Younger People and Fundraising

Practice Note

This Practice Note aims to assist FIA members in dealing appropriately with younger people both as fundraisers and as donors. It is intended to be read in conjunction with the FIA Code.
1. Fundraising and younger people

1.1 It is inevitable that FIA members will encounter donors, supporters or fundraisers who are younger people (typically between the ages of 13-17). These people have increasing rights and responsibilities as they become more independent, however it is difficult to pinpoint a specific age at which these rights should be fully recognised in a fundraising context. Individuals also differ in the rate at which they reach a level of maturity where they can expect to exercise their rights and responsibilities.

1.2 In Australia, young people are considered to be ‘adult’ when they turn 18, which is also the legal drinking age. But for certain things, the legal age can be younger. For example, the legal minimum age for getting a learner’s permit to drive a car is 16 (except in the ACT where it is 15 and nine months). From 14, children are considered fully responsible if they break the law. Meanwhile, most contracts can only be legally enforced if the person is 18 or over.

1.3 For purposes of fundraising activity, a useful legal benchmark for engaging with younger people can be found in employment law. In New South Wales, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, there is no minimum age for most types of paid casual or part-time work, while in Victoria, Western Australia and Queensland, there is a minimum age of 13 to start casual or part-time work.

1.4 FIA advocates a flexible approach to the question of how and when younger people should be able to engage with fundraising activities, taking into account the circumstances. For example, it may be reasonable to allow a young person to participate in fundraising activities from the age of 13 on the basis that they have the right to ‘work’ in many states and territories from that age, given appropriate adult supervision. Notably, the law says that parents or guardians are responsible for looking after children’s needs until they turn 18, which suggests that a decision to allow a younger person to participate in fundraising as a donor or fundraiser should be taken in consultation with a parent or guardian.

1.5 The Code defines a ‘child’ as a person under the age of 18 and prohibits members from sending fundraising materials to a child without a parent or guardian’s consent (4.11c).

1.6 If in doubt, FIA Members should err on the side of caution in deciding how to interact with a person under the age of 18. This includes seeking the involvement of a parent or guardian in all interactions.

2. Younger people as donors

2.1 By law, donors must ‘consent’ to making a donation. To provide consent, a donor must have the ‘capacity’ to consent. This means they are able to understand information relevant to the decision to make a donation, use that information to make a decision, and communicate their decision clearly. A young person may lack the capacity to make an informed decision, so the onus is on the fundraiser to ensure
they are dealing with a person who has capacity to consent. If there is any doubt in this regard, the fundraiser must consult with the person’s parent or guardian before accepting a donation.

2.2 If a fundraiser believes a young person may lack capacity to consent, they should politely end the interaction using phrases like, “Before I accept your donation, could I please have a quick word your mum or dad?”

3. Younger people as fundraisers

3.1 With proper supervision, young people often make excellent fundraisers.

3.2 There are some fundraising activities which children and young people (under 18) cannot undertake. These include:
   - street collections;
   - lotteries or raffles; and
   - events involving alcohol.

3.3 In NSW children participating in fundraising appeals must be at least eight years old for volunteering and 13 for paid work. Children must not participate in a fundraising appeal for more than four hours or later than 8:30 pm on a school day or more than six hours on any other day.

3.4 In Queensland children under 15 participating in collections must have written consent from a parent or guardian and be accompanied by an adult.

3.5 In Tasmania children under 12 taking part in collections must be under the immediate control of an adult; those aged between 12 to 15 must be under adult supervision.

3.6 In Western Australia children under the age of 16 are generally not allowed to take part in collections.

3.7 The ACT has adopted extensive restrictions in regulations covering fundraising, limiting the times of day children can fundraise and detailing parental supervision requirements.

4. Portrayal of Children in Fundraising Materials

4.1 The Code prohibits members from “engaging in conduct that threatens the dignity of, or disparages a Beneficiary,” including “...using Children in promotional materials to raise funds for adult causes, giving the impression that the Beneficiaries are childlike” (4.1c).
4.2 The intent of this clause is to discourage members from seeking to exploit donors’ emotional response to images of children in ads or promotional material in a manner that misleads donors as to the true Beneficiary of the donation, an activity likely to bring fundraising into disrepute.

5. Resources

5.1 The following is a list of agencies and resources that may be of assistance to members who interact with younger people.


About Children’s Rights | Australian Human Rights Commission


6. Working with Children Checks

6.1 All states and territories have information on government websites regarding working with children checks.

WA Working with Children Check – Western Australia

NSW volunteers-guide-wwcc.pdf (nsw.gov.au)

Vic Home | Working with Children

Tas Registration to Work with Vulnerable People and the National Disability Insurance Scheme (NDIS) Worker Screening (cbos.tas.gov.au)

Qld Blue cards for working with children | Your rights, crime and the law | Queensland Government (www.qld.gov.au)

SA Screening Unit - Working with children check

NT Working with children clearance: apply and renew - NT.GOV.AU

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Definitions

Beneficiary means the recipient of a benefit as a result of fundraising for a Cause.

Cause means a purpose such as advancing health, education, social or public welfare, religion, culture; promoting reconciliation, mutual respect and tolerance between groups of individuals; promoting or protecting human rights; advancing the security or safety of the public; preventing or relieving the suffering of animals; advancing the natural environment; promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a state, a territory or another country, and other not-for-profit purposes ‘beneficial to the general public’.

Code Authority means a committee established by the FIA Board pursuant to the FIA constitution for the purposes of deciding on matters related to the Code.

Code means the document that commits FIA Members to high standards of ethical conduct.

Children means people under the age of 18.

Complaint means a notice in writing sent by any person to FIA, by way of a completed complaint form, concerning an alleged breach by an FIA Member of any part of the Code.

Donation means a voluntary contribution or bequest of money, property, goods or services to a Cause for the purpose of furthering its objects.

Donor means an individual or their legal representative (in the case of a deceased person’s bequest) or other entity that makes a donation to a Cause.

FIA means Fundraising Institute Australia.

Fundraising means the act of seeking and obtaining Donations on behalf of a cause.

Member means and includes both individual and organisational Members of FIA.

Supplier means a third party supplying goods or services to a Member for payment. A supplier may also be a Member of FIA.

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