

Exposure Draft – Australian Charities and Not for Profits Commissions Bill 2012

Submission from the Association of Eisteddfod Societies of Australia

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Please keep the bill simple and flexible and when it is completed, make a booklet that can be sent to all organisations effected by the Bill, in plain English, so that all organisations understand clearly the bill and their requirements.

While there are large organisations with paid staff and legal assistance that will come under this bill, it will also have effect right down to the “mothers Club” that raises money with a sausage sizzle for the local country football team and this is why the bill needs to be simple and flexible. So often Bills are aimed at the people who are at the most risk of breaching the law, and little consideration is given to the other end of the scale, the Bill then has created problems and regulations that are not only difficult for the smaller organisation to handle, but in many cases so much contained in it is totally irrelevant to the organisation.

A perfect example of what we would like to see is in the South Australian Volunteers Act, where a list of rights and responsibilities for the Volunteer are listed, with the instructions to each organisation, to draw up their own charter from the list, selecting those that are appropriate for their organisation.

Too many of the Acts of Parliament that we are expected to follow have been written for business, often with large corporate companies in mind and yet Volunteers are expected to be able to find in amongst all of this anything that is appropriate for them.

Currently, throughout Australia, groups struggle to get Volunteers. Much of this lack of manpower can be attributed to the current Socio-economic climate where in families, both adults hold down full or part time work.

We live in an aging Society and it would be logical to draw the Volunteer force from the retirees however Retirements Villages with their built in Social Infrastructure also give residents so many interests on their doorstep they are not venturing out.

Government Regulation is also discouraging the Volunteer, and where as in the past, volunteering was a hobby that gave many people so much pleasure and bought many benefits to the community, nowadays, legislation is making it all hard work. Knowing the rules and understanding them is also extremely difficult. Finding the rules can be even harder.

Therefore Volunteers are in such short supply, and those who do volunteer are so often involved with numerous organisations, so therefore any legislation that affects these people should be something that will not be discouraging.

We have heard suggestions that all Volunteers should receive two hours training. For what? During the running of an Eisteddfod there are jobs that can be taught in 10 mins, others that will take months to master. This is an example of how things should be flexible. Rather than set times, would not 'adequate training for the position or task at hand' be more suitable.

Also take into consideration, that not all Not for Profit organisations receive funding from either Government or other means, many working hard to raise the monies they have to spend.

As to the requirement for financial reports to be based on the financial year, with the group being able to apply for a change to this, I hope this ability to apply for change is available in the registration process, not a separate one after registration. Most Eisteddfod Societies have their AGM either late in the year or early in the New Year; the financial year coming for most mid competition or immediately before or after competition, at a time when most of their money transactions are being made and therefore not at a time when they can have books at an Auditor. I would venture to say that most winter sporting clubs would come under the same situation.

Questions

A Not for Profit Organisation will not be obligated to register if they do not receive Governments grants or Taxation Concession. What happens in a once of case, such as a special events of anniversary of e.g. a council where they put money towards groups participating in a function? Will only registered entities be eligible?

Many of our members constantly seek the support of local councils, often being turned down, but then their fortunes change with a change of Councillors. Will they have to be registered before they can apply or can they register after they receive the grant?

Will the ACNC, when seeking a more uniform form of state legislation be looking at all areas that effect entities, such as Workcover, OH&S, Child Protection?

Positive Points from the Report

Point 2.14 (d) this, we as an Australian wide organisation fully support. We find great difficulty in finding the information we need to pass onto our members, as many states have restrictions on what explanation their staff can make on a matter (and if the staff cannot understand the legislation enough to comment, how do they expect laymen to understand it.) We also find that a particular matter will be covered under different departments in each state, again complicating matters of finding and disseminating information. We have no problem with states controlling the matter in their own state; just have the regulations the same. A good example of what we like to see is the common road rules that exist throughout the country administered by each state government.

We would support the ACNC disseminating information. One of the hardest things I find is knowing when new regulations are about, often, as with this report, only finding out about it in a roundabout way at the last minute.

We also support a system of Education, so long as the Education is available for all at little or no cost. So often we receive information where we can go to an Education seminar in our Capital city, often at a quite substantial cost, and when country people add to that travel and accommodation, plus buying meals while away, they don't attend.

Note

The Association of Eistedfod Societies of Australia was formed in 1992 to keep our members up to date with Government regulations and laws. The greatest difficulty we face is a/. Finding the Appropriate Information from the appropriate Department b/. Trying to interpret the information that is applicable for Volunteers from among that for large business and c/. Finding out about proposed legislation in time to submit the views of our members.