



ACT Rescue & Foster (ARF) Inc

PO Box 1308
Woden ACT 2606

The Manager
Philanthropy and Exemptions Unit
Personal and Retirement Income Division
The Treasury
Langton Crescent
PARKES ACT 2600

Dear Sir

CONSULTATION PAPER - A DEFINITION OF CHARITY

This submission is made by ACT Rescue & Foster (ARF).

ARF is a community, not-for-profit organisation based in the ACT. ARF's objects are to save and improve the lives of dogs in Canberra and the surrounding regions by:

- Rescuing and rehoming as many unwanted dogs as possible
- Educating the community about responsible dog companionship
- Working with local pounds to help achieve, develop and implement "minimum destruction" policies and procedures, and
- Establishing and developing networks of communication for people involved in rescue and rehoming dogs.

ARF is a small, grass roots organisation, with a turn-over of less than \$150,000 a year, and whose operations are entirely dependent upon the work of our volunteers, underwritten by fundraising activities and donations. However, in the 10 years since ARF was established, we have rescued and rehomed more than 2000 dogs - an achievement in which we take pride.

ARF has been endorsed by the Australian Taxation Office (ATO) as an animal welfare charity, and the resultant Deductible Gift Recipient status has been of great assistance to our fundraising efforts.

However, we regard the characteristics of an animal welfare charity which ARF is currently required to operate as unduly restrictive. Under the ATO's current definition, the principal activity must be one or both of the following:

- Providing short-term direct care to animals (but not only native wildlife) that have been lost, mistreated or are without owners
- Rehabilitating orphaned, sick or injured animals (but not only native wildlife) that have been lost, mistreated or are without owners.¹

Dominant Charitable Purpose

¹ <http://www.ato.gov.au/nonprofit/content.aspx?menuid=0&doc=/Content/34490.htm&page=26>
accessed 5 December 2011

The Charities Bill 2003 specified that for an entity to be charitable, it must have a dominant charitable purpose, and any other purposes are incidental to the dominant purpose. ARF would seek clarity of definition in the Bill (rather than in the explanatory material) to ensure that “charitable purpose” is sufficiently broadly defined to include animal welfare purposes.

Disqualifying Activities

While ARF is able to undertake other activities, they must remain secondary to our principal activity as an animal welfare charity. This constrains our ability to advocate to local and state governments about appropriate companion animal policies and procedures on the very issues which lead to lost and abandoned animals ending up in local shelters and pounds. It also limits our ability to devote time to public education activities.

ARF is concerned that this constraint would be exacerbated if certain provisions of the Charities Bill 2003 are retained, specifically paragraph 8(2) of that Bill includes political advocacy as a disqualifying activity. Accordingly, we would strongly support the proposal in the discussion paper to remove paragraph 8(2)(c), which would be consistent with the High Court’s decision in the *Aid/Watch* matter. It would seem appropriate that such activities fall within the existing heads of charity.

Definition of animal welfare

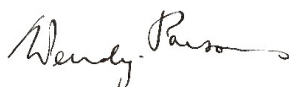
ARF also considers that any new Act should adopt a broader definition of “animal welfare” than currently applies. Under current arrangements, ARF is able only to provide short term care and rehabilitation to animals without owners. However, as a grass roots organisation, we would like to be able to give more direct support back to our local communities.

One way we have identified is to assist people with limited financial resources meet the costs of vaccinating and desexing their dogs.

We consider such an initiative would deliver a broad social benefit in reducing the number of unwanted puppies being left at pounds and shelters and helping stem the spread of diseases such as kennel cough and canine parvovirus. It would also provide a direct benefit to disenfranchised people in the community for whom a family pet is often one of the most important parts of the family unit. However, our ability to pursue such an initiative under our current DGR status is constrained given these animals are not “without owners”.

Accordingly, we would wish to see a broader interpretation of “animal welfare” taken in any new legislation so that the focus was on “prevention or relief of suffering of animals” irrespective of whether or not they were strays.

Yours sincerely,



Wendy Parsons

President, on behalf of the ARF Committee

7 December 2011