

Neumann & Turnour LAWYERS



Our ref: MT:MY

6 August 2018

Ms Bonnie Allan
Secretary
The Senate

Select Committee on Charity Fundraising in the 21st Century

EMAIL: charityfundraising.sen@aph.gov.au

Dear Ms Allan,

Re: Inquiry into Fundraising in the 21st Century

Thank you for your letter of 6 July 2018 inviting a submission from me. I have been privileged to contribute to the submission made by The Australian Centre for Philanthropy and Nonprofit Studies at QUT. Extensive reference material is set out in conjunction with that submission which I trust is helpful to your Committee. That submission also sets out in considerable detail the development of the arguments relevant to your enquiry.

I affirm the central point of that submission which is that Australian Consumer Law should be utilised to regulate fundraising in Australia. It seems to be the only realistic option available at this time and is cogently advanced by most stakeholders.

As you have sought my view, though, it is that amending Australian Consumer Law is a suboptimal option. Donors do not equate with consumers. Gifts do not equate with commercial transactions. Regulation of commerce is not the same as regulation of philanthropy. It follows that I am of the view that a specialist regime for fundraising regulation should be introduced by referral of powers from the states. As far back as December 2008, the Senate Standing Committee on Economics, *Report of the Inquiry into the Definition of Charitable and Related Organisations* recommended this and it remains, in my view, the optimum.

I provide my views with a degree of ambivalence because I would not wish the present momentum for fundraising reform through the Australian Consumer Law to be delayed or lost in the pursuit of what I consider to be the optimum outcome.

Thank you for the opportunity to contribute.

Yours faithfully,
NEUMANN & TURNOUR

Dr Matthew Turnour
Chairman

Directors
Dr Matthew Turnour B Econ, LLB, MA (Res), PhD
Stephen Potts B Bus (Acc), LLB, Acc. Spec. (Fam)
Associate
Kisane Bird LLB, B Bus (Int'l)