



WWF-Australia
Suites 14-15/Baileys Cnr
143 London Circuit
Canberra City ACT 2600
GPO Box 408
Canberra City ACT 2601

Tel: +61 2 6120 0100
enquiries@wwf.org.au
@ WWF_Australia
wwf.org.au

ABN 57 001 594 074

Principal Adviser
Individuals and Indirect Tax Division
The Treasury
Langton Crescent
PARKES ACT 2600

Sent by email: ACNCReview@treasury.gov.au

01 March 2018

Dear Sir/Madam,

Review of the Australian Charities and Not-for-profits Commission (ACNC) Legislation

1. Thank you for the opportunity to make a submission to the Review.
2. WWF-Australia is part of the WWF International Network, the world's largest independent conservation organisation. WWF's global mission is to '*stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature*'.
3. WWF is active in more than 100 countries, including all countries in Asia (except North Korea and Timor Leste), and has approximately five million supporters.
4. WWF-Australia has approximately 750,000 financial and non-financial supporters.
5. WWF-Australia shares the views and concerns outlined in the submission made to this Review by the Community Council for Australia. This submission should be read alongside that of the Community Council for Australia.

Key points

6. The first five years of the ACNC have been remarkably successful

The ACNC has set the standard internationally for what a charities regulator can and should be. It has delivered a number of important outcomes, including: a high level of advice and support to charities, the establishment of five agreed governance standards, and the highest rate of voluntary compliance by charities anywhere in the world.

7. Changing the objects of the ACNC will serve no useful purpose

WWF-Australia supports the existing objects of the ACNC:

- To maintain, protect, and enhance public trust and confidence in the Australian not-for-profit sector;
- To support and sustain a robust, vibrant, independent, and innovative Australian not-for-profit sector; and
- To promote the reduction of unnecessary regulatory obligations on the Australian not-for-profit sector.

Given the breadth of these objects, the success of the ACNC to date, and the extensive process undertaken to develop the objects in the first place, WWF-Australia sees no reason to change the ACNC objects in any way.

8. Advocacy and political activities

It is important to note at the outset that under charity law:

- charities cannot donate to any political party or candidate
- charities cannot produce how to vote cards
- charities cannot stand candidates in elections
- charities cannot advocate publicly on any issue that is not part of their charitable purpose.

Under charity law, charities can rate the policies of any political party, but only in relation to their charitable purpose. Invariably this means charities can only advocate on single issues – the environment, education, health, poverty, homelessness, etc. Rating the policies of a political party or candidate against a specific charitable purpose is not the same as telling people how to vote. For example, information about whether a candidate supports policies that reflect Christian values may be produced by the Australian Christian Lobby, but that does not mean all Christian voters will vote a specific way.

It is also important to note that no restrictions apply to businesses and industry groups in promoting their vested interests during election periods as the activities of the Pharmacy Guild of Australia, the Minerals Council of Australia, the Winemakers Federation of Australia, and many others, clearly demonstrates.

As noted in the background section of this submission, charities play a critical role in building and sustaining flourishing communities across Australia. Their voice is critical to informed public policy. If charities believe they should not voice their views on the policies of political parties, it will diminish our democracy and lead to the economically powerful dictating policies that serve

their vested interests. Charities, unlike business, are already regulated and restricted in their advocacy activities. WWF-Australia submits that further involvement of the ACNC to restrict the advocacy activities of charities would be an overreach.

9. In closing, WWF-Australia submits that the ACNC has been an outstanding success. It enjoys a strong reputation in Australia and around the world as one of the best charity regulators. The remarkable achievements of the ACNC across the first five years of operation are a testimony to the expertise and resolve of an outstanding group of people working at and with the ACNC over this time.

10. WWF-Australia would encourage the Federal Government to exercise great caution in any moves to change the role of the ACNC or its enabling legislation.

11. If you have any questions about this submission, please contact Malene Hand, Senior Manager Government Engagement on 0447 117 923 or mhand@wwf.org.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Toni', with a large, sweeping flourish above the name.

Paul Toni
Acting CEO
WWF-Australia