Joint Submission to the Senate Standing Committee on Community Affairs; and the Parliamentary Joint Committee (PJC) on Corporations and Financial Services re:

Australian Charities and Not-for-profits Commission Bill 2012; and Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012

Introduction

YWCA Australia welcomes the opportunity to comment on the Australian Charities and Not-for-profits Commission Bill 2012 and the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012 (**ACNC Bills**).

YWCA Australia

YWCA Australia is the national association of YWCAs in Australia and is part of the World YWCA movement. We are a women-led organisation that achieves positive change by providing advocacy, programs and services for women, families and communities. YWCAs undertake advocacy and deliver services and programs that develop the leadership and collective power of women and girls, support individuals, their families and communities at critical times, and promote gender equality and community strengthening. YWCAs have been providing community services in Australia since the 1880s.

Support for ACNC Bills

YWCA Australia welcomes the recent changes to the ACNC Bills that have significantly improved the legislation. We welcome:

- Adding a new clause to the Objects in the legislation to make clear that the ACNC's role includes promoting a reduction in the regulatory burden on the NFP sector;
- Additional procedural fairness requirements where the ACNC Commissioner exercises particular powers under the legislation;
- Adding a statutory review provision to provide for a review of the legislation after it has been in operation for 5 years;
- The new power to make regulations to protect the privacy of private donors such as those who maintain a private ancillary fund;
- A substantial redrafting of provisions relating to directors' liability for directors of companies limited by guarantee and incorporated associations.

We particularly welcome the changes relating to directors' liability for directors of companies limited by guarantee and incorporated associations. We welcome the removal of criminal liability for directors of incorporated NFPs, the limiting of liability to breaches resulting from

the deliberate act or omission of a director involving dishonesty, gross negligence or recklessness and the removal of provisions imposing a reverse onus of proof on directors.

YWCA Australia believes the Bills should now be passed so that the Australian Charities and Not for Profits Commission (**ACNC**) can be established for 1 October 2012.

Although the ACNC Bills will establish the framework for national regulation of the sector, much work will need to be done to ensure that the object of reducing red tape and streamlining regulation is achieved. We look forward to the Australian Government and State and Territory governments working together to achieve a truly 'one stop shop' for the sector, reducing compliance costs and burdens and allowing the sector's scarce resources to be directed towards delivering critical services and enhancing community wellbeing.

Further information

Thank you for the opportunity to provide this submission.

YWCA Australia would welcome the opportunity to engage in further discussion about any of the points raised in this submission.

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