to be prepared each year. | Yes  No | *Section 15 – Charitable Collections Act 1946* |
| **For MEDIUM charities** – Financial report to be reviewed or audited each year. | Yes  No | The reporting requirements for licence holders will depend on its total annual revenue:   * Small – less than $500,000 in annual revenue. * Medium –$500,000 or over but less than $3,000,000 in annual revenue * Large –$3,000,000 or over in annual revenue   The reviewer or auditor must be a registered company auditor or a member of one of the following:   * Chartered Accountants Australia & New Zealand (CA, FCA); * CPA Australia (CPA or FCPA); * Institute of Public Accountants (IPA); or * Association of Taxation and Management Accountants (ATMA). |
| **For LARGE charities** – Financial report to be audited each year. | Yes  No |

# REPORTING TO CONSUMER PROTECTION

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| **Requirement** | **Complied** | **Guidance notes** |
| Changes to Principle Executive Officers submitted within one (1) month of occurring. | Yes  No | *Regulation 8 – Charitable Collections Regulations 1947*  The Principal Executive Officers (PEOs) are the people who have decision making powers for the organisation such as the Chair/President, Secretary, Treasurer, CEO, or Directors.  A **Change of circumstances form** can be used to notify Consumer Protection of any changes to the PEOs. |
| Contact details for organisation are kept up to date. | Yes  No | Use the **Change of circumstances form** to notify Consumer Protection of any changes to the licence holder’s contact details. |
| Lodge Annual Financial Return within six (6) months after the organisation’s end of financial year. | Yes  No  Exempt | Licence holders must submit a completed **Annual Financial Return** each year.  Medium and Large charities must also provide copies of the financial report and review/audit reports. |
| **Exemption for ACNC registered charities**  Licence holders registered with the Australian Charities and Not-for-profits Commission (ACNC) are not required to lodge the Annual Financial Return with Consumer Protection if they lodge their Annual Information Statement (AIS) with the ACNC and enter the WA licence number (fundraising licence number) in the AIS. |

# COLLECTIONS AND CAMPAIGNS

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| **Requirement** | **Complied** | **Guidance notes** |
| Organisation is continuing to undertake charitable collections in WA. | Yes  No | *Clause 4 - Standard licence conditions*  If for a continuous 12 month period a licence holder does not conduct any charitable collections, it is required to surrender its licence. |
| Telephone and/or door to door collections conducted within the prescribed timeframes. | Yes  No | *Regulation 14 – Charitable Collections Regulations 1947*   * Telephone and door knock appeals can only be conducted Monday to Saturday between 9am and  6 pm. * No collections are allowed outside these times or on Sundays or Public Holidays. without special approval from Consumer Protection |
| Permit obtained for street collections scheduled in Perth Metropolitan area. | Yes  No | *Street Collections (Regulation) Act 1940*   * Street appeals in the Perth Metropolitan area require a [street appeal permit](https://www.commerce.wa.gov.au/consumer-protection/street-collections). * No person involved in a street appeal may be paid. |
| Street collection tins are sealed, labelled and consecutively numbered | Yes  No | *Regulation 7 – Street Collections*  *Regulations 1999*   * Where a street appeal is conducted the collection tins must be sealed, consecutively numbered and clearly show the charity’s name. |
| Street collectors must wear ID badges showing their name and the name of the charity. | Yes  No | *Regulation 5 – Street Collections*  *Regulations 1999* |
| Permit obtained for scheduled raffle | Yes  No | *Section 102 – Gaming and Wagering Commission Act 1987*  Some raffles require a permit from the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor. [Visit the website for more information](https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/racing-gaming-and-wagering/gaming-types). |
| Campaigns and appeals include the name and contact details for the charity. | Yes  No | Recommended best practice. |
| Written campaigns accurately describe what the funds are collected for and how they will be used. | Yes  No | Recommended best practice. |
| Contracts/agreements with third parties and commercial fundraisers are in writing | Yes  No | Recommended best practice. |

**Contact us:**

**Consumer Protection** | Department of Mines Industry Regulation and Safety

Charitable collections licensing

Email: [**charities@dmirs.wa.gov.au**](mailto:charities@dmirs.wa.gov.au)Website: [**www.dmirs.wa.gov.au/charities**](http://www.dmirs.wa.gov.au/charities)

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