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Personal and Retirement & Income Division  
The Treasury

25 January 2012

Via e-mail: [NFPReform@treasury.gov.au](mailto:NFPReform@treasury.gov.au)

Dear Sir/Madam,

**Australian Charities and NFP Commission exposure draft and  
Review of not-for-profits governance arrangements consultation paper**

The Australian Federation of AIDS Organisations (AFAO) is the national federation for the HIV community response. AFAO's members are the AIDS Councils in each state and territory; the National Association of People Living with HIV/AIDS (NAPWA); the Australian Injecting & Illicit Drug Users League (AIVL); the Anwernekenhe Aboriginal and Torres Strait Islander HIV/AIDS Alliance (ANA); and Scarlet Alliance, Australian Sex Workers Association.

AFAO advocates for its member organisations, promotes medical and social research into HIV and its effects, develops and formulates policy on HIV issues, and provides HIV policy advice to Commonwealth, state and territory governments.

AFAO supports the intent to reduce unnecessary regulatory requirements, while at the same time ensuring confidence in the integrity of the not-for-profit sector. The principles-based approach to governance, as proposed in the Discussion Paper, would appear to be a fair model.

AFAO's support is tempered, however, by concerns regarding the scope of the proposed legislation, and regarding the role and independence of the regulator. AFAO is a member of the Australian Council of Social Service (ACOSS) and supports its ongoing advocacy regarding the contribution of the not-for-profit sector on its members' behalf. We have had the opportunity to read ACOSS' submission in response to the exposure draft and the governance arrangements consultation paper. AFAO fully endorses the ACOSS submission – particularly its comments regarding the key principles that must underpin the legislation; its proposal that the legislation must make specific and clear provision to enshrine the independence of the regulator; and the inappropriateness of presuming a single model of governance across all charities and not-for-profits.

Thank you for the opportunity to provide comments to these consultations.

Yours faithfully,

Rob Lake  
**Executive Director**

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