

# State and territory fundraising requirements for ACNC-registered charities



## Legal information for registered charities

### This fact sheet:

- ▶ summarises the states and territories where ACNC-registered charities must apply to fundraise, and
- ▶ provides an overview of the fundraising licence requirements in each jurisdiction for ACNC-registered charities

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**This fact sheet provides an overview of fundraising licence requirements for ACNC-registered charities in each Australian state and territory.**



### Disclaimer

This fact sheet provides information on fundraising licence requirements for ACNC-registered charities in each Australian state and territory. This information is intended as a guide only, and is not legal advice. If you or your organisation has a specific legal issue, you should seek legal advice before deciding what to do.

Please refer to the [full disclaimer](#) that applies to this fact sheet.

Each state and territory (apart from the Northern Territory) has its own rules about fundraising activities, including its own system of fundraising licensing. If your organisation intends to fundraise in more than one jurisdiction (for example, if it fundraises online and donations are made in different states and territories), your organisation may need to apply for a fundraising licence in more than one jurisdiction.



### Does your organisation fundraise online?

If it does, your organisation may need to apply for a fundraising licence in more than one state or territory.



### Note

Some jurisdictions don't require ACNC-registered charities to apply for a fundraising licence.

In these jurisdictions, as long as any notification requirements are fulfilled, ACNC registration itself is enough to allow a charity to fundraise.



### More information

This fact sheet **doesn't**:

- provide detailed information on the licence application process
- cover the legal definition of 'fundraising' (which differs between states and territories), or
- set out the legal obligations that apply while carrying out fundraising activities

This information is available in fact sheets and guides on [our fundraising webpage](#).



### More information

Raffles and lotteries are generally regulated separately from other fundraising activities. See [our raffles and trade promotions webpage](#) for more information.



### Use of the word 'charities' in this fact sheet

In this fact sheet, the word 'charities' refers to organisations registered with the Australian Charities and Not-for-profits Commission (**ACNC**).

## Where are charities required to apply for a licence to fundraise?

Charities are required to apply for a licence to fundraise in Western Australia and Tasmania.

Charities are **not** required to apply for a licence to fundraise in Victoria, Australian Capital Territory, South Australia and Queensland. In New South Wales, ACNC-registered organisations are automatically eligible to receive an authority, but are still required to submit an application.



## Overview of fundraising requirements by jurisdiction

The tables below summarise the requirements for ACNC-registered charities to fundraise in each state and territory.

### States where charities are required to apply for a licence

#### Tasmania

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|--|--|
| <b>Regulator</b>                                   | <u>Consumer, Building and Occupational Services (CBOS)</u>   |
| <b>Do ACNC-registered charities need to apply?</b> | Yes  |
| <b>Application process</b>                         | <p>The type of approval required depends on the circumstances:</p> <ul style="list-style-type: none"> <li>organisations or corporations located outside Tasmania must apply for approval using a <a href="#">Form 1</a></li> <li>non-incorporated groups or associations located in Tasmania must apply using a <a href="#">Form 2</a></li> </ul> <p>Form 1 approvals last up to three years. Form 2 approvals last one to two years. Approval periods depend on the circumstances of each application. At the end of the approval period a new application form will need to be submitted.</p> <p>There are some exemptions from the requirement to have approval to fundraise – a corporation whose principal office is located in Tasmania and an incorporated association based in Tasmania.</p> |
| <b>Other permissions required</b>                  | <p>Some fundraising activities require specific permissions. For example, door knock appeals, street collections and large outdoor events may require local council permission, a police permit, or both.</p> <p>There are also time restrictions on certain activities (for example, when you can knock on doors for collections) and identification requirements for certain activities.</p>   |

#### Western Australia

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|--|---|
| <b>Regulator</b>                                   | <u>Department of Mines, Industry Regulation and Safety, Consumer Protection Division (Consumer Protection)</u>  |
| <b>Do ACNC-registered charities need to apply?</b> | Yes   |
| <b>Application process</b>                         | <p>An <u>'Application for WA charitable collections licence'</u> form must be submitted to Consumer Protection, along with supporting documents including the organisation's constitution and its latest financial report.</p> <p>Licenses are continuous and don't need to be renewed.</p> |
| <b>Other permissions required</b>                  | <p>Some fundraising activities require specific permissions. For example, door knock appeals, street collections and large outdoor events may require local council permission, a police permit, or both.</p>   |



## States and territories where the process is more streamlined for charities

### Victoria

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| Regulator                                   | <a href="#">Consumer Affairs Victoria (CAV)</a>  |
| Do ACNC-registered charities need to apply? | No, as long as notification requirements are met.  |
| Notification                                | ACNC-registered charities must notify CAV of their registration with the ACNC through the online <a href="#">myCAV</a> portal. They are not required to apply for (or renew) fundraiser registration in Victoria.  |
| Other permissions required                  | Some activities still require specific permissions (including for ACNC-registered charities). For example, door knock appeals, highway collections and large outdoor events generally require local council permission, a Victoria Police permit, or both. |

### Australian Capital Territory

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| Regulator                                   | <a href="#">Access Canberra</a>  |
| Do ACNC-registered charities need to apply? | No   |
| Notification                                | There is no need for ACNC-registered charities to notify Access Canberra of their charitable status in order to fundraise. The ACNC advises Access Canberra directly.  |
| Other permissions required                  | Some activities still require specific permissions (including for ACNC-registered charities). For example, door knock appeals, street collections and large outdoor events may require local council permission, a police permit, or both. |

### South Australia

|   |   |
|---|---|
| Regulator                                   | <a href="#">Consumer and Business Services (CBS)</a>  |
| Do ACNC-registered charities need to apply? | No, as long as notification requirements are met.   |
| Notification                                | <p>ACNC-registered charities that want to fundraise in South Australia must notify:</p> <ul style="list-style-type: none"> <li>the ACNC in the registration application form or annual information statement: <ul style="list-style-type: none"> <li>stating the charitable purposes they intend to fundraise for and how they will provide relief to beneficiaries, and</li> <li>giving consent for the ACNC to notify CBS of the charity's intention to fundraise in South Australia, and</li> </ul> </li> <li>CBS in the online licence application or notification form, which can be accessed from the charities page of <a href="#">CBS's website</a>. The</li> </ul> |



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|                                   | application type will be a 'notification of intention to act as a collector in South Australia (registered with ACNC)'   |
| <b>Other permissions required</b> | Some fundraising activities still require specific permissions (including for ACNC-registered charities). For example, door knock appeals, street collections and large outdoor events may require local council permission, a police permit, or both. |

## New South Wales

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| <b>Regulator</b>                                   | <u>NSW Fair Trading (Fair Trading)</u>  |
| <b>Do ACNC-registered charities need to apply?</b> | ACNC-registered organisations are automatically eligible to apply for and receive an authority to fundraise with NSW Fair Trading. However, they still need to complete and submit an application.                              |
| <b>Application / notification process</b>          | While ACNC-registered charities need to complete an application form, the process is more streamlined.<br><br>All they need to provide to NSW Fair Trading are their ACNC registration details on <u>the application form</u> . |
| <b>Other permissions required</b>                  | Some activities require specific permissions. For example, door knock appeals, street collections and large outdoor events generally require a local council permission, a NSW Police permit, or both.                          |

## Queensland

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| <b>Regulator</b>                                   | <u>Office of Fair Trading (OFT)</u>  |
| <b>Do ACNC-registered charities need to apply?</b> | No, from 1 May 2023, organisations registered with the ACNC don't need to register as a charity in Queensland to fundraise.  |
| <b>Notification process</b>                        | Before a registered charity starts fundraising in Queensland, it must submit <u>an ACNC registration notification with the Office of Fair Trading</u> , by selecting ' <u>Fair Trading Charity ACNC Registration Notification</u> '. |
| <b>Other permissions required</b>                  | Some activities require specific permissions. For example, special rules apply to street and door to door collections.   |

## Northern Territory

The Northern Territory doesn't have fundraising legislation. However, if a charity wants to conduct fundraising through raffles or gaming activities, they will need to have a gambling licence, and comply with the relevant gaming legislation which is regulated by the Northern Territory Government's Department Industry, Tourism and Trade.