

To: [Committee, Charity Fundraising \(SEN\)](#)
Subject: The national inquiry into fundraising
Date: Wednesday, 18 July 2018 3:17:14 PM

Point 1.

The laws are outdated: they do not effectively support fundraising across State and Territory borders or through digital platforms. If we want collect funds from donors outside our State (or Territory) we have to work through seven different laws involving more than 133,000 words and 480 pages of legislation and regulations, as well as extensive case law, policy and codes of conduct. We have to be aware of matters including distribution of artificial flowers and tokens and worry about \$14,000 fines for not using capital letters on handwritten identification badges when fundraising. We have to sort through if and when a licence is needed; how long it is valid for; what must be reported; and how and when it is reported. It is burdensome. This outdated regime would not be tolerated by business. It wastes our precious resources; those resources that we could be using to achieve our purpose [insert purpose, i.e. housing more people from sleeping rough]

Point 2: We agree with the solution put forward by Justice Connect and #fixfundraising partners to #fixfundraising. This solution will deliver Stronger, Smarter, Simpler laws to support us (charities), and fundraisers and donors.

Clarification and minor amendment to the Australian Consumer Law: Clarification and minor amendment to the Australian Consumer Law to ensure its application to fundraising activities is clear and broad

Repeal of fragmented State & Territory laws: Repeal state and territory laws, and State and Territory regulators instead focus on regulating conduct using the Australian Consumer Law or other general laws to take action for misconduct

Guidance (code) to improve conduct (regulators and self-regulatory): A short plain English, mandatory code of conduct for all fundraisers, supported by the work of self-regulatory bodies

This solution will deliver Stronger, Smarter, Simpler laws to support us (charities), and fundraisers and donors.

Point 3 Charities and Not for Profits should be encouraged to employ fundraising workers directly, offer good employment conditions, giving priority to people who have barriers to finding rewarding employment opportunities (such as long term unemployed and those living with mental illness or disability) rather than outsourcing to exploitive profit driven businesses who charge exorbitant commission and who use high pressure sales tactics for very little net benefit to the charity or the poorly paid and treated students and backpackers interfacing with the community. Personally I am very reluctant to support any fundraising effort unless I know funds are going directly to the beneficiary.

Point 4 The percentage spent on overheads is not a good measure of the effectiveness of a fundraising campaign. A register should compare “apples with apples” by comparing campaigns on scale and benefit directed to the target group. Eg: hiring clients of a service in fundraising may be more expensive in \$ but have a compound benefit in promoting the organisation mission, and income for the participants.

Yours Sincerely

Bridie Smith