



# MERCYCARE

Bringing compassion and justice to life

Charitable Fundraising Regulation Reform Discussion Paper  
Infrastructure, Competition and Consumer Division  
Treasury  
Langton Crescent  
PARKES ACT 2600

5 April 2012

**To: The Commonwealth Treasury**

**Submission regarding  
Charitable Fundraising Regulation Reform Discussion Paper, February 2012**

I am writing to you in response to Charitable Fundraising Regulation Reform Discussion Paper, February 2012.

**MercyCare**

MercyCare is a leading Catholic provider of not-for-profit hospital, health, aged care, family and community services in Western Australia.

As at July 2011:

Over 1,200 staff and volunteers deliver services across 20 service locations in the Perth metropolitan region. MercyCare's expanding and diverse range of services has seen the annual turnover grow to in excess of \$100million.

MercyCare's Aged Care Services assist over 1400 people each year and provide community and residential services. Residential services include high care, low care and dementia facilities and a retirement village.

Mercy Hospital Mount Lawley (first opened in 1937 as St Anne's Hospital) is a licensed 244 bed facility that provides acute, overnight hospital and day treatments across a range of clinical specialties. In retaining the history of St Anne's, care begins with babies and families continuing across the ages in the surgical and medical domains to care for the elderly and those with mental health issues. We assist transition back into the community with rehabilitation and restorative services. The hospital provides services to both private and public patients.

Family and Community Services operate from sixteen sites across the Perth metropolitan area and provides a diverse and broad range of services, some of which include: child day care, employment and training, community development, youth and foster care services.

## **Comments in response to: The Charitable Fundraising Regulation Reform Discussion Paper**

### **Reducing Red Tape**

A key objective of the reform is the reduction of red tape and compliance burdens, and the streamlining of reporting. It is unclear, at this stage, whether the regulation reform will reduce the administrative burden or add to it. Reform is meaningless if it complicates the process and adds another layer of red tape.

### **Additional Regulation Costs**

There is a danger that any new fundraising regulation will increase the compliance or fundraising logistics costs for charities. Greater compliance demands, for example additional auditing or disclosure of information requirements, would increase the cost of fundraising and so decrease the total amount of funds raised for specific purposes or services.

### **Link Between State and Federal Governments**

The harmonisation of fundraising regulation between Federal and States/Territories is crucial. A disjointed, disconnected fundraising regulation system could have disastrous consequences in terms of duplication of reporting, accountability and compliance requirements for NFPs.

What will be the consequences or impact on NFPs if States and Territories do not agree to comply, or collaborate, with national regulation?

### **Negative Impact on Current Fundraising Efforts**

It is possible that new fundraising regulation reform may restrict how genuine organisations currently raise funds, or how much they are able to raise. Any regulation that threatens this income stream, or limits opportunities to raise funds, should be reconsidered.

### **Unintended Consequences of Information Disclosure**

There is a fine balance between providing information that makes a charity accountable and transparent and being regulated to provide so much information that a person is discouraged from donating. Overly regulated information disclosure requirements will impact negatively on the amount of money a charity can raise through fundraising, directly impacting vital community services.

### **Third Person Fundraising**

In the past MercyCare has used third party fundraisers. If a third person fundraiser has to advise that it is taking a fee to raise money for a particular charity, we are concerned it may actively discourage potential donors from engaging in fundraising.

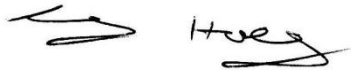
### **ACNC Powers to ban Charities from Fundraising**

The legislative power of the ACNC to ban a charity from fundraising will need very careful monitoring, clear guidelines and transparent processes.

Thank you for the opportunity to comment on the Charitable Fundraising Regulation Reform Discussion Paper. We look forward to further meaningful consultation, particularly here in Western Australia, to ensure that any fundraising regulation reform is best able to meet the requirements of the not-for-profit community services sector and organisations such as MercyCare.

Should you require further information, or clarification on any points that have been made in this submission, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Hall', with a stylized flourish at the end.

Chris Hall  
Chief Executive Officer