



*To the
Charitable Fundraising National Working Group*

Response to the discussion paper:
Proposed cross-border recognition model for charitable
fundraisers

September 2020

Summary Submission

Charitable fundraising regulation has been a major issue for charities across Australia for more than a decade. The Community Council for Australia (CCA) has provided numerous submissions, open letters and participated in many inquiries on this issue. All have failed to improve the situation for charities.

The proposals outlined in the discussion paper: **Proposed cross-border recognition model for charitable fundraisers** represent a step forward in that they suggest registration with the Australian Charities and Not-for-profit Commission (ACNC) will provide a deemed authorisation for registered charities to engage in fundraising. Unfortunately, this suggestion is so tempered by conditions – including the capacity of any jurisdiction to add whatever conditions it likes on charities before they can legally conduct fundraising activities – that it amounts to no movement at all. In essence the situation is no better than it was prior to the Senate Inquiry into this issue in 2018.

Given this situation, CCA has decided to again raise the same issues as were raised in 2018 by providing you with a copy of our 2018 submission to the Senate Inquiry.

Charities are currently registered and regulated by the ACNC, and fundraising is also regulated by Australian Consumer Law which prohibits misleading and deceptive conduct. There are also privacy laws, the Telecommunications Code and local by-laws about collections. In practice, no other authority is needed. History tells us that these regulations are quite sufficient to pursue the very small minority of charities that do the wrong thing, the scammers, those who mislead, engage in deceptive conduct or misuse publicly raised money. And that is without the various voluntary codes many charities comply with.

CCA understands that the Charities Crisis Cabinet has approved a set of additional Fundraising Principles that could be endorsed by charities engaged in fundraising or that could serve as the single model requirements overseen by States and Territories. While CCA supports this approach, the additional Australian Fundraising Principles are not really necessary if jurisdictions allowed existing regulators to simply do their job.

Attached to this very brief submission for your consideration is:

1. the Community Council for Australia Submission to the Select Committee on Charity Fundraising in the 21st Century 2018
2. an article on the urgent need to fix fundraising in Australia published in Pro Bono News on Thursday 17/09/20 written by the CEO of CCA, and available here: <https://probonoaustralia.com.au/news/2020/09/now-or-never-time-to-fix-fundraising/>
3. A copy of the Australian Fundraising Principles as agreed by the Charities Crisis Cabinet.

Thank you for considering this submission including these three additional documents.

Yours sincerely



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CEO, Community Council for Australia
18/09/20