

Ref: CFN/26761

10/10/2023

AUSTRALIAN MOTOR HERITAGE FOUNDATION LIMITED

Michael Mekhitarian

PO BOX 970

PARRAMATTA NSW 2124

Dear Michael Mekhitarian

Your application for a Charitable Fundraising Authority has been approved and is enclosed with this letter along with the conditions of your authority.

As a holder of an authority, you are authorised to appeal to the New South Wales public for funds, subject to the obligations set out in the *Charitable Fundraising Act 1991* (the Act), the *Charitable Fundraising Regulation 2021* and the conditions attached.

Compliance with these requirements support the overarching objects of the Act, which are:

- (a) to promote proper and efficient management and administration of fundraising appeals for charitable purposes
- (b) to ensure proper keeping and auditing of accounts in connection with such appeals
- (c) to prevent deception of members of the public who desire to support worthy causes.

To assist with compliance, you can refer to the current *Charitable Fundraising Guidelines* at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au), or more generally, search for Charitable Fundraising on the website for more information.

Prior to the expiry of your authority, we will notify you to renew. Alternatively, you can download a copy of the application form on our website. For further information, please contact us on 13 32 20 or email [charity.inquiries@customerservice.nsw.gov.au](mailto:charity.inquiries@customerservice.nsw.gov.au).

Yours sincerely

Customer Service Officer  
Registry and Accreditation

Please note that this document has been finalised but not reviewed. NSW Fair Trading undertakes randomised reviews of documents processed automatically and may, if necessary, request further information or remove the document from its records. You will be notified of any action Fair Trading may require or take as a result of a review.

## CHARITABLE FUNDRAISING AUTHORITY

Charitable fundraising number **CFN/26761**

This document certifies that **AUSTRALIAN MOTOR HERITAGE FOUNDATION LIMITED**

holds an authority to fundraising under section 13A of the *Charitable Fundraising Act 1991*, subject to compliance with the Act, the *Charitable Fundraising Regulation 2021* and the conditions attached as Annexure A.

This authority is in force from **10/10/2023**

until **09/10/2026**

unless surrendered or revoked earlier.

This authority is approved under delegation from the Minister administering the *Charitable Fundraising Act 1991*.

### Important information

Please ensure you read the conditions attached.

You must inform us of any change to your charitable fundraising authority within 28 days.

Please contact us at [charity.inquiries@customerservice.nsw.gov.au](mailto:charity.inquiries@customerservice.nsw.gov.au) for further information.

# Schedule 1 Standard conditions of an authority

section 25

## Part 1 Preliminary

### 1 Name of Schedule

This Schedule sets out the *Standard conditions of an authority*.

### 2 Definitions

In this Schedule—

**child** means a person under the age of 15 years.

**child participant** means a child who participates in a fundraising appeal.

**child participant employee**, for Part 3, Division 3—see section 36.

**child participant employer**, for Part 3, Division 3—see section 36.

## Part 2 General

### 3 Application of Part

This Part applies to all fundraising appeals and prescribes the standard conditions to which an authority to conduct an appeal is subject.

### 4 Controls over conduct of fundraising appeals

An authority holder must exercise proper and effective controls over the conduct of a fundraising appeal, including controls to ensure the following may be accounted for—

- (a) the gross income and an article obtained from the appeal,
- (b) a lawful and proper expense incurred in the appeal.

### 5 Organisations must submit audited annual financial statements to AGM

An authority holder that is an organisation must cause the annual financial statement referred to in the *Charitable Fundraising Regulation 2021*, section 21(1)(a) that has been audited in accordance with the Act, section 24 or otherwise according to law to be submitted to an annual general meeting of the organisation within 6 months after the end of each financial year.

### 6 Expenses to be proportionate to gross income

An authority holder must take all reasonable steps to ensure a lawful and proper expense payable in relation to an appeal does not exceed the following—

- (a) a fair and reasonable proportion of the gross income obtained,
- (b) for a fundraising appeal for donations only, and without an associated supply of goods or services, however conducted—50% of the gross income obtained.

### 7 Persons participating in fundraising appeals on behalf of authority holders

- (1) This section applies to an authorisation that an authority holder gives to the following persons (the **collector**) who participate in a fundraising appeal on behalf of the authority holder—
  - (a) a member of the governing body of an organisation that is the authority holder,
  - (b) an agent or employee, whether voluntary or not, of the authority holder.

- (2) The authority holder must ensure the authorisation is as follows—
- (a) if the collector participates in the fundraising appeal as a face-to-face collector—in the form of an identification card or badge that—
- (i) is uniquely numbered and indicates the date the card was issued and the date the card expires, and
  - (ii) includes the name and contact telephone number of the authority holder, and the name of the collector, and
  - (iii) if the collector receives a wage, commission or fee participating in the appeal—includes the words “paid collector” and the name of the collector’s employer, and
  - (iv) is signed and dated by the authority holder, a delegate of the authority holder or the governing body of the authority holder, and
  - (v) is of a sufficient size to ensure the particulars may be easily read by members of the public, and
  - (vi) is recovered by the authority holder as soon as the collector’s involvement in the appeal has ended,
- (b) if the collector participates in the fundraising appeal otherwise than as a face-to-face collector—
- (i) in writing, and
  - (ii) includes the name of the collector, and
  - (iii) includes a description of the appeal the collector is participating in, and
  - (iv) includes the terms and conditions under which the authorisation was granted, and
  - (v) signed and dated by the authority holder, a delegate of the authority holder or the governing body of the authority holder.
- (3) If the appeal is conducted jointly with a trader, the trader may sign the authorisation for the purposes of subsection (2)(a)(iv) or (2)(b)(v) if the written agreement between the trader and the authority holder provides for the trader to sign the authorisation.

## 8 Fundraising through direct marketing

If a fundraising appeal involves solicitation through direct marketing, an authority holder must—

- (a) if requested by a person being solicited—
- (i) inform the person of the source from which the authority holder obtained the person’s name and other details, and
  - (ii) ensure the person’s name and other details are—
    - (A) removed as soon as practicable from the source of names or contacts used for the purposes of the appeal, or
    - (B) if the removal of the name and details is not practicable—to be rendered unusable, and
  - (b) ensure the name and other details of a person being solicited are not disclosed to another person or an organisation without the express consent of the person to whom the information relates, and
  - (c) ensure the laws and standards relevant to a fundraising appeal that involves solicitation through direct marketing are complied with, including the following—
    - (i) *Australian Consumer Law (NSW)*,
    - (ii) *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017* of the Commonwealth,
    - (iii) laws relating to fair trading, trade practices, privacy and anti-discrimination.

## 9 Collection boxes for monetary donations

If an authority holder uses a collection box or similar device for monetary donations, the authority holder must ensure the following—

- (a) the box or device is—
  - (i) securely constructed, and
  - (ii) properly sealed, and
  - (iii) uniquely numbered, and
  - (iv) clearly labelled with the name of the authority holder,
- (b) the use and clearance of the box or device is supervised and secure,
- (c) a record of the location of each box or device used is kept and maintained.

#### **10 Payments in connection with fundraising appeals must be authorised**

If an authority holder is an organisation, payments made in connection with the following must be authorised by or on behalf of the organisation—

- (a) an expenditure incurred in relation to the conduct of a fundraising appeal,
- (b) a distribution of funds or profit raised in a fundraising appeal.

#### **11 Advertisements, notices or information about fundraising appeals**

- (1) An authority holder must ensure an advertisement, notice or information provided as part of a fundraising appeal—
  - (a) clearly and prominently discloses the name of the authority holder and the charitable purpose of the fundraising appeal, and
  - (b) complies with the *Australian Consumer Law (NSW)* and other laws and standards relevant to a fundraising appeal, including laws relating to fair trading, trade practices, privacy or anti-discrimination.
- (2) If the fundraising appeal involves the collection of donated goods or material, the authority holder must also ensure an advertisement, notice or information includes particulars of how the donated goods or material will be dealt with.
- (3) If the fundraising appeal is conducted jointly by a trader and the authority holder, the authority holder must also ensure a written or printed advertisement, notice or information includes the following—
  - (a) the full name under which the trader operates for the purposes of the appeal,
  - (b) the business address, postal address, email address, website address and telephone number of the trader,
  - (c) the date on which the appeal commences and the date on which the appeal ends,
  - (d) if the appeal involves the collection of donated goods or material—details of the intended distribution of funds raised or of a guaranteed minimum payment or proportion of profits to be paid by the trader to the authority holder under the Act, section 11(2)(c) expressed as—
    - (i) a percentage of the average gross income derived, or expected to be derived, from all goods and material collected over a specified period of the appeal, or

- (ii) if the collection device is a collection bin—an average dollar amount derived or expected to be derived from each bin for each month over a specified period of the appeal.

## 12 Certain information must be provided about fundraising appeals

If a person conducting or participating in a fundraising appeal is asked a question in relation to the purpose or the details of the appeal, the person must—

- (a) answer the question honestly, or
- (b) if the person is unable to answer the question—arrange to find an answer to the question.

## 13 Donations collected using collection bins

- (1) If a fundraising appeal conducted jointly by a trader and an authority holder involves the collection of donated goods or material using a collection bin, the authority holder must ensure the following requirements are complied with—
  - (a) each bin is consecutively numbered in a clear and visible manner,
  - (b) if there is more than one bin used in connection with the appeal—the total number of bins currently used in connection with the appeal is displayed on the bin in a clear and visible manner,
  - (c) for each month during which the appeal is conducted, the trader—
    - (i) keeps and maintains a record of each bin used in relation to the appeal, including the number and location of each bin, and the date the record is made, and
    - (ii) gives a copy of the record to the authority holder.
- (2) If the fundraising appeal is for the collection of donated articles of clothing, the authority holder must ensure the following additional requirements are complied with—
  - (a) an adhesive notice that states “COMMERCIALY OPERATED” is displayed on the chute of each bin,
  - (b) for each month during which the appeal is conducted, the trader—
    - (i) keeps and maintains a record of the gross weight of unsorted clothing obtained from the collection bin and the date the record is made, and
    - (ii) gives a copy of the record to the authority holder.

**Note—** The record under subsection (2)(b)(i) may be combined with the record referred to in subsection (1)(c)(i).
- (3) If a fundraising appeal conducted solely by an authority holder involves the collection of donated articles of clothing using a collection bin, the authority holder must ensure an adhesive notice that states “CHARITY OPERATED” is displayed on the chute of each bin.

## 14 Donations collected using collection bags

- (1) If a fundraising appeal conducted jointly by a trader and an authority holder involves the collection of donated goods or material using a collection bag, the authority holder must ensure, for each month during which the appeal is conducted, the trader—
  - (a) keeps and maintains a record of each bag distributed as part of the appeal, including the date on which, and location from which, each bag was distributed, and the total number of bags distributed, and
  - (b) gives a copy of the record to the authority holder.
- (2) If the fundraising appeal is for the collection of donated articles of clothing, the

authority holder must ensure the following additional requirements are complied with—

- (a) each bag, and an advertisement or notice or information distributed with each bag, must display “COMMERCIALY OPERATED” in a clear and visible manner in the following format—

<b>COMMERCIALY</b>
<b>OPERATED</b>

- (b) for each month during which the appeal is conducted, the trader—
  - (i) keeps and maintains a record of the gross weight of unsorted clothing obtained from the collection bag and the date the record is made, and
  - (ii) provides a copy of the record to the authority holder.

**Note—** The record under subsection (2)(b)(i) may be combined with the record referred to in subsection (1)(a).

- (3) If a fundraising appeal conducted solely by an authority holder involves the collection of donated articles of clothing using a collection bag, the authority holder must ensure each bag, and an advertisement or notice or information distributed with each bag, displays “CHARITY OPERATED” in a clear and visible manner in the following format—

<b>CHARITY</b>
<b>OPERATED</b>

## 15 Management of organisations

The fundraising activities of an authority holder that is an organisation must be managed as follows—

- (a) the organisation must be administered by a governing body that consists of at least 3 persons or 3 trustees,
- (b) the quorum for a meeting of the governing body is the greater of—
  - (i) 3 persons or 3 trustees, or
  - (ii) one-quarter of the members constituting the governing body,
- (c) a transaction made by a member of the governing body must be recorded in the organisation’s minutes of a meeting.

## 16 Processes for avoiding conflicts of interest

- (1) An authority holder must establish a process for managing and resolving conflicts of interest involving the following—
  - (a) if the authority holder is an organisation—a member of the governing body of the organisation,
  - (b) an agent, employee or collector, whether voluntary or not, of the authority holder.

- (2) If, in a meeting of a governing body, the appointment, conditions of service or remuneration of, or the supply of goods or services by, a member of the body or the member's immediate family is being considered—
- (a) the member must be excluded from that part of the meeting, and
  - (b) the quorum for the meeting must not include the member, and
  - (c) the resolution of the matters being considered must be subsequently ratified at a general meeting of the organisation or by a committee to which has been delegated the function of ratifying the resolution of the matters.

### **17 Internal dispute resolution processes**

If an authority holder is an organisation, the organisation must establish a process for resolving internal disputes between the members of the organisation in relation to the organisation's fundraising activities.

### **18 Complaint handling processes**

An authority holder must establish a process for resolving complaints made by members of the public or an employee or collector, whether voluntary or not, of the holder in relation to the holder's fundraising activities.

### **19 Prohibition against soliciting from motor vehicle occupants**

A person must not participate in a fundraising appeal by soliciting money, property or other benefit from another person who is occupying a motor vehicle that is—

- (a) in motion, or
- (b) temporarily stopped for any reason, including at a traffic light or intersection.

## **Part 3 Child participants in fundraising appeals**

### **Division 1 Application**

#### **20 Application of Part**

This Part applies to a fundraising appeal involving child participants and prescribes the standard conditions in relation to the participation of children in the appeal to which an authority is subject.

#### **21 Age of child participants**

An authority holder must ensure a child participant is of or above the following age—

- (a) if the child will not receive a wage, commission or fee for participating in the fundraising appeal—8 years,
- (b) if the child will receive a wage, commission or fee for participating in the fundraising appeal—13 years.

**Note—** Division 3 sets out additional conditions that apply to child participants who receive a wage, commission or fee for participating in a fundraising appeal.

### **Division 2 General**

#### **22 Compliance with standard conditions**

An authority holder must take all reasonable steps to ensure the standard conditions prescribed in this Part are complied with.



### **23 Parental consent**

An authority holder must obtain the consent of a child's parent before permitting the child to participate in the appeal.

### **24 Insurance**

An authority holder must ensure a child participant is covered by an appropriate insurance policy, including a public liability insurance policy.

### **25 Parental contact**

An authority holder must—

- (a) take all reasonable steps to ensure a child participant is able to make contact with the child's parent at all times, and
- (b) facilitate the making of contact whenever the child requests or whenever it is otherwise appropriate to do so in the interests of the child.

### **26 Supervision**

- (1) An authority holder must ensure a child participant is appropriately supervised having regard to the child's age, sex and degree of maturity.
- (2) The supervisor must—
  - (a) remain in the general vicinity of the child at all times, and
  - (b) make contact with the child at intervals of not more than 30 minutes, and
  - (c) know the whereabouts of the child at all times.
- (3) The supervisor must not supervise more than 6 child participants at any one time.
- (4) If a child participant is under 11 years of age, the supervisor must maintain contact with the child at all times.

### **27 Working alone prohibited**

An authority holder must ensure a child participant works with at least one other child participant.

### **28 Food and drinks provided**

An authority holder must ensure the following—

- (a) a child participant is provided at reasonable hours during the child's participation in a fundraising appeal with food that is varied, sufficient, nutritious and appropriate having regard to the age, taste and culture of the child,
- (b) water or fruit juice, or another nutritious drink, is readily available to the child at all times during the child's participation in the appeal.

### **29 Toilet facilities accessible**

An authority holder must ensure a child participant has access to clean and easily accessible toilet, hand-washing and hand-drying facilities.

### **30 Protection from elements**

An authority holder must ensure a child participant is adequately clothed and otherwise protected from extremes of climate.

### **31 Moving unreasonable weights prohibited**

An authority holder must ensure a child participant is not permitted or required to move anything of an unreasonable weight having regard to the child's age or

condition.

### 32 Entry to private homes and motor vehicles prohibited

An authority holder must ensure a child participant is not permitted or required to—

- (a) enter a private dwelling while soliciting door-to-door, or
- (b) solicit from a person who is occupying a motor vehicle.

### 33 Participation hours limited

- (1) An authority holder must ensure a child participant does not participate in a fundraising appeal as follows—
  - (a) on a day on which the child is required to attend school (a *school day*)—for more than 4 hours,
  - (b) on a day other than a school day—for more than 6 hours,
  - (c) on a day other than a school day if the following day is a school day—finish participating in the appeal later than 8.30 pm,
  - (d) for more than 5 days per week.
- (2) The authority holder must ensure that if the child participant is participating in a fundraising appeal outdoors, the child does not—
  - (a) start participating in the appeal before sunrise or 6.30 am, whichever is the later, and
  - (b) finish participating in the appeal later than sunset or 6.00 pm, whichever is the earlier.
- (3) The authority holder must ensure a child participant is not permitted or required to start participating in a fundraising appeal less than 12 hours after the child has previously finished participating in an appeal or other work.

### 34 Travel home

An authority holder must ensure a child participant is taken home by the child's parent or another adult authorised by the child's parent after the child finishes participating in the appeal unless—

- (a) the child is more than 12 years of age, and
- (b) the distance between where the child finishes participating in the appeal and the child's home is less than 10 kilometres, and
- (c) travel home will be by public transport, and
- (d) travel home will be completed within daylight hours.

## Division 3 Child participants who receive wages, commissions or fees

### 35 Application

This Division applies to the employment of a child participant for the purposes of conducting a fundraising appeal.

### 36 Definitions

In this Division—

*child participant employee* means a child participant who is employed for the purposes of conducting a fundraising appeal.

*child participant employer* means a person who employs a child participant for the purposes of conducting a fundraising appeal.

### 37 Letters of employment

Prior to a child participant employee's commencement of employment, a child participant employer must provide the employee with a letter of employment that contains the terms and conditions of the employment, which includes the following—

- (a) the basis on which wages, commissions or fees will be paid or provided, including how the matters will be calculated, a guarantee of minimum payments and the method by which payment will be effected,
- (b) the rights of the employee.

### **38 Records of employment**

- (1) A child participant employer must keep and maintain a record of employment in relation to each child participant employee that includes the following details—
  - (a) the employee's full name, date of birth, residential address and telephone number,
  - (b) the date of employment,
  - (c) a description of the nature of the employment,
  - (d) the full name and residential address of the person immediately responsible for the employee during the appeal,
  - (e) consent to the employee's employment provided by the employee's parent, including an original copy of a written consent provided by the parent.
- (2) If the employer is a trader, the employer must make the records available to the authority holder with whom the trader is jointly conducting the fundraising appeal