

6 December 2011

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

By email: nfpreform@treasury.gov.au

Dear Sir/Madam

Definition of a Charity Consultation Paper October 2011 - RSPCA Australia response

RSPCA Australia makes this submission on the definition of a charity 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. It is widely respected by governments, industry groups and the general public. We provide essential animal care and protection, deliver a law enforcement function designated in State/Territory legislation and play an active role in community education and advocating changes in behaviour and legislation for the betterment of animal welfare. 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).

RSPCA Australia supports the Community Council for Australia submission to Treasury on the Definition of a Charity. In addition, we provide the following comments:

1. RSPCA Australia supports the core definition of charity as proposed (section 2.1). It is important that the final drafting of the definition gives maximum flexibility for charities to generate income that is used either directly or indirectly to further their charitable purpose.
2. RSPCA Australia recommends the inclusion of "for the advancement of welfare of animals" explicitly in any list defining charitable purpose (cl 124-126). This will avoid the need for interpretation or explanatory notes as will be required to include the RSPCA or similar organisation if the 2003 Charities Bill definition of charitable purpose is carried forward as it stands into the new definition.
3. 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.

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4. RSPCA Australia encourages all jurisdictions to utilise the one charity definition in order to streamline processes and reduce red tape.
5. 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.
6. RSPCA Australia recommends that all organisations deemed to be charities be treated with procedural fairness and be entitled 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