



Senate Standing Committees on Economics
PO Box 6100
Parliament House
Canberra ACT 2600

Marjorie Black House
47 King William Rd
Unley SA 5061

P. 08 8305 4222
F. 08 8272 9500
E. sacoss@sacoss.org.au
www.sacoss.org.au

ABN 93 197 662 296

Sent via email: economics.sen@aph.gov.au

1 May 2014

Re: Australian Charities and Not-for-profits Commission (Repeal) (No. 1) Bill 2014

As the peak body for the non-government health and community services sector in South Australia, the South Australian Council of Social Service (SACOSS) represents member groups who are charities providing a range of services to vulnerable and disadvantaged South Australians. We are also a charity in our own right and registered with the ACNC. SACOSS therefore has a particular interest in this legislation and in the regulation of the not-for-profit sector more generally.

SACOSS has viewed and contributed to the national submission of the Australian Council of Social Service (ACOSS). We endorse that submission and the arguments put forward for the retention of the ACNC.

However, we are making our own brief submission here to raise issues specific to South Australia and to our members.

There has been some commentary and complaint, including in the Regulatory Impact Statement accompanying the bill (p.2), that the annual reporting requirements under the ACNC add to administrative burdens for charities and duplicate existing state reporting requirements. While it is true that the ACNC Act does impose additional reporting requirements, we note that in practice the Commission is currently accepting existing state and territory reports, so the extra reporting is minimal. Further, the ACNC requirements are trivial by comparison to the onerous and often redundant reporting on grants and accreditations which afflict our sector.

More importantly, we were pleased when the South Australian government became the first state or territory government to announce that they would legislate to harmonise reporting requirements. This was drafted last year as the *Statutes Amendment (Commonwealth Registered Entities) Bill 2013*, with the fairly simple legislation removing the need for state reporting where an entity was reporting to the ACNC.

However, the legislation did more than that in that it also proposed to abolish the need for fundraising licences for charities registered with the ACNC. This would have been of immediate benefit to charities by removing an unnecessary piece of red tape.

The draft Bill had the support of the sector, but has not been introduced to parliament and has now stalled pending the fate of the ACNC. If the ACNC is abolished, the South Australian Bill will not go through and charities operating here will continue to have to apply for separate fundraising licences, rather than simply being able to rely on their ACNC registration as a bona fide charity. In other words, ***the repeal of the ACNC will stop an immediate red tape reduction measure in South Australia.***

SACOSS is aware that fundraising licensing, and particularly the nightmare of different licences and requirements in each state, is a big issue and that there have been consistent calls for uniform national fundraising legislation. However, the proposed South Australian legislation would be even better for charities as it would remove the need for a licence at all.

Obviously fundraising legislation is beyond the scope of this Senate inquiry, but it is noteworthy that this welcome South Australian red tape reduction proposal, is in fact premised on the existence of a national register of charities and a transparent national regulatory regime.

When the government first moved to abolish the ACNC earlier this year, SACOSS' Policy Council considered the proposal and the broader issues of sector regulation. The Policy Council is a 30-person representative body elected by the SACOSS membership from a broad cross-section of member organisations. At its March meeting, the SACOSS Policy Council reaffirmed its support for the ACNC, and expressed its opposition to the move to abolish the national regulator.

Accordingly, SACOSS does not support the proposal to repeal the ACNC legislation, and recommends that the Australian Charities and Not-for-profits Commission (Repeal) (No. 1) Bill 2014 not be passed.

We would be happy to provide further information or appear before the Committee should you require any more information. I can be contacted at ross@sacoss.org.au or by phone on 08 8305 4223.

Thank you for your consideration of this submission.

Yours,



Ross Womersley
Executive Director