

Mr Patrick McClure AO
Review Panel Chair
Review of the Australian Charities and Not-for-profits Commission (ACNC) legislation
ACNCReview@treasury.gov.au

28 February 2018

Dear Patrick

Re: Review of Australian Charities and Not-for-profits Commission (ACNC) legislation

Mental Health Australia welcomes the opportunity to comment on the review of the Australian Charities and Not-for-profits Commission (ACNC) legislation (the Review).

As you know, Mental Health Australia is the peak, national non-government organisation representing and promoting the interests of the Australian mental health sector and committed to achieving better mental health for all Australians. We are a charity registered with the ACNC, as are many (if not most) of our members.

The purpose of this letter is to briefly outline Mental Health Australia's initial views and concerns (noted below), and offer an opportunity to discuss these further with you and the Review Panel.

Objects of the ACNC Act

From our perspective, the ACNC Act has worked well to date and remains contemporary. We support the objects of the ACNC Act and the positive impact the ACNC has had on the charity and not-for-profit sector. Consistent with submissions from other charities to the Review,¹ we do not support adding new objects to the ACNC Act.²

Capacity of the ACNC to be an enabler

In reviewing the legislation, we encourage the Review Panel to also consider the resourcing and capacity of the ACNC. We support increasing the capacity of the ACNC to be an enabler and a central point for charities; the 'go to' agency for regulatory advice, resources, and templates.

¹ For example, submissions from Suicide Prevention Australia and Community Council for Australia, both available at <https://www.acnclegislationreview.com.au/submissions>, accessed 28 February 2018

² As proposed by the ACNC in their Submission to the Review https://www.acnclegislationreview.com.au/uploads/content_27fb4fcb7f35ebe3db0e81ef95a5c31e.pdf, accessed 28 February 2018



Advocacy by charities

Recent public and political discussion has highlighted issues related to charities and advocacy. Mental Health Australia, and many of our members, play a significant role in advocating for systemic mental health reform. Some fear this role is under threat, and charities might be limited or prohibited from their role in advocacy. This seems to arise, in part, because of a lack of clarity in the public discourse regarding what is systemic advocacy and what is “political” advocacy. It would be a tragedy for efforts to improve public policy in the charities space, if systemic advocacy became the victim of efforts to constrain political advocacy.

However, the ACNC Act (and Charities Act) includes clear guidance about advocacy, and we encourage the Review Panel to consider the importance of maintaining these provisions. We also encourage the Review Panel to consider making broader recommendations about charities’ role in advocacy, beyond what is covered by the ACNC legislation.

Charity administration costs

The efficiency of the Australian charity sector, and particularly the administration costs associated with running a charity, also come under regularly scrutiny. In 2016 the ACNC published clear and supportive guidance about charities and administration costs.³ Mental Health Australia supports the ACNC continuing to highlight the importance and necessity of administration costs to running effective and sustainable charities.

I look forward to discussing these issues further with you as the Review progresses.

Yours sincerely


Frank Quinlan
CEO

³ http://www.acnc.gov.au/ACNC/FAQs/FAQ_Charity_administration_costs.aspx, accessed 28 February 2018

