



Fair Trading (Soliciting on Behalf of Charities) Amendment Act 2012

Public Act 2012 No 48
Date of assent 29 June 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Fair Trading (Soliciting on Behalf of Charities) Amendment Act 2012.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Fair Trading Act 1986.

4 New section 28A inserted

The following section is inserted after section 28:

“28A Regulations relating to disclosure by fund-raisers making requests for charitable purposes

- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister in accordance with subsection (2), make regulations, in relation to fund-raisers making requests for charitable purposes, for all or any of the following purposes:
- “(a) prescribing requirements for the disclosure of information about—
 - “(i) the fund-raiser, the charitable organisation, and the relationship between those parties:
 - “(ii) the financial benefits that the fund-raiser or any person other than the charitable organisation has received, or will or may receive, (whether directly or indirectly) as a result of making requests:
 - “(iii) the amount of any donation included in the price of goods or services:
 - “(b) prescribing the manner of disclosure, including—
 - “(i) by whom, and to whom, disclosure must be made:
 - “(ii) when and how disclosure must be made, including any particular words required:
 - “(c) prescribing how the financial benefit must be calculated and expressed:
 - “(d) specifying any financial benefit that the fund-raiser is not required to disclose.
- “(2) The Minister must not make a recommendation under this section unless—
- “(a) the Minister has consulted with such persons or representatives of such persons as the Minister considers will be substantially affected by any Order in Council made in accordance with the recommendation and those persons have had the opportunity to comment to the Minister; and
 - “(b) the Minister has considered any such comments.

- “(3) A failure to comply with subsection (2) does not affect the validity of any Order in Council made under this section.
- “(4) If regulations made under this section require a fund-raiser to disclose information, that fund-raiser must comply with the regulations.
- “(5) In this section,—
- “**charitable entity** has the meaning given to it in section 4(1) of the Charities Act 2005
- “**charitable organisation**—
- “(a) means—
- “(i) a charitable entity; or
- “(ii) any other person or organisation whose purpose, or predominant purpose, is a charitable purpose; and
- “(b) includes a person or organisation that holds itself out as being a charitable organisation, whether or not that person or organisation would otherwise be a charitable organisation within the meaning given in paragraph (a)
- “**charitable purpose** includes every charitable purpose, whether it relates to the relief of poverty, the advancement of education or religion, or any other matter beneficial to the community
- “**fund-raiser**—
- “(a) means a person who, in business, makes requests for donations for charitable purposes; and
- “(b) includes that person’s employer or principal; but
- “(c) does not include—
- “(i) the charitable organisation concerned or an employee of that organisation; or
- “(ii) a volunteer (being a person who does not expect to, and does not, receive any financial benefit for his or her fund-raising activities)
- “**requests** includes—
- “(a) soliciting for donations for a charitable purpose; and
- “(b) canvassing for subscriptions for a charitable purpose; and

“(c) requests, by suppliers of goods or services, for donations that are included as part of the price of goods or services.”

Legislative history

19 November 2009	Introduction (Bill 102–1)
9 December 2009	First reading and referral to Commerce Committee
21 March 2011	Reported from Commerce Committee (Bill 102–2)
4 April 2011	Second reading
9 May 2012	Committee of the whole House
27 June 2012	Third reading
29 June 2012	Royal assent

This Act is administered by the Ministry of Economic Development.
