



Australia's Charities and Not-for-profits

Written Submission

The Options Paper, Australia's Charities and Not-for-profits sets out proposed replacement arrangements for charities in Australia. The paper outlines policy directions proposed by the Government to introduce effective replacement arrangements that reduce the burden of regulation on the civil society sector.

The paper is being released to seek feedback from charities and interested parties on the proposed replacement options. Comments and feedback will inform development of the replacement arrangements. A summary of written submissions will be provided on the Department's website in September 2014.

Please use this submission template to provide your feedback on the proposed replacement arrangements for charities in Australia.

Completed submissions are to be sent by 20 August 2014 to:

consultationwithcharities@dss.gov.au (preferred method) OR

Civil Society and Programme Delivery Policy Branch

Department of Social Services PO BOX 7576

Canberra Business Centre, ACT 2610

Submissions received after 20 August may not be considered.

Unless otherwise stated, the information and feedback you provide may be used for publishing purposes. Please state if you do not wish for your comments to be published.

Instructions for completing the Submission Template

- Download and save a copy of the template to your computer.
- Refer to the *Options Paper, Australia's Charities and Not-for-profits* for context and discussion questions.
- You do not need to respond to all of the questions.
- Please keep your answers relevant to the topic being addressed, we ask that submissions be limited to two pages.

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If submitting on behalf of a company or organisation

Name of organisation: South Australian Council of Social Service (SACOSS)

Stakeholder category (e.g. service provider, client, peak body, academic): Peak Body

State/Territory: SA

Contact email address: ross@sacoss.org.au

Response to Options Paper:

As the peak body for the not-for-profit health and community services sector in South Australia, SACOSS has an obvious interest in the regulation of charities.

SACOSS has considered the Options Paper, but does not believe that any of the arrangements or options proposed are better than the existing arrangements under the ACNC. For instance, the reporting requirements will increase regulatory burden for some charities (e.g. for those who do not have websites) and not deliver the transparency, data or accountability that the current system has. The determination of charitable status and compliance frameworks return us to the previous and flawed regime of tax office and local regulation, and the archiving of the ACNC database under the transitional arrangements represents a tragic loss of information about and understanding of our sector.

In recent years SACOSS has repeatedly made comment, either in our own right or through the national body, the Australian Council of Social Service, in a range of consultation processes leading up to the establishment of the ACNC, and most recently in the Senate Inquiry into the legislation repealing the ACNC Act. We supported, and continue to support, the existence of the ACNC as a purpose-built, independent regulator of our sector. In doing this, we reflect the views of the vast majority of the charity sector.

Regrettably, these views have not been taken into account by the government. There was no government consultation on the proposal to abolish the ACNC, and the majority (government) report of the Senate Committee into the abolition bills simply ignored most of the submissions put to it.

Against this background we find it somewhat contradictory that we are now being asked to comment on post-ACNC regulation. In a context where the sector's views on the ACNC and the regulatory regime have already been disregarded, we do not believe it is useful to make detailed comment on the specifics of these proposals.

However, should the department or the government demonstrate that it wants to engage in a genuine consultation about the regulatory regime for charities or the not-for-profit sector, or about other aspects of the regime, SACOSS would be interested to make comment at that point.