



Senate inquiry into Charity Fundraising in the 21st Century – response from Cancer Council

August 2018

Overview

Thank you for the opportunity to comment on Australia's current framework of fundraising regulation for charities and options for reform.

Cancer Council is Australia's oldest and largest health charity, with organisations in all Australian jurisdictions. Cancer Council is funded almost entirely by donations from a range of sources, through which it delivers services including cancer research, patient support, prevention programs and public education. Cancer Council is the largest non-government funder of cancer research in Australia by a significant margin and the only charity that works across all domains of cancer control with a focus on all cancer types.

Cancer Council is also a federated organisation, with incorporated entities in all states and territories and a federal office providing public policy and communications support and coordination of member activities nationally. Although there is a high level of collective work, the eight state and territory Cancer Councils fundraise within their jurisdictions and operate under a range of federal and state/territory legal instruments.

We therefore have a high stake in the efficient and effective regulation of fundraising in the charity sector at all levels of government and community. The key to any reform of the sector is enabling charities to maximise their mission impact without undue administrative burden, while underpinning probity and guiding informed choices for donors. In seeking to address the points raised in your terms of reference, we make the following general points:

- The sector is well served by the Australian Charities and Not-for-profits Commission. We would support ongoing enhancement of the ACNC's role in guiding more informed choices for donors and in raising the bar for charities generally – provided there is adequate consultation and reforms are based on evidence and an agreed set of principles.
- The charity sector is increasingly crowded, with a widening array of options for donors and a loss of revenue for governments through concessions to new entities, many of which are created for charitable purposes already served by established organisations. Governments may need to strengthen and enforce controls around the continual creation of tax-exempt entities that may further dilute the sector's impact.
- The key to improved outcomes for the communities we serve is regulating the sector to achieve appropriate rigour to underpin transparency, probity and performance, without imposing undue administrative burden that detracts from its capacity to deliver on mission. This will only be improved through ongoing consultation with the sector, agreement on a set of core governing principles and a greater joint commitment to transparency and a focus on outcomes.

- Australia's parliamentary and judicial system is federated, with a Commonwealth, six sovereign state governments and two self-governing territories. Fundraising laws and regulations are spread across these legislatures and multiple authorities. While there would be a benefit in a single set of rules enacted and enforced by one parliament, this may not be realistic. Therefore, a beneficial outcome from this inquiry could be federal agreement on a clearer set of common principles and terminology that could be applied in all jurisdictions, as well as options for ongoing enhancements to the ACNC as the overarching source of guidance for charities and the wider community.

Any public policy reform agenda affecting the sector and the community it serves should in our view consider these issues as a priority.

We can also provide responses on notice to any additional points raised by the committee.

Yours faithfully

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Cancer Council