



Charities Reporting and Fundraising Red Tape Reductions

On 24 May 2016 the South Australian parliament passed the *Statutes Amendment (Commonwealth Registered Entities) Act*. It aims to remove duplication of reporting and licence requirements for charities registered with the national charity regulator, the Australian Charities and Not-for-Profit Commission (ACNC).

The bill was first mooted in 2013 when SA was seen to be the first jurisdiction to align its requirements with the ACNC, but the bill was put on hold when the (then) new Federal government announced it would abolish the ACNC. However, the government did not get the legislation to abolish the ACNC through the Senate, and the ACNC is now set to continue into the future. Accordingly, SACOSS wrote to the SA government in 2015 asking for the *Commonwealth Registered Entities* bill to be introduced to the SA parliament and called for its quick passage once it was introduced.

The bill was passed in both houses of parliament without amendment or opposition.

The new law is fairly simple in structure and purpose. It inserts a few clauses into the state *Associations Incorporation Act* to exempt entities registered with the ACNC from the reporting requirements under the Act. The bill also inserts similar clauses into the *Collections for Charitable Purposes Act* to exempt ACNC-registered organisations from fundraising licencing and reporting requirements.

The removing of duplicated reporting requirements under the state Associations Act and the Commonwealth ACNC Act minimises the impact of ACNC regulation on the charity sector, while the use of ACNC registration to remove the need for an SA fundraising licence is exactly the sort of red tape reduction that our sector hoped for with the introduction of the ACNC.

SA charities can still be incorporated under the state Associations Act, but once registered with the ACNC the charities simply report to the Commonwealth. Charities that previously required a fundraising licence will still be required to notify the SA Minister if they intend to fundraise in South Australia, but will not require a separate fundraising licence (with all the application and reporting requirements associated with that).

Both the *Associations Incorporation Act* and the *Collections for Charitable Purposes Act* will remain in place and their full provisions will apply to those organisations not registered with the ACNC.

The bill also provides for information sharing between state and federal governments, and has a few other minor tweaks to legislation. Usefully, it also abolishes the need for different fundraising licences for events and for general fundraising, combining them into one licence category for non-ACNC registered charities.

The bill can be viewed at:

[https://www.legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20\(COMMONWEALTH%20REGISTERED%20ENTITIES\)%20BILL%202016.aspx](https://www.legislation.sa.gov.au/LZ/B/CURRENT/STATUTES%20AMENDMENT%20(COMMONWEALTH%20REGISTERED%20ENTITIES)%20BILL%202016.aspx)