



Department of Justice

Consumer Affairs Victoria
Compliance and Enforcement

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23 September 2008

Sean Good
c/ Sarah Moors
The World Swim for Malaria Foundation (Australia) Ltd.
C/ PriceWaterhouseCooper
GPO Box 1331L
MELBOURNE VIC 3001

Dear Mr Good

APPLICATION FOR FUNDRAISER REGISTRATION RENEWAL UNDER THE FUNDRAISING APPEALS ACT 1998 (the Act)

I refer to your application for fundraiser registration renewal received on 13/09/2008 and confirm that the fundraiser will be re-registered under the Act on and from 4/10/2008. Registration will run for 12 months from the above date of registration. The registration number for this period is 9306.

Fundraising must only be conducted as detailed in your Application Form (except where any variation has been previously agreed to in writing by this office).

If you wish to make changes to your registration details over the next 12 months, ie. add a new beneficiary or change key staff, you must notify the Director. You may wish to download the "Fundraiser Change of Details" form or other information about your ongoing obligations, the Act, regulations and forms that are available by visiting www.consumer.vic.gov.au

Yours sincerely

ANDREW LEVENS
General Manager

Per:

Ongoing responsibilities of Fundraisers

Fundraisers must at all times comply with the Fundraising Appeals Act 1998

****Obligations of registered fundraisers**

- You must notify Consumer Affairs Victoria of certain changes to your fundraising registration
- You must keep accurate financial records

Changes to your fundraising registration

If any of the following changes occur, you must notify Consumer Affairs Victoria by completing a 'Change of Fundraiser Details' form. This form is available at www.consumer.vic.gov.au or by calling 1300 55 81 81. *Penalties apply if you do not notify of the following changes:*

- **Change of appeal managers**
If there is any change of appeal managers (eg if an appeal manager resigns or you appoint a new appeal manager) you must notify within 28 days of the date of change.
- **Change to fundraising circumstances**
If there are any changes to the circumstances of the fundraiser, for example, an increase or decrease to the expected administration costs or additional fundraising activities, you must notify Consumer Affairs Victoria. Where administration costs increase or decrease, conditions on fundraising activities may be imposed, varied or removed depending on the amount to be distributed to the beneficiaries and in line with Consumer Affairs Victoria policy.
- **Disqualifying offence, insolvency or represented person**
If the fundraiser, appeal manager or any person who has significant influence over any fundraising appeal is:
 - charged with, found guilty of or convicted of a disqualifying offence; or
 - becomes insolvent under administration or an externally administered corporation; or
 - becomes a represented person within the meaning of the Guardianship and Administration Act 1986 (only applies to fundraiser and appeal manager);you must notify within 28 days of the occurrence.
- **New beneficiaries**
If you start to fundraise for a new beneficiary, you must notify at least 28 days before conducting any appeal on behalf of the new beneficiary. You must also provide a written letter of consent from each new beneficiary.
- **Using the services of a new commercial fundraiser**
If you use the services of a commercial fundraiser to administer all or part of a fundraising appeal you must notify within 28 days of entering into the agreement with the commercial fundraiser.
- **Change of contact person**
If the contact person for the fundraiser changes, you must notify within 7 days of the date of change.
- **Change of responsible person for associations incorporated outside of Victoria.**
If the responsible person resigns or is replaced, Consumer Affairs Victoria must receive a 'Responsible Person Consent' form within seven days of the person being replaced. This form is available at www.consumer.vic.gov.au or by calling 1300 55 81 81.

Renewal of registration

You must apply for renewal of your registration 28 days before your registration expires. Consumer Affairs Victoria will send you a notification letter informing you of the expiry date and how to apply for renewal. An application for fundraiser registration renewal is also available from the Consumer Affairs Victoria website, or by calling 1300 55 81 81.

****Obligations of registered fundraisers and those fundraisers exempt by Ministerial Order**

Registered fundraisers must comply with the following requirements. Some of these requirements may also apply to organisations exempt by Ministerial Order. If you are exempt by Ministerial Order, you must check your obligations under the exemption.

Keep Accurate Financial Records

The following information is provided as a guide only. The requirements and content of fundraisers financial accounts are set out in the Fundraising Appeals Act 1998.

During the appeal

You must prepare a primary set of financial accounts. The Fundraising Appeals Act 1998 sets out the requirements for financial accounts. This includes:

- the complete requirements of how fundraising appeal transactions must be recorded;

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- how financial accounts must be prepared;
- what financial accounts must contain;
- how long financial accounts must be kept.

The content of any summary financial accounts (to be made available to the public), is drawn from these primary set of accounts. Failure to prepare primary financial accounts may incur a fine.

At the end of the appeal

In accordance with section 29 of the Fundraising Appeals Act 1998, you must prepare a summary set of financial accounts within 3 months of the end of the fundraising appeal or within 3 months of the anniversary of the start of the appeal if it runs for more than 12 months. Failure to prepare summary accounts may incur a fine of \$25,783 for a corporation or for a natural person, \$12,891 or 12 months imprisonment or both.

If you receive a written request for inspection of the summary accounts with the prescribed fee (\$20) in accordance with section 33 of the Fundraising Appeals Act 1998, you must provide a copy of the summary accounts to that person or organisation within 21 days of receiving the request. Failure to provide the summary accounts may incur a fine.

The summary of financial accounts must contain a summary of:

- all funds and assets received as a result of the appeal;
- what happened to all those funds and assets;
- the amount applied to the purposes or objects of the appeal and how it was distributed;
- any expenditure on assets;
- any expenditure on wages, salaries, commissions and other remuneration in relation to the appeal;
- any other administrative expenses related to the appeal;
- any other expenditure related to the appeal;

and

- the dates on which the appeal started and finished;
- if a corporation, incorporated association or unincorporated body was authorised to participate in the appeal, the name of the person from that body who was responsible for overseeing the body's involvement in the appeal;
- the name and address of every organisation or person or class of persons on whose behalf the appeal was made.

If the appeal in Victoria was conducted as part of a national appeal, it is not necessary for the summary accounts to be prepared in a way that enables the above information that only relates to Victoria to be identified.

The financial accounts mentioned above are not required to be sent to Consumer Affairs Victoria unless specifically requested.

Written consent of beneficiaries

- You must have copies of written consents given by each beneficiary of the appeal.

****Obligations of all fundraisers**

Collection containers (including clothing bins)

- Must be properly secure and consecutively numbered, and must be labelled to show:
 - the name of the appeal; or
 - who is conducting it; and,
 - who the beneficiary is.
- Clothing bins must include on the front of the bin:
 - the name of the appeal or the name of the person or organisation conducting the appeal; and
 - the beneficiary or class of beneficiaries.

More information about labelling, including a sample clothing bin label, is available from the Consumer Affairs Victoria website at www.consumer.vic.gov.au.

Employees identification badges

Your employees must wear clearly visible identification badges when raising funds in a public place. The badges must state:

- The collector's name, and if they are a 'Paid Collector' or a 'Volunteer Collector';
- The name and telephone number of the person conducting the appeal;
- The name of the beneficiary; and,
- The date on which the collectors authority expires.

Telephone employees

When being paid to canvass money by telephone or through electronic means, employees must state they are retained on a commercial basis to seek the donation. They must also state who employ them and the name of the beneficiary the money is being raised for.