

Consultation question:

2.1 Is it necessary to have specific regulation that deals with charitable fundraising? Please outline your views.

WWF-Australia's view is that specific regulation is required for fundraising specific activities.

2.2 Is there evidence about the financial or other impact of existing fundraising regulation on the costs faced by charities, particularly charities that operate in more than one State or Territory? Please provide examples.

In WWF-Australia's experience the impact of multiple requirements of existing legislation is evidenced through the amount of time it takes staff to complete paperwork, provide information, gain internal approvals and the ongoing monitoring to ensure the requirements are always up to date.

2.3 What evidence, if any, is available to demonstrate the impact of existing fundraising regulation on public confidence and participation by the community in fundraising activities?

Currently WWF-Australia is required to complete 8 different application processes, each of them requiring different information in different formats, and different authorities to approve.

2.4 Should the activities mentioned above be exempted from fundraising regulation?

WWF-Australia does not express an opinion on this question as it does not operate in this area.

2.5 Are there additional fundraising activities that should be exempt from fundraising regulation?

If so, please provide an explanation of why the relevant activities should be exempt.

WWF-Australia believes that small private fundraising events should be exempt from fundraising regulation. For example presentations outlining a charity's activities to invited guests, cinema events, community activities in support of a specific activity like fun runs or Earth Hour. This is because the range of such events is so large that specific legislation would be overly complex to cover all different types of activities.

2.6 Is the financial or other effect of existing fundraising regulation on smaller charities disproportionate? Please provide quantitative evidence of this if it is readily available.

WWF-Australia does not express an opinion on this question as it has an income base larger than envisaged for smaller charities.

2.7 Should national fundraising regulation be limited to fundraising of large amounts? If so, what is an appropriate threshold level and why?

WWF-Australia does not express an opinion on this question as it has an income base larger than is envisaged for smaller charities .

2.8 Should existing State or Territory fundraising legislation continue to apply to smaller entities that engage in fundraising activities that are below the proposed monetary threshold?

WWF-Australia does not express an opinion on this question as it has a national operation.

2.9 Should a transition period apply to give charities that will be covered by a nationally consistent approach time to transition to a new national law? If so, for how long should the transition period apply?

WWF-Australia believes that a transition period should apply and suggests this be 18 months to cater for both calendar year and financial year operations.

2.10 What should be the role of the ACNC in relation to fundraising?

WWF-Australia believes that the ACNC should have the power to ban charities from fundraising for specific offences with the right of the charity to appeal to an independent tribunal.

2.11 Should charities registered on the ACNC be automatically authorised for fundraising activities under the proposed national legislation?

WWF-Australia believes that charities should be automatically authorised for fundraising activities through a single application to register with the ACNC.

2.12 Are there any additional conditions that should be satisfied before a charity registered with the ACNC is also authorised for fundraising activities?

WWF-Australia's view is that as long as the application process requires the appropriate corporate governance initiatives for the charity, then the registration with ACNC should authorise fundraising activities

2.13 What types of conduct should result in a charity being banned from fundraising? How long should any bans last?

WWF-Australia's view is that the following types of conduct should result in a charity being banned:

- Theft of donor funds to a significant level
- Fraudulent activity by the Charity

Consistent and significant abuse or discrimination against staff or clients. The length of ban to be determined by the ACNC based on the scale and significance of the underlying action.

3.1 Should the aforementioned provisions of the ACL apply to the fundraising activities of charities?

WWF-Australia agrees that the ACL should apply to the fundraising activities of charities in regards to conduct provisions.

3.2 Should the fundraising activities of charities be regulated in relation to calling hours? If so, what calling hours should be permitted?

WWF-Australia agrees that calling hours for unsolicited approaches should be regulated and recommends extending to later in the evening and including Sundays and public holidays, to allow for fundraising events, such as telethons, events or dinners, which occur on evenings or on a Sunday.

3.3 Should unsolicited selling provisions of the ACL be explicitly applied to charitable entities? Alternatively, should charitable entities be exempt from the unsolicited selling provisions of the ACL?

WWF-Australia believes the provisions should apply to charitable entities if the value exceeds \$100 (this amount to be indexed).

4.1 Should all charities be required to state their ABN on all public documents? Are there any exceptions that should apply?

WWF-Australia agrees that charities be required to state their ABN on public documents where practical to do so. For example an SMS message is not a suitable place to state an ABN number, whereas an Annual Report can accommodate this requirement easily.

4.2 Should persons engaged in charitable fundraising activities be required to provide information about whether the collector is paid and the name of the charity?

WWF-Australia believes that persons engaged in charitable fundraising activities be required to state that they are paid collectors and the name of the charity they are fundraising for.

4.3 Should persons engaged in charitable fundraising activities be required to wear name badges and provide contact details for the relevant charity?

WWF-Australia believes that name badges should be worn and contact details of the charity be readily available.

4.4 Should specific requirements apply to unattended collection points, advertisements or print materials? What should these requirements be?

WWF-Australia suggests that unattended collection points should state ABN number, ID and clear explanation on where funds go to.

4.5 Should a charity be required to disclose whether the charity is a Deductible Gift Recipient and whether the gift is tax deductible?

WWF-Australia believes that this should not be mandatory (for example due to reprinting costs) but as it would add public reassurance then it is expected that most charities would want to include when practical to do so.

4.6 Are there other information disclosure requirements that should apply at the time of giving? Please provide examples.

WWF-Australia believes not.

4.7 Should charities be required to provide contact details of the ACNC and a link to the ACNC website, on their public documents?

WWF-Australia believes that this should not be mandatory but it is expected that charities would provide this information as it would be in the charities interests to do so.

5.1 Should reporting requirements contain qualitative elements, such as a description of the beneficiaries and outcomes achieved?

WWF-Australia believes that this should not be mandatory but charities should allow provision for qualitative reporting.

5.2 Should charities be required to report on the outcomes of any fundraising activities, including specific details relating to the amount of funds raised, any costs associated with raising those funds, and their remittance to the intended charity? Are there any exceptions that should apply?

WWF-Australia's view is that charities should be required to report on the outcomes of fundraising activities in aggregate as part of their Annual Report .

5.3 Should any such requirements be complemented with fundraising-specific legislated accounting, record keeping, and auditing requirements?

WWF-Australia's view is that consistent language and rules should apply across the sector, and recommend this be a consistent requirement for inclusion in each charity's Annual Report.

5.4 What other fundraising-specific record keeping or reporting requirements should apply to charities?

WWF-Australia's view is that consistent language and rules should apply across the sector consistent with normal commercial practice and ATO guidelines in respect of record keeping.

6.1 Should internet and electronic fundraising be prohibited unless conducted by a charity registered with the ACNC?

WWF-Australia believes that internet and electronic fundraising be prohibited unless conducted by a charity registered with the ACNC.

6.2 Should charities conducting internet or electronic fundraising be required to state their ABN on all communications? Could this requirement be impractical in some circumstances?

WWF-Australia believes that this should not be mandatory but it is expected that charities would provide this information as it would be in the charities interests to do so where practical. For example a small email, text, online or television advert is not a practical place for an ABN to be stated.

6.3 Are there any technology-specific restrictions that should be placed on internet or electronic fundraising?

WWF-Australia believes that there are no specific restrictions required.

7.1 Is regulation required for third party fundraising? If so, what should regulation require?

WWF-Australia believes that the same regulation should apply for third party fundraising.

7.2 It is appropriate to limit requirements on third party fundraising to those entities that earn a financial benefit?

WWF-Australia believes that it is appropriate to limit requirements on third party fundraisers to those entities that earn a financial benefit.

7.3 Should third party fundraisers be required to register with the ACNC for fundraising purposes only? If so, what are the implications of requiring the registration of third party fundraisers?

WWF-Australia believes that third party fundraisers should adhere to the same standards. Costs should reduce if process and requirements are streamlined.

7.4 Should third party fundraisers be required to state the name and ABN of charities for which they are collecting?

WWF-Australia believes that the name of the charity should be stated. However, stating an ABN is cumbersome in a conversation.

7.5 Should third party fundraisers be required to disclose that they are collecting donations on behalf of a charity and the fees that they are paid for their services?

WWF-Australia believes that Fundraisers should be allowed to engage supporters through quality conversations without having to quote terms and conditions which would severely limit their fundraising ability.

“Paid fundraiser on behalf of x charity” should suffice in conversation.

7.6 Should third party fundraisers (or charities) be required to inform potential donors that paid labour is being used for fundraising activities?

We believe it is widely understood by the general public that most fundraisers are paid.

WWF-Australia’s view is that this is not a mandatory requirement but charities must be open and clear about this fact in their public documents.

7.7 Is regulation required for private participators involved in charitable fundraising? If so, what should regulation require?

WWF-Australia does not express an opinion on this question as it does not operate in this area.

Additional Feedback:

WWF-Australia believes that an increase in the minimum tax deductible amount from \$2 to \$10 would be sensible given the costs etc. in receipting small amounts. .