



The Hon. Gabrielle Upton MP

Member for Vaucluse



Friday, 2 July 2021

MAJOR REFORMS TO CHARITY LAWS

The NSW Government has begun key reforms to charitable fundraising laws aiming to reinforce public confidence and bolster support for charitable appeals.

Member for Vaucluse Gabrielle Upton MP welcomed the reforms which will drive accountability and transparency in the industry and give people greater confidence to donate.

Ms Upton said, “The new reforms include a tiered system of record-keeping and auditing requirements, and clearer powers for the regulator to suspend or cancel fundraising authorities for those failing to comply with the law.

“These changes will in turn help reduce the administrative burden for charities, keep untrustworthy operators out of the sector and allow regulators to act quickly when fundraising authorities are doing the wrong thing.”

Minister for Better Regulation and Innovation, Kevin Anderson said the reforms have been developed to address the outcomes of the Bergin Inquiry into the Charitable Fundraising Act.

“Our inspectors will also be given a broad range of investigative and compliance powers, with disciplinary options ranging from penalty notices to hefty fines and incarceration. These measures will provide effective and appropriate deterrents to bad behaviour.”

“We’ve also quadrupled the maximum penalty for serious offences, including conducting and advertising unlawful fundraising appeals, appeals for personal gain and falsely representing appeals, to \$22,000.”

From 1 July:

- A new maximum five year term for fundraising authority will be introduced to increase oversight of fundraisers as the Department of Customer Service Secretary will be prompted to conduct a compliance review if necessary when the charity’s authority is up for renewal;
- All authority holders will now be required to submit an annual return to NSW Fair Trading, meaning an annual return will have to be submitted by every authority holder, even if no money was received or no appeal was conducted, within 6 months of the end of the financial year;
- Charities that raise more than \$250,000 annually will have to submit an auditor’s report and annual return;

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- All charities must submit a written statement affirming they are complying with their requirements;
- Upgraded enforcement powers will increase maximum penalties from \$5,500 to \$22,000, with Fair Trading inspectors to issue compliance notices; and
- The Department of Customer Service Secretary will have discretion over the time taken to evaluate and approve applications.

For more information about the charitable fundraising law reform package, please visit the charities Fair Trading website at [Charitable fundraising | NSW Fair Trading](#)

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