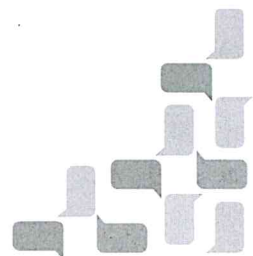


## Submission of Family Planning NSW

# Review of Australian Charities and Not-for-profits Commission (ACNC) legislation.

February 2018



27 February 2018

Senior Advisor  
Individuals and Indirect Tax Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

By email: [ACNCReview@treasury.gov.au](mailto:ACNCReview@treasury.gov.au)

Dear Sir/ Madam

Family Planning NSW welcomes this opportunity to contribute to the consultation on the review of Australian Charities and Not-for-profits Commission (ACNC) legislation.

#### About Us

Family Planning NSW is the state's leading provider of reproductive and sexual health services.

We are experts on reproductive and sexual health and provide clinical services and health information to people throughout NSW.

We are an independent, not for profit organisation responsible to a voluntary board of directors and we rely on government funding, donations and self-generated income to provide our services. Our government funding comes from the Federal and NSW governments, as well as Local Health Districts.

Founded in 1926 Family Planning NSW is the oldest family planning service in Australia, providing reproductive and sexual health care services and information to the community for 90 years.

#### Who we are

We work to ensure everybody has access to quality reproductive and sexual health.

We respect the rights of our clients to make choices about their reproductive and sexual health and we treat each and every person with respect, dignity and understanding.

We are experts on contraception, pregnancy options, sexually transmissible Infections (STIs), sexuality and sexual function, menstruation, menopause, common gynaecological and vaginal problems, cervical screening, breast awareness and men's sexual health.

Our Sydney Centre for Reproductive and Sexual Health Research undertakes nationally and internationally recognised research which underpins our clinical practice. We publish clinical practice handbooks on reproductive and sexual health for medical professionals and are recognised leaders in this field.

### What we do

We provide clinical services, health promotion and education and training at clinics in Ashfield, Fairfield, Penrith, Newcastle and Dubbo and use partnerships to deliver services in other key locations.

We also provide health information and education and training for doctors, nurses, teachers and other health, education and welfare professionals.

We see more than 28,000 clients annually at our clinics and our education services conduct courses with over 1,200 professionals each year.

Our NSW Talkline service 1300 658 886 provides a confidential, non-judgemental telephone and email information and referral service for all who need advice across NSW.

We also work to provide reproductive and sexual health services in the Pacific through funding from Australian aid and donations. Find out about our international development work here.

### Submission

The review includes some sensible and non-controversial recommendations. However, it also includes some recommendations that Family Planning NSW finds concerning. This submission addresses these.

#### **Point 1: Addition of 2 new objects to the Act:**

The existing Objects set out in Division 15 of the Australian Charities and Not-for-profits Commission Act 2012 should be retained – with no additional objects added.

The suggested additions of ‘effectiveness’ and ‘accountability’ are unclear in scope and application and could result in increased regulatory burden on the not-for-profit sector and the undermining of public confidence and trust in the sector.

Effectiveness and accountability are not the role of a regulator – it is the role of the board, staff, beneficiaries and donors of charities.

All charities registered with the ACNC operate under the ACNC's Governance Standards. These require accountability to donors, beneficiaries and the public through the charity's governing body, not through the ACNC.

Furthermore, the first object of the Act already covers this issue, focusing on the charities accountability in 'maintaining, enhancing and protecting public trust & confidence...'

**Point 2: The definition of charitable purpose would be strengthened by acknowledging there are a variety of approaches and methods that charities use to achieve their purposes,**

Australian charities are already established under a charitable purpose, as set out in the Charities Act (2013).

It is recommended that a sub-section be added that delineates some of the different approaches which charities can use to achieve their purposes provided the charity comply with the Act and associated legislation charities. For example, a charity may achieve their purposes using a variety of approaches and methods, including but not limited to delivering services, making grants, conducting research, undertaking trading activities and advocacy.

**Point 3: The appointment of a Commissioner should be made on merit following a fair, open and transparent process**

The ACNC Commissioner should be appointed through a commensurate process which should be set out in the Act. As a minimum the process should include:

- i) Appointment through a Joint Parliamentary Committee;
- ii) Process for vetting of candidates;
- iii) Public hearings prior to confirmation of appointment; &
- iv) Merit-based selection criteria

**Point 4: The charity sector supports the red tape reduction measures set out in the ACNC's submission to this review**

Recommendations 19,20, 22 & 25 of the review result in red tape reduction and are supported.

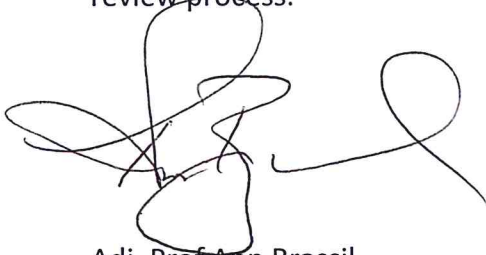
The following improvements to the ACNC register should be added:

- i) steps to ensure the ASIC register reflects the ACNC register and guides searchers to the ACNC register where appropriate.; &
- ii) Information sourced from the ATO such as deductible gift receipt status and income tax exemption.

**Point 5 – Implications of changes the ACNC governance standards needs to consider the impact on other regulatory standards.**

Family Planning NSW is a member of ACFID. ACFID members work to the standards set out in the ACFID Code of Conduct, which is aligned to the ACNC governance standards. Any changes to the ACNC governance standards recommended through this review should consider the impact on the alignment with other standards.

If you require further information please contact Karen Gannon at [kareng@fpnsw.org.au](mailto:kareng@fpnsw.org.au). Family Planning NSW is happy to provide further comment and feedback throughout the review process.



Adj. Prof Ann Brassil  
CEO  
Family Planning NSW

