

FUNDRAISING INSTITUTE AUSTRALIA

CONSUMER AFFAIRS VICTORIA FUNDRAISING REGULATIONS 2009 REMAKE

10 APRIL 2019

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The Professional Body for Australian Fundraising

Fundraising Institute Australia thanks Consumer Affairs Victoria for considering the issues raised in our December 2018 submission concerning the broader context for the remake of fundraising regulations.

It was FIA's hope that the opportunity presented by the review of these regulations might be used to advance the cause of red tape reduction and regulatory harmonization with other states.

FIA appreciates CAV's willingness to consider a further submission concerning these matters in the context of the current remake of Victoria's Fundraising Regulations 2009.

Since CAV's review of its fundraising regulations began, we have seen the release of the report by the Senate Inquiry into the Future of Fundraising in the 21st century, which recommended a two-year timetable for achieving national regulatory reform of the sector.

FIA is suggesting the following four-step timetable and is seeking support for this approach:

- 1) Now-July 2019: The Commonwealth Government should be encouraged to appoint an expert panel to develop a National Model Fundraising Regulation Framework in close consultation with State and Territory regulators and not-for-profit peak bodies.
 - a. Commonwealth, state and territory governments consumer affairs ministers and officials commit to the two-year timetable unanimously recommended by the Senate Select Committee on Charity Fundraising
 - b. Convene a 'summit' of stakeholders with the goal of agreeing on a plan and timetable for reform
 - c. Develop a common licensing approach that could be adopted across all states
- 2) Aug-Dec 2019: Negotiate the progressive amendment of State and Territory existing fundraising legislation to comply with the agreed National Model.
 - a. All jurisdictions to publicly report progress towards achieving the two-year timetable.
 - b. Second workshop/summit to review progress.
- 3) Jan-July 2020: FIA proposes that the Commonwealth amend the ACNC legislation to include powers to allow the ACNC to regulate the fundraising activities of charities in accordance with the National Model. (State and territory

regulators would continue to regulate non-charity, not-for-profit fundraising entities.)

- 4) By April 2021: Negotiate with State and Territory fundraising regulators for a 'one-stop' arrangement for ACNC registered charities to reduce the compliance costs of licensing and reporting both to the ACNC and State and Territory fundraising regulators

FIA would welcome an opportunity to meet with officials of CAV to discuss this approach.

FIA would also like to discuss with CAV the prospects for an MOU with other states concerning donations received from interstate in situations where the charity has not obtained an 'authority to fundraise' in that state. FIA members, especially ones who receive donations through their web-based portals, are concerned that they could find themselves in breach of state fundraising regulations in these circumstances.

We believe such an approach would be a constructive first step along the path to a more formal process of harmonizing fundraising application processes across and among all states.

End of Submission