

20 January 2012

The Manager
Philanthropy and Exemptions Unit
The Treasury
Langton Crescent
PARKES ACT 2600

By email: nfpreform@treasury.gov.au

Dear Sir/Madam

Australian Charities and Not for Profit Commission and governance arrangements in NFP organisations - RSPCA submission

RSPCA Australia makes this submission on both the ACNC exposure draft and governance arrangements on behalf of its members - RSPCA ACT, RSPCA Darwin, RSPCA NSW, RSPCA QLD, RSPCA SA, RSPCA TAS, RSPCA VIC and RSPCA WA. We welcome the opportunity to contribute to this important process.

The RSPCA is one of Australia's most enduring charities, working to prevent cruelty to animals in Australia since 1871. The community provides 97 per cent of our annual operating funds via fees for service, donations and other fundraising activities, with governments providing just 3 per cent (approximately \$3 million per annum).

Within the RSPCA Australia federation, two RSPCA Societies are companies limited by guarantee (NSW and VIC) and six are incorporated associations in the relevant State/Territory. RSPCA Australia is an incorporated association in the ACT. Board/Committee members, other volunteers and staff understand that donors entrust them to take all reasonable measures to act in the best interests of animals and the achievement of our mission. We have many formal and informal mechanisms to receive and provide feedback to our donors across the areas of governance, finance and our progress in achieving our objectives.

The RSPCA has long supported reforms of the charity and wider not for profit sectors. These reforms should set baseline requirements for governance, accountability and transparency, streamline existing requirements and reduce duplication and 'red tape'. This will free up additional resources for us to focus on our mission.

RSPCA Australia supports the Community Council for Australia submission to Treasury on the package of current documents out for public consultation. In addition, we provide the following comments:

1. The reforms should deliver benefits to all charities in the short term, not just those charities that deliver government services and have government contracts.

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2. The timetable for State/Territory Government regulatory reforms, including fundraising legislation, must be announced soon in order to maintain the current positive momentum and prevent additional processes being put in place in States/Territories.
3. RSPCA Australia supports the use of a principles based approach for setting baseline requirements for governance, financial and other reporting and risk management.
4. The level of current financial and other reporting by charities to donors and the wider community should be applauded and encouraged.
5. The ACNC must focus on delivering a 'one stop shop', providing a streamlined and equitable approach to registration, regulation and reporting. This will free up government resources (Commonwealth and State/Territory) to be used to support sector activities and the resources of charities and other NFPs to focus on their mission.
6. RSPCA Australia supports the inclusion of advocacy and public debate related to the charitable purpose in the allowable activities for charities. For the RSPCA, raising community awareness, providing information and advocating change to behaviour and legislation are important strategies in preventing and addressing animal cruelty.
7. RSPCA Australia recommends that the transition to the new regulatory system for existing charities, such as the RSPCA, with a long history of delivering public benefits, be automatic.
8. RSPCA Australia recommends that all organisations deemed to be charities be treated with procedural fairness and be entitled to equal taxation and other benefits, for the organisation itself and its employees.

RSPCA Australia welcomes the Government's commitments to reforming the not for profit sector and we look forward to contributing our experience and views at every opportunity.

Please do not hesitate to contact me if you would like further information.

Yours sincerely



Heather Neil
CEO
RSPCA Australia