



THE UNIVERSITY OF
SYDNEY

Dr Michael Spence
Vice-Chancellor and Principal

5 April 2012

The Manager
Consumer Policy Unit
Infrastructure Competition and Consumer Division
The Treasury
Langton Crescent
PARKES ACT 2600

By email: NFPReform@treasury.gov.au

Dear Sir/Madam

Charitable Fundraising Regulation Reform Discussion Paper

The University of Sydney wishes to record its keen interest in engaging with Treasury about the proposed reform to the regulation of charities and not-for-profit organisations.

While time and resource constraints have prevented us from preparing a detailed submission in response to the *Charitable Fundraising Regulation Reform Discussion Paper* released in February 2012, we are very keen to ensure that the reforms result in outcomes for Australian universities that do indeed serve to reduce duplication and compliance costs.

We note that the initial focus of the reforms will be on charities with decisions to be taken at a later date about whether and when the Australian Charities and Not-for-Profit Commission (ACNC) will regulate entities other than charities. Like all public Australian universities, the University of Sydney is a not-for-profit entity with a charitable purpose and deductible gift recipient status. We are therefore assuming that if the proposed reforms to fundraising regulation are extended to the not-for-profit sector, there may be implications for the University and the higher education sector more broadly.

We believe that in order to meet the stated objectives of the reforms, there may be a need to differentiate the regulatory and governance requirements between various groups of participants in the not-for-profit sector. Such a differentiation could reflect the proportionate, risk based, and non-duplicative approach to regulation which is identified in the discussion paper as essential to meeting the objectives of the reforms.

In the case of this University, it is established by its own Act of the NSW Parliament, has ministerial appointees on its Senate and its financial affairs are audited by the Auditor-General of NSW whose report is made publicly available each year. Moreover, the University's activities can be the subject of scrutiny by each of the NSW Ombudsman, the NSW Independent Commission Against Corruption and the Public Information Commissioner.

Additionally, the University is subject to the quality and accountability requirements of the Commonwealth Higher Education Support Act and associated regulations, while the Tertiary



THE UNIVERSITY OF
SYDNEY

Education and Quality Standards Agency (TEQSA) provides further oversight of the governance and financial management of all Australian universities and other higher education providers.

We doubt that universities would be the only group to which considerations of this kind would apply. Whatever the case may be on that account, we submit that the new regulatory framework should be designed so that different groups of organisation types in the not-for-profit sector are not required to undertake greater regulatory burdens than are necessary to mitigate the risks which they represent.

We look forward to discussing these issues with the Treasury as the consultation process continues.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Spence".

Michael Spence