



CANCER COUNCIL TASMANIA

Submission to the *Charities and Associations Law (Miscellaneous) Amendment Bill 2023*

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About Cancer Council Tasmania

Cancer Council Tasmania (CCT) has been in existence since 1995. CCT is a state-wide charity with a mission to minimise the incidence and impact of cancer on all Tasmanians through advocacy, research, raising awareness of cancer prevention and offering support and information for anyone affected by the disease.

CCT is not defined by one cancer and works across all cancers and all ages.

CCT relies on the Tasmanian public for over 88% of its revenue which is funded from events, community fundraising activities, donations and bequests. The ask is over \$4 million each year. CCT does not solicit funds from outside of Tasmania. All the funds raised stay in Tasmania.

CCT provides professional support services to people impacted by cancer. It has three Cancer Support Centres located in Devonport, Launceston and Hobart. The northern and southern Centres are purpose designed and built.

Services include the provision of physical, social, emotional, informational, psychological, spiritual and practical needs during the pre-diagnostic, treatment and follow up phases of cancer care, encompassing issues of survivorship, palliation and bereavement.

Cancer support services include, but are not limited to face-to-face and telephone support; group programs; complementary therapies such as tai chi, mindfulness and yoga; transport to treatment; wig libraries, financial assistance and educational scholarships. All services and programs are provided at no cost to the participants.

CCT's cancer prevention programs encourage Tasmanians to lead healthy lifestyles and provide education on how to reduce their cancer risk through social marketing, resources and presentations (on line or face to face). CCT also has a strong focus on the SunSmart education program in schools and the community.

CCT invests into Tasmanian based cancer research through the provision of grants, academic scholarships and the funding of administration for clinical trials.

Introduction

CCT's feedback on the *Charities and Associations Law (Miscellaneous) Amendment Bill 2023* (the Bill). CCT supports that regulation should be in place to protect both the charity and the donor, however it does not support any over burdening of a Charity or duplication of requirements.

CCT is broadly supportive of the Bill and has addressed the principal concerns in section 1 below.

1. Proposed National Fundraising Principles

1.1 National Application of Principles

CCT supports the National Fundraising Principles (Principles) and that these should be adopted by all States and Territories.

It would be inequitable if the Principles were not applied by all registered Charities within Australia.

It is suggested that as the Principles are named up as *National* purports to suggest that all registered charities, no matter where they fundraise within Australia, are covered by the same set of fundraising rules.

This is also imperative from a donor perspective. All donors need to be provided assurance that a donation made to any registered organisation within Australia is complying with the same Principles.

1.2 Avoidance of Duplication

Registered Charities should only have to comply with one set of rules.

Simplification does suggest that there should be no rules, however simplification does not mean more than one set of rules. Duplication of any activity is inefficient.

CCT does not support having to comply with the National Fundraising Principles and a new mandatory Code of Practice as suggested in Priority 2.

1.3 ACNC Registration

CCT strongly supports that all charitable organisations who undertake fundraising activities must be registered with the Australian Charities and Not-for-profits Commission (ACNC) and fundraise in accordance with the Law.

Registration with the ACNC will provide an efficient and effective process to allow registered charities to obtain a fundraising licence.

CCT proposes that registration with the ACNC is sufficient and that registration should only have to occur once.

CCT proposes that the current requirement for a Tasmanian charity to notify its intention to fundraise with the Consumer Building and Occupational Services should be removed from the Bill.

Recommendations:

- 1. That the National Fundraising Principles should be adopted by all States and Territories.**
- 2. That registered Tasmanian charities should only have to comply with the National Fundraising Principles and the proposed new mandatory Code of Practice**
- 3. That registration with the ACNC is sufficient and that the current requirement for a Tasmanian charity to notify its intention to fundraise with the Consumer Building and Occupational Services should be removed from the Bill.**

2. Additional Considerations

CCT submits the follow for review and additional discussion outside of the recommendations related to the National Fundraising Principles in Section 1.

2.1 National Fundraising Principles

CCT proposes that there is an opportunity for Tasmania to define a nationally consistent definition of fundraising.

The Principles include reference to fundraising activities and donations. This can be interpreted as being different forms of soliciting and giving. We would propose that donations are a form of fundraising, they are not separate to it.

Fundraising is an all encompassing term and should be consistently defined.

2.2.1 Clarification of the Definition of Fundraising in Law

In reference to the *Collection for Charities Act 2001* (the Act) the word “fundraising” is not included in the legislation. The Act is narrow in its definition. Fundraising is broader than donations, but donation is the only term defined.

Section 3(1) - Donation is defined as “includes money, goods or services, donated or bequeathed’

Section 3(1) - Solicit means to “seek a donation...” but does not include any wording to suggest that funds could be sourced from a fundraising event.

Section 4 – Application does not cover soliciting from a fundraising event

2.2 Expending of Funds

All charitable organisations must expend funds in accordance with the Objects documented in their Constitution.

The National Fundraising Principles focus on fundraising. An inclusion that all funds must be in accordance with their Constitution’s Objects should be included.

The Act at Clause 14 - Application of donations for inappropriate purposes - refers to “other than the purpose for which it was obtained”. The Act should state that the application of donations must be also in accordance with the Objects as defined in the organisation’s Constitution.

2.3 Community Fundraisers

Individuals who undertake fundraising events to provide the funds to a Charity do not fall under the Act unless soliciting under Cl5(1)(a) of the Act applies.

There are many individuals who fundraise for charities by holding events. In CCT’s circumstance they are referred to as “community fundraisers”.

They do not fit within the National Fundraising Principles. They are not employees, volunteers or contractors.

Will a charitable organisation be accountable for the activities of community fundraisers under the Act and the National Fundraising Principles ?

2.4 Other Fundraising Platforms

People make personal choices to donate and through platforms such as GoFundMe.

[GoFundMe: No.1 Fundraising Platform for Crowdfunding](#)

Charitable organisations are being held more accountable and yet the changes to the Act and the introduction of National Fundraising Principles do not apply to GoFundMe registrants.

At what point will the Law require *crowdfunders* to comply with a set of fundraising principles ?