



R S L N S W

12 June 2019

### **SUB-BRANCH FUNDRAISING**

Dear sub-Branch member

You would be aware that RSL NSW suspended fundraising by sub-Branches in August 2017 after it became clear during the Bergin Inquiry that RSL NSW had a major issue with fundraising compliance and that the previous leadership and administration had not been doing its job.

The overwhelming majority of RSL NSW volunteers are committed to doing the right thing when it comes to fundraising. The restriction on sub-Branch fundraising was necessary to protect our hardworking local volunteers from unintentionally breaching the law and risking hefty fines or, in the worst case, a criminal penalty.

We recognise our difficult decision to suspend fundraising has meant sub-Branches have not been able to collect much-needed funds in the usual ways. This is because RSL NSW cannot guarantee that all sub-Branches are in full compliance with fundraising legislation.

The only way to allow sub-Branch fundraising to recommence under the current governance structure is to return the compliance obligations to the sub-Branches to ensure that they individually meet the legal and regulatory requirements. If your sub-Branch does not want to manage the burden of fundraising compliance, you can simply opt to fundraise under the ANZAC Appeal and Poppy Appeal only, for which much of the compliance work is managed by ANZAC House.

In recent months we have consulted with NSW Fair Trading and confirmed that sub-Branches wishing to fundraise will be able to approach Fair Trading directly to obtain fundraising authorities and will be responsible to meet the conditions of those authorities.

From today, all RSL NSW sub-Branches deciding to fundraise will be able to apply to Fair Trading to obtain a fundraising authority to hold sausage sizzles, cake stalls, trivia nights, auctions, dinner dances and other events.

Before resuming fundraising, all sub-Branches must first determine whether they need to hold a charitable fundraising authority.

Fundraising in NSW is governed by the Charitable Fundraising Act 1991, and charities are subject to a raft of other State and Federal regulations. Please find attached some information to help your sub-Branch to resume this important activity to help veterans and their families.

Yours sincerely

Robyn Collins  
**Chief Executive Officer**

## RSL NSW sub-Branch Fundraising Information Sheet

*Please note: The following information relates **only** to fundraising by a sub-Branch for their own activities. The guidelines do **not** apply to donations or other contributions made by members, or the ANZAC and Poppy Appeals that are run every year by RSL Welfare and Benevolent Institution (RSL WBI) trading as RSL DefenceCare. Information on fundraising for the ANZAC and Poppy Appeals is distributed before each Appeal and sub-Branches choosing to participate in the ANZAC and Poppy Appeals will need to follow the specific instructions for those Appeals.*

### What is fundraising?

In general, the following types of activities are fundraising:

- accepting donations (whether requested or received unsolicited) to help a person, cause or organisation (whether in person, by post, by phone or online),
- selling goods (merchandise/tokens/food) where some or all of profits will go towards helping a person, cause or organisation,
- holding an event to raise money for a person, cause or organisation,
- accepting a benefit other than money (whether requested or received unsolicited) for a person, cause or organisation,

where these activities involve members of the public. Representations you make that money or benefits will be used to help a person, cause or organisation can be express or implied.

Examples of the kinds of activities described above could include:

- receiving a cheque in the mail from a local business for the purpose of funding an ANZAC Day lunch, or simply to put towards a sub-Branch's activities (whether or not you have requested it);
- selling tokens to or holding a sausage sizzle or cake stall in the local community;
- running a trivia night, auction, dinner dance or other event for members of the public to attend for the purpose of raising money for the sub-Branch;
- accepting goods (for example, sausages for a sausage sizzle to be served at a sub-Branch lunch) from a local business.

In NSW, fundraising is governed by the [Charitable Fundraising Act 1991](#) and regulated and administered by Fair Trading (NSW). If your fundraising activity includes a **lottery or game of chance**, it is also governed by [Lotteries and Art Unions Act 1901](#) and regulated and administered by Fair Trading (NSW). Games of chance include, raffles, bingo, sweepstakes and other forms of community gaming.

### How do I start Fundraising?

If you are intending to fundraise in NSW, you must:

- Determine whether you need to hold a charitable fundraising authority (CFA), a type of NSW government licence issued by NSW Fair Trading for charitable fundraising. If so, the CFA will list conditions specific to your fundraising activity, that **must** be met. If you do not anticipate

receiving more than \$15,000 gross in any financial year (or any other amount which the charitable fundraising regulation may provide), you are likely to be exempt from the requirement to hold a CFA but **not** from the obligation to comply with the Charitable Fundraising Act and the Charitable Fundraising Regulation.

- Understand and comply with fundraising laws in other states (if your fundraising activity is likely to go beyond NSW).
- Understand your obligations under the Charitable Fundraising Act 1991 and the Charitable Fundraising Regulation 2015.
- Understand any other legal obligations or requirements of the fundraising activity being conducted.

Examples of things you may need to have in place include:

- A designated bank account to clearly identify fundraising income received from each individual fundraising appeal.
- Be able to issue receipts to donors.
- To be able to clearly show donations have been spent on the specific purpose for which they were given.

This list is not exhaustive and if you have any questions about your charitable fundraising obligations, you should seek advice. Specifics of what you will need to do to meet your legal requirements will be determined by your own circumstances, and you will need to make sure you fully understand your obligations.

## Information Sources

NSW Fair Trading, Tel: 13 32 20, or website <https://www.fairtrading.nsw.gov.au/charitable-fundraising>  
This webpage provides a guide (which NSW Fair Trading has advised is to be updated this year).

Not for Profit Law website <https://www.nfplaw.org.au/fundraising> and a Guide is to Fundraising is available at [https://www.nfplaw.org.au/sites/default/files/media/Guide\\_to\\_Fundraising\\_NSW\\_1.pdf](https://www.nfplaw.org.au/sites/default/files/media/Guide_to_Fundraising_NSW_1.pdf)

Charitable Fundraising Act 1991 <https://legislation.nsw.gov.au/#/view/act/1991/69>

Charitable Fundraising Regulation 2015 <https://legislation.nsw.gov.au/#/view/regulation/2015/511>

Lotteries and Art Unions Act 1901 <https://www.legislation.nsw.gov.au/#/view/act/1901/34>

*Weblinks provided are current, as of May 2019.*