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Sir Gustav Nossal AC CBE
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30 August 2012

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

By email: community.affairs.sen@aph.gov.au

Re: Australian Charities and Not-for-profits Commission Bill 2012; Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012; Tax Laws Amendment (Special Conditions for Not-for-profit Concessions) Bill 2012

Philanthropy Australia welcomes the opportunity to make a brief submission on the referring of the ACNC Legislation to joint Committees. Philanthropy Australia has been actively involved in the consultation and submission process to create the ACNC framework, including:

- Submission on the Original Discussion paper
- Participation in workshops
- Submission on the first draft ACNC Legislation issued in December 2011
- Submission on second Draft of legislation issued in June 2012
- Submission to the House of Representatives Standing Economics Committee
- Appearance before the House of Representatives Standing Economics Committee

The consistent theme behind these representations has been twofold.

Firstly, Philanthropy Australia supports the principles of the ACNC being an independent regulator to deliver smarter regulation, reduce red tape, and improve transparency and accountability within the sector. Philanthropy Australia believes that this will foster a strong, growing and accountable not for profit sector, which is vital for a vibrant, inclusive and resilient civil society in Australia.

Secondly, Philanthropy Australia is vigorously opposed to proposals which are likely to be detrimental to the growing culture of philanthropy and giving, such as the public release of private information relating to some private givers. Australia needs both public and private giving.

We are pleased that in this final submission in this process, we can record our satisfaction that the Government has listened to community voices and concerns, demonstrating genuine commitment to the not-for-profit sector. We particularly commend the Government for its actions in redrafting the director liability provisions of the draft Bill, which was causing major community concern, and with the recommendations regarding safeguarding of private donors. With these and the other thoughtful recommendations from the House of Representatives Standing Committee on Economics being adopted in the final legislation, Philanthropy Australia supports the passing of the ACNC legislation.

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We are fully aware there is still further work to be done, particularly in terms of finalising the governance and reporting regimes, and as always implementation will determine the ultimate success or failure of such game changing legislation. However, Philanthropy Australia is firmly of the view that now is the time to start. We can only urge the federal and state governments through COAG to move quickly to reduce the burden of overlapping and duplicate regulation, particularly for fundraising licences, once the ACNC is in place.

The millions of Australians who give their money, time and effort to supporting volunteer organisations in this country deserve a full-time, independent, solely focused organisation as regulator to foster best practice and growth in the sector. They also deserve a combined effort by all levels of government to reduce the burdens placed upon their good work.

Philanthropy Australia looks forward to working together with the ACNC into the future, for the benefit of the not-for-profit sector and the entire Australian community.

Yours sincerely

Dr Deborah F Seifert
Chief Executive Officer