

# Australian Council of Social Service

18 September 2020

Charitable Fundraising, Better Regulation Division  
NSW Department of Customer Service  
Level 23, 4 Parramatta Square  
Darcy St and Macquarie St  
Parramatta NSW 2150

Via email: [charitablereforms@customerservice.nsw.gov.au](mailto:charitablereforms@customerservice.nsw.gov.au)

## **Submission - Proposed cross-border recognition model for charitable fundraisers**

The Australian Council of Social Service (ACOSS) is a national advocate supporting people affected by poverty, disadvantage and inequality, and the peak council for community services nationally. Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive. ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas.

ACOSS welcomes the opportunity to contribute to this process, noting the significant compliance burden placed on organisations by the current regulatory regime in place for charitable fundraising.

ACOSS is a member of the #fixfundraising coalition, and endorses the submission of ACOSS member Justice Connect to this process.

The charitable sector is socially and economically significant and fundraising is integral to its impact. Community sector organisations variously operate at the local, regional, national and international level. They work with some of the most disadvantaged people and communities, and deliver high quality services to address poverty, disadvantage or crisis.

The compliance cost to charities of the current fundraising regime is estimated to be more than \$13 million – which Deloitte Access Economics reports is “overwhelmingly the source of the greatest amount of regulatory burden for charitable organisations”.<sup>1</sup> This means less funding for the vital work of our sector,

---

<sup>1</sup> Deloitte Access Economics, 2016, *Cutting Red Tape, Options to Align State, Territory and Commonwealth Charities Regulation*, <https://www2.deloitte.com/au/en/pages/economics/articles/cutting-red-tape-align-charity-regulation.html>

preventing and addressing homelessness; working with children, youth and families, providing supports and services to older people or people with disability, assisting people who are unemployed to find paid work and providing a range of other services to some of the most disadvantaged people and communities.

ACOSS welcomes the proposed cross-border recognition model for charitable fundraisers and the proposal to use ACNC registration and data sharing with the states and territories as a mechanism to achieve a single national fundraising licence. Adopting this approach would remove a significant element of red tape from fundraising regulation and remove an unnecessary roadblock to national fundraising. It would also have the benefit of improving compliance with the registration requirements.

While we welcome this proposal, to ensure that it achieves its objectives, it will be important that the scheme is truly national. We note that the discussion paper refers to the intention that individual jurisdictions retain flexibility over who is authorised to fundraise, including the capacity to apply additional conditions for deemed authorisation. No explanation is provided for why this is required or what the additional requirements might be. Noting the fact that South Australia and the Australian Capital Territory have not identified a need to add any additional requirements since they streamlined their registration process, there is little evidence that other jurisdictions will need to either.

It is also important to note that the licensing process, while significant, is only one element of the unnecessary red tape that charities and other not-for-profits face when fundraising. Several jurisdictions place a range of requirements on fundraisers that result in significant unnecessary regulation of their activities. Reform of fundraising regulation will only be complete when these requirements are reviewed and streamlined so that they are national, and regulated via the Australian Consumer Law.

If the department has any questions regarding this submission, the ACOSS contact person is Senior Advisor Dr John Mikelsons, on (02) 9310 6212 or [john@acoss.org.au](mailto:john@acoss.org.au).

Yours faithfully,

Edwina MacDonald  
Deputy CEO, ACOSS