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**Australian Charities and Not-for-profit Commission (ACNC) Legislation
Review consultation, Cancer Council response, February 2018**

The Cancer Council federation (Cancer Council Australia and its members, the state and territory-based Cancer Councils) is Australia's largest health charity (and oldest cancer charity), active in all facets of cancer control from primary prevention through to survivorship support.

Cancer Council has engaged in all public consultations that have informed the establishment and ongoing development of the ACNC. We support rigour and transparency in the charity sector, a focus on outcomes and a reduction in administrative burden that can compromise the sector's effectiveness.

On this basis we strongly support the role of the Australian Charities and Not-for-profits Commission. We particularly welcome the ACNC's role in seeking to maintain, protect and enhance public trust and confidence in the Australian NFP sector and fostering an environment that supports efficiency and avoids unnecessary and counter-productive administrative requirements.

Cancer Council recognises that the ACNC is a relatively new statutory body, the first of its kind in Australia and is continuing to evolve, as it should, to maximise its effectiveness. While ongoing review is important, we do not support substantive or sweeping changes to the Act for several reasons:

1. Despite some high-profile examples of poor behaviour within the sector, the overall proportion of registered charities deregistered for doing the wrong thing is around 0.001%, indicating that overall the sector is well governed and trustworthy;
2. The current remit of the ACNC is wide, are not yet fully embedded and provide a strong basis for overall improvements in the charity sector in Australia;
3. A key goal of the ACNC to be a 'go to' guide for Australians wishing to obtain information to guide their donations is unrealised and requires significant investment; and
4. The charity sector is already further regulated through laws related to employment, taxation and financial reporting. Adding additional compliance layers to the sector will increase overhead costs and be unlikely to demonstrate benefits in terms of the core objects of the ACNC.

There are key areas where the ACNC, in our view based on public reporting and our experience as a sector leader, could play a stronger role. These are:

1. Increased support to the sector around demonstrating its impact on the health and wellbeing of Australians to assist in shifting the conversation away from overheads to impact.

2. Increased focus on voluntary standards including those related to financial reporting to support consistency – for example separation of funding between government grants and public donations when reporting income;
3. Clearer distinctions between what is defined as the charity sector and the not-for-profit sector more broadly;
4. Greater powers to disclose the reasons for deregulation of registered charities using a standard reporting framework;
5. Improvements to the definition of charity size – the current bands citing >\$1 million for large collapses together a very wide range of charities with respect to income. It would be helpful to review the size designations; and
6. The role of the ACNC in guiding investment into the charity sector in Australia is worthy of development as it relates to donors.

Based on our summary reading of the Act, a strengthening of the ACNC's functions in respect of the six opportunities for ongoing improvement recommended above could be achieved without changes to the ACNC's objects nor sweeping reform to its legislative instruments. Ongoing engagement and liaison with the sector on operational matters would in our view be a more effective way of refining and enhancing these activities to help ensure the ACNC's objects are met going forward.

We look forward to future opportunities to engage with the ACNC and its associated government agencies to help ensure its good work continues.

Yours faithfully



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On behalf of the Cancer Council federation