

27 October 2017

Parnos Munyard
Advocacy and Law Reform
Consumer Affairs Australia and New Zealand
Treasury Building
Langton Crescent
PARKES, ACT, 2600

Email: parnos.munyard@acc.gov.au

Dear Mr Munyard

Draft CAANZ Guidance on the application of the ACL to the activities of not-for-profits, charities and fundraisers

Governance Institute of Australia (Governance Institute) is the only independent professional association with a sole focus on whole-of-organisation governance. Our education, support and networking opportunities for directors, company secretaries, governance professionals and risk managers are unrivalled.

Our members have primary responsibility to develop and implement governance frameworks in public listed, unlisted and private companies, as well as in the not-for-profit (NFP) and public sectors.

Governance Institute welcomes the opportunity to provide feedback on the draft guidance on the application of the ACL to the activities of not-for-profits, charities and fundraisers.

The Governance Institute is a founding member of the #fixfundraising coalition which is advocating for the urgent need for fundraising reform.

Together with the other coalition partners, we are on the record supporting clarification of the law to ensure its application to fundraising activities and are of the view that minor amendments to the ACL will enable the repeal of state and territory fundraising regimes, thereby effectively creating a nationally-consistent regulatory system.

Notwithstanding our preference for legislative amendment, we are supportive of the development of regulatory guidance to clarify the current application of the ACL to not-for-profit fundraising activities.

We have reviewed the draft guidance which has been made available by CAANZ. We have also reviewed the amendments suggested by Justice Connect, Fundraising Institute of Australia, Australian Council for International Development and the Public Fundraising Regulatory Association (see attached amended guidance document).

Governance Institute supports the amendments made to the draft guidance by those parties and recommend that they be adopted by CAANZ. We consider that the additional examples add value to the document and make it more relevant to its intended audience.

Governance Institute also recommends that a project to assess the effectiveness of this guidance and any relevant regulatory actions and whether any future reforms are needed to enable the sector to work more effectively to the benefit of the Australia community be commenced concurrently with the development of this guidance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Maxwell', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Catherine Maxwell
National Director, Policy and Advocacy

Attachment: [Redrafted CAANZ Guidance prepared by Justice Connect, Fundraising Institute of Australia, Australian Council for International Development and the Public Fundraising Regulatory Association](#)