

VOLUNTARY CODE OF CONDUCT

CANCER CHARITIES IN NEW SOUTH WALES

INTRODUCTION

This “Code of Conduct” defines values, standards of governance, management, financial accountability and reporting to which cancer charities in New South Wales agree to comply.

The aims of this “Code of Conduct” are:

- To provide a high level of accountability and transparency for the public donating to cancer causes in New South Wales
- To ensure that proper processes are in place within each participating organisation for the appropriate allocation of funds raised, consistent with the use intended by the donor
- To agree on core values of participating organisations in supporting the control and cure of cancer in New South Wales.

Cancer Charities and Fundraising bodies are required to meet a range of state and federal legal obligations which underpin this “Code of Conduct. These obligations may include corporations laws, rules of incorporation of associations, fundraising and charitable institutions legislation, privacy legislation, equal employment opportunity principles, occupational health and safety standards, anti discrimination legislation, intellectual property and copyright legislation and other codes of ethics. Nothing in this “Code of Conduct” absolves a participating organisation from any of these obligations.

VALUES

Communication with the public

In all of its activities and particularly its communications to and with the public, the cancer charity or Organisation will accord due respect to the dignity, values, history, religion, and culture of the people with whom it works in the cancer field.

Anti-Corruption policies

The cancer charity or Organisation will oppose and not be a willing party to wrongdoing, corruption, bribery, or other financial impropriety in any of its activities. It shall take prompt and firm corrective action whenever and wherever wrongdoing is found among its governing body or board, paid staff, contractors, volunteers and partner cancer charities or organisations.

Public Stance with similar organisations

A cancer charity or organisation will conduct itself in ways that do not denigrate other cancer organisations, or make misleading or false public statements regarding other cancer organisations.

Use of funds raised from the public

Funds and other resources designated for the purposes of cancer research and/or cancer support services will be used only for those purposes and will not be used for purposes which are different from their intended use if specified by the donor or different from the basis under which funds were raised.

GOVERNANCE

Constitution, articles of association or similar

A cancer charity's governing instrument (constitution, articles of association, rules, by-laws or similar documents) will be consistent with legislative requirements and set forth the cancer charity's basic goals and purposes, define membership, the governance structure of the cancer charity including the frequency of meetings (at least two a year) and the size of a quorum of the governing body. This instrument will be made easily accessible to donors and the public.

Governing Body or Board

Each cancer charity or organisation will have a defined governing body/board elected/appointed by members from within the membership/supporters as defined by its structure. The governing body will approve the annual budget and may delegate authority to staff or others but must accept ultimate responsibility for governance over all aspects of the cancer charity/ organisation. There should be clearly defined lines of authority between the governing body or board, management and the proposed use of funds raised.

Conflict of interest

Members of the governing body or board, paid staff, and volunteers will make known to the governing body any conflict of interest or any affiliation they might have with an actual or potential supplier of goods and services, recipient of grant funds or organisation with competing or conflicting objectives. Members of the governing body and paid staff will absent themselves from discussion and abstain from voting or otherwise participating in the decision on any issue in which there is a conflict of interest.

Disclosure of information about the organisation

The governing body will commit the cancer charity or organisation to open and accurate disclosure of information concerning its goals, programs, finances and governance arrangements. Due regard will be given to the personal safety of staff, partners and grant/funding recipients, legal requirements regarding privacy and confidentiality, proprietary information and personnel matters.

COMMUNICATION WITH THE PUBLIC

Annual Report

An Annual Report of the cancer charity or organisation is to be produced, be easily accessible and made available to the organisation's own members, supporters and members of the public upon request. This report should include an accurate account of the use of funds raised from the public.

Fundraising

Fundraising solicitations will be truthful, will accurately describe the cancer charity or organisation's identity, purpose, programs, needs and the planned use of funds and will only make claims which the organisation can fulfil. There will be no material omissions or exaggerations of fact, no use of misleading photographs, nor any other communication which would tend to create a false impression or misunderstanding.

Protection of donors

In all fundraising activities initiated or authorised by it, the cancer charity or organisation will have policies (consistent with Privacy Acts) set up to protect donors' rights to:

- have their names deleted from mailing lists;
- have their names deleted from mailing lists the cancer charity or organisation may intend to share;
- be informed whether those seeking donations are volunteers, paid staff or agents of the cancer charity or organisation;
- be informed about the causes for which funds are being raised;
- obtain information on the application of their donation; and
- be able to clearly identify collectors and have documentation confirming the bona fides of the cancer charity or organisation.

Responsibility when using third parties

The cancer charity or organisation will be responsible for all fundraising activities outsourced to a third party and will put all such contracts and agreements in writing.

Summary of information available

The Organisation shall have the following information publicly available and easily accessible:

- Annual Report
- Audited annual financial statements
- Statement of objectives and aims of the cancer charity or organisation
- List of members of the governing body or board
- Contact details for the registered office

FINANCES

Internal financial controls

The Organisation will have internal control procedures which minimise the risk of misuse of funds. Reporting mechanisms which facilitate accountability to members, donors and the general public will be used. The Organisation will have adequate procedures for the review and monitoring of income and expenditure. Loans to and transactions with governing body or board members shall be publicly disclosed. Loans to staff shall be disclosed to the governing body or board.

Externally audited reports

Notwithstanding any other legal requirements, the cancer charity/organisation must publish in their Annual Report, financial statements prepared in accordance with the Corporations Act (where applicable) and the regulatory requirements of the State of NSW.

Methods for audit

Full financial reports must be audited at least by a qualified accountant who is a member of the Australian Society of Certified Practising Accountants, the Institute of Chartered Accountants in Australia or by a Registered Company Auditor. The auditor's statement must accompany the financial report in the Annual Report.

Use of funds

Donations shall be used as promised or implied in fundraising appeals or as requested by the donor. When funding is invited from the general public for a specific purpose, the organisation shall have a plan for handling any excess and shall make this known as part of the appeal. Cancer charities/organisations shall substantiate, upon request, that their application of funds is in accordance with donor intent or request.

Clear financial statements

The use of ratios in financial publications shall at all times be accompanied by a note explaining how these have been determined. Actual funds and financial statements are to be set out to be as informative as possible to the public.

COMPLAINTS HANDLING AND COMPLIANCE MONITORING PROCESSES

Complaints Handling Procedures

Complaints made against a signatory cancer charity or organisation should be requested in writing and encouraged to specify the section of this Code that the Organisation is alleged to have breached. The organisation should respond to complaints in a fair and open manner. An Organisation under the terms of this Code should develop a defined Complaints Handling Process with details of the process easily available for public scrutiny.

AMENDING THE CONDUCT PRINCIPLES

“Code of Conduct”

The “Code of Conduct” may be amended by consensus agreement or a majority of the signatory parties following a meeting of signatories.

REGISTER OF CANCER CHARITIES

Signatories to the “Code of Conduct” agree to have their organisation listed on a Register of Cancer Charities, to be maintained and published annually by the Cancer Institute NSW and available from the Cancer Institute NSW website. Following consultation with participating organisations, the Cancer Institute NSW requires a two thirds majority of signatures may remove an organisation/cancer charity from the Register of Cancer Charities.

The register will provide:

- The name of the organisation;
- Its logo or trademark;
- A brief statement of its mission or aims supplied by the organisation (up to 100 words);
- Contact details, usually its address, telephone, fax and email and contact for fundraising;
- A linked website address;
- A specific link or access route to the Annual Report and Financial Statements of the cancer charity/organisation.

STANDING OF THE “CODE OF CONDUCT”

The Cancer Charities “Code of Conduct” is a voluntary code for those raising funds from the public for charities in New South Wales. The Cancer Institute NSW will undertake to make the Code of Conduct and list of participating organisations/cancer charities available on its website.

Name of Charity

(Authorised Officer's name)

Date: / /

(signature)