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Where not-for-profits go for help

## An open letter to:

The Hon. Michael Sukkar MP	Assistant Treasurer	Federal Government
Mr Shane Rattenbury MLA	Minster for Climate Change and Sustainability; Mental Health; Corrections and Justice Health and Justice, Consumer Affairs and Road Safety	Aust Capital Territory
The Hon Kevin Anderson MP	Minister for Better Regulation and Innovation	New South Wales
The Hon Natasha Fyles MLA	Attorney-General; Minister for Justice and Health	Northern Territory
The Hon Yvette D'Ath	MP Attorney-General, Minister for Justice and Leader of the House	Queensland
The Hon Vickie Chapman MP	Deputy Premier and Attorney-General	South Australia
The Hon Elise Archer MP;	Attorney-General, Minister for Racing, Minister for Justice, Minister for Corrections, Minister for the Arts, Minister for Building and Construction Resources	Tasmania
The Hon Melissa Horne MP	Minister for Consumer Affairs, Gaming and Liquor Regulation and Local Government	Victoria
The Hon John R. Quigley LLB JP MLA	Attorney General; Minister for Commerce	Western Australia

**From: Denis Moriarty AM, Group Managing Director, Our Community**

**Re: Charitable Fundraising National Working Group – Submission from Our Community**

The Charitable Fundraising National Working Group, made up of officials with responsibility for the regulation of charitable fundraising in each jurisdiction in Australia as well as the ACNC, has issued a discussion paper on possible approaches “to reduce unnecessary burdens arising from the regulation of charitable fundraising across multiple jurisdictions by providing a model for mutual recognition of registration”.

The Working Group recommends that

Under the proposed model, each ACNC-registered charity could be deemed to hold a local fundraising authority in each participating jurisdiction....  
[but] individual jurisdictions may retain some flexibility to manage who is

authorised to fundraise in the jurisdiction, such as applying additional conditions for deemed authorisation.

This is a step in the right direction, but only in the sense of the old saying that “a journey of a thousand miles begins with a single step”.

Given the universally acknowledged problem of fundraising disharmony across Australia, the Working Group’s proposed model is the weakest possible recommendation that could be made. It addresses only a part of the problem, and provides only a very partial answer to that. Specifically,

1. The recommendation applies only to charities, which make up only a small proportion of the number of not-for-profit organisations soliciting for funds online.
2. The proposed model still retains the possibility of any state deciding to remove most of the benefit even of that by retaining some pointless separate provisions.

We realise that the ACNC is unable to advocate for the entire not-for-profit sector because its constitutional ambit applies only to charities. An organisation such as the Working Group should be free to take a broader view.

If the Working Group were to take such an approach, it might have asked what function the various state regulations served, and why no two states seemed to have identical concerns. Why does the ACT have a non-reporting threshold of \$50,000, when the NSW equivalent kicks in at \$15,000? It is almost impossible to conceive that there might be any difference between not-for-profit operations in the two jurisdictions that would justify this gap, and the report does not attempt to, simply assuming without debate that each state and territory’s rules are perfectly satisfactory in themselves. This is an evasion that does the Working Group no credit.

The only ways to “to reduce unnecessary burdens arising from the regulation of charitable fundraising across multiple jurisdictions” are

- a) To settle on a single set of rules across all states; or
- b) To settle the issue once and for all by making all not-for-profit fundraisers subject to the same provisions as those operating in any other area where sharp practice is possible – that is, subject only to consumer affairs legislation.

The latter approach would seem to be preferable, and the Working Group does not attempt to make any argument against it.

A broader view would, among other things, note that while the complete abolition of state registration would enable the states to make considerable savings in departmental staffing, the halfway house mooted here would have no necessary savings at all.

Indeed, this report is a national disgrace, delivered at a point in time when jobs are disappearing, the not-for-profit sector is in crisis, having to deliver more services for less money, and the National Cabinet is calling for a major reform agenda to fast-track innovations and solve structural impediments. What we have here is a tawdry exercise in public policy at its worst.

I have spent many hours over the past two decades joining my colleagues in carefully constructing submission after submission to governments of all persuasions, hoping for goodwill and progress, and yet here we are. This nonsense has to be called out for what it is – complete and utter bullshit. It's an indictment on every senior bureaucrat who has held responsibility for fundraising law for the past 20 years, along with every Minister responsible for such laws.

Enough is enough. Ministers should be held accountable for their absolutely woeful bureaucrats dishing this shit up, year after year and calling it good or reforming public policy. Every state and territory Minister responsible for this issue over the past 20 years should be held to account and also hang their head in shame.

There is no excuse. Justice Connect and many others have issued submission after submission that suggests clever, achievable and *effective* major policy reforms that will save time and money in the not-for-profit sector to no avail. It's as if each bureaucrat has been deliberately serving up crap to each Minister, in the hopes that they will win themselves an easier life and keeping public servants in meaningless jobs, while they wait out each successive Minister's tired regime. As a former Deputy Secretary of a government agency, I played my part in advancing and stalling various reform agendas, but I have had enough of this drivel.

No-one seems to grasp the madness that they are enforcing on the 600,000 Australian not-for-profits and volunteers who are tasked with addressing some of society's most pressing issues. While Rome is burning, with governments failing to act on multiple governance failures, fraud and endemic mega-money laundering at our casinos, we witness 20 years of pointless red tape and micro-management of community groups trying to collect \$50 from the public.

Is there not one Minister responsible for fundraising in Australia that is clever or brave enough to simply instruct one of their bureaucrats to get off their arse and fix fundraising?

Yes, this submission contains slightly colourful language, but after 20 years it's time to stop the blank canvasses of dull and lifeless policy and in killing community groups.

**DENIS MORIARTY AM**  
Group Managing Director