

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.

Application for Authority to Fundraise

Application is made for authority to fundraise under the charitable collections licence issued to _____ (“the licence holder”) under the *Charitable Collections Act 1946 WA*.

Please note that approval of your application may only be granted when the licence holder has received a completed and signed application form and is satisfied that the fundraising activity fits in with aims and purposes of the licence holder.

Once your application has been approved a letter confirming your authorisation to fundraise under our licence will be issued.

APPLICANT DETAILS

Name: _____
On behalf of: _____
Address: _____
Suburb: _____ Postcode: _____
Telephone number: _____
Email: _____

DETAILS OF FUNDRAISING ACTIVITY

Name of proposed activity: _____

Commencement date: _____ Completion date: _____

What is the charitable purpose(s) being collected for: *ie response to natural disaster or tragedy, relief for bereaved family*

Details of the proposed fundraising activity: *ie sporting event, quiz night, door knock appeal, ball/gala*
Please include as much detail as possible and a separate page may be attached if required.

How will funds be raised? *ie ticket sales, raffles, auctions, donations, food sales*

How will the activity be promoted?

Name and address details for proposed venue (if applicable):

ACKNOWLEDGMENT

By signing this application I accept and acknowledge the following conditions:

- all fundraising activities must comply with all relevant Australian State and Federal Laws;
- where necessary, I/our organisation is responsible for obtaining adequate public liability insurance with respect of the fundraising activity;
- where necessary, I/our organisation is responsible for obtaining any relevant permits and/or licences for the purposes of the fundraising activity;
- the licence holder is not responsible for payment of any of the costs associated with the fundraising activity;
- all monies received must be paid to the licence holder's nominated bank account within 14 days of collection as required by regulation 11(2) of the *Charitable Collections Regulations 1947*;
- I/our organisation must provide the licence holder with an accurate record of the income and expenses associated with the activity and copies of receipts and invoices for all expenses within 30 days of the activity;
- all advertising and promotional materials used must clearly state that the money and goods are being collected under the authority of the licence holder;
- the licence holder's logo is not to be used without express permission;
- any collection tins or boxes used in the fundraising activity must be sealed, consecutively numbered and clearly state that the money is being collected under the authority of the licence holder;
- cash collections are to be counted by a minimum of 2 people in a private, secure place at or immediately after the fundraising activity;
- any door to door collections may only be conducted Monday to Saturday between the hours of 9am and 6pm (as required by regulation 14(1) of the *Charitable Collections Regulations 1947*);
- any telephone marketing to solicit donations or market goods to the public may only be conducted Monday to Saturday between the hours of 9am and 8pm (as required by regulation 14(2) of the *Charitable Collections Regulations 1947*);
- collectors participating in any appeal should be issued with and display an identification badge which should indicate the name of the collector, the licence holder and the period that the authority shall remain in force;
- no person under the age of 16 years shall act or be permitted to act as a collector;
- collectors must give a receipt for all monies received and goods sold. The receipts are to be consecutively numbered and include the name and address of the licence holder in addition to the organiser of the fundraising activity;
- the fundraising activities cannot be used for personal or commercial gains and all monies collected may only be distributed to the purpose outlined in this application; and
- the licence holder reserves the right to withdraw authority to fundraise under their licence at any time should I/our organisation fails to meet any of the above conditions.

Print name: _____

Signed: _____

Date: ____/____/____

Your Ref:

Our Ref:

Enquiries:

Insert Date

Recipient
Address
Suburb WA Postcode

Dear [Insert Name](#),

APPLICATION FOR AUTHORITY TO FUNDRAISE

I am pleased to confirm that your application for authority to fundraise under the charitable collections licence issued to [INSERT NAME OF LICENCE HOLDER](#) has been successful.

Authority is hereby given for [INSERT NAME OF APPLICANT](#) to collect under licence [INSERT LICENCE NUMBER](#). This authority commences on the date of this letter and will expire on [INSERT EXPIRY DATE](#).

Conditions of Authority to Fundraise

1. All collections and fundraising activities will be conducted in accordance with the requirements of the *Charitable Collections Act 1946*, the *Charitable Collections Regulations 1947* and any other relevant state and federal laws.
2. It is the responsibility of the applicant to obtain any/all necessary insurance, licences and permits required to conduct the fundraising activities.
3. All advertising and promotional materials will clearly state that the money and goods are being collected under the authority of this licence.
4. All monies collected under the authority of this licence will be paid into the following account within **14 days** of collection:

[BSB:](#)

[Account number](#)

[Account name:](#)

[Reference:](#)

5. An accurate record of all income and expenses associated with the fundraising activity and copies of all receipts and invoices for all expenses are to be provided to the licence holder within **30 days** of the conclusion of the activity.

6. Monies and goods may only be collected for the purpose that was given in the Application for Authority to Fundraise.
7. All collection tins or boxes used in the fundraising activity must be sealed, consecutively numbered and clearly state that the money is being collected under the authority of the licence holder.
8. Collectors participating in an appeal should be issued with and display an identification badge which should indicate the name of the collector, the licence holder and the period that the authority shall remain in force.
9. No person under the age of 16 years shall act or be permitted to act as a collector.
10. Collectors must give a receipt for all monies received and goods sold. The receipts are to be consecutively numbered and include the name and address of the licence holder in addition to the organiser of the fundraising activity.
11. All expenses and costs associated with the fundraising activity will be paid by the applicant.
12. The licence holder reserves the right to withdraw this authority at any time should any of the above conditions not be met. In the event that this authority is terminated the licence holder shall give written notice. The applicant is required to return all monies, goods, vouchers and other things held by virtue of the authority to the licence holder within 7 days of the notice of termination.

It is a requirement that all income and expenditure associated with your activities is included in our financial records. It is requested that you complete the enclosed **Financial Reporting Statement** and return the form to this office within **30 days** of the conclusion of your fundraising activities.

The money raised for **CHARITABLE PURPOSE IN APPLICATION** will be paid to you by **INSERT PAYMENT METHOD** within **INSERT NUMBER OF DAYS** days of receipt.

If you have any questions please do not hesitate to contact **INSERT DETAILS OF RELEVANT CONTACT PERSON**.

We hope that your fundraising activities are successful.

Yours sincerely

Insert name of sender

INSERT TITLE

Authority to Fundraise

FINANCIAL REPORTING STATEMENT

Reference: _____

Name: _____

On behalf of: _____

Address: _____

Suburb: _____

Postcode: _____

Telephone number: _____

Email: _____

MONEY RECEIVED

Tickets sales	\$
Donations	\$
Raffles	\$
Auctions	\$
Gross proceeds of activities	\$

LESS EXPENSES

Advertising	\$
Printing/Stationary	\$
Prizes	\$
Venue Hire	\$
Total expenses	\$

Net proceeds	\$
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Date proceeds were transferred to the licence holders nominated bank account: _____

DECLARATION

I certify that the above monies were banked and the expenses incurred are true and correct.

Print name: _____

Signed: _____

Date: ____/____/____

This statement must be returned within 30 days of the conclusion of your fundraising activity.