



**28 February, 2018**

Mr Murray Crowe  
Individuals and Indirect Tax Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
ACNCReview@treasury.gov.au

Dear Sir,

**RE: Review of Australian Charities and Not-for-profits Commission (ACNC) legislation**

**ABOUT US:** Theatre Network Australia (TNA) is the leading industry development organisation for the performing arts, prioritising independent artists and small to medium companies. A national organisation with a dedicated Victorian program, TNA strengthens artists and arts organisations, influences cultural policy, facilitates critical debate and networking, and advocates for a robust, interconnected and innovative sector. Theatre Network Australia has over 300 members across Australia, made up of companies and individuals.

The work that TNA members make, present or support, is extremely diverse. There is work with and for young people, visual theatre and puppetry, text-based work, music theatre, comedy, theatre made by artists with disabilities, cabaret, theatre made with and by communities, Aboriginal and Torres Strait Islander theatre, dance, circus, physical theatre, and hybrid work. It is made by emerging artists as well as established veterans, it is made in regional areas and capital cities, it is made alone or in partnership with others as co-productions, and it is made as commissioned work by presenters and festivals. It is developed, presented, and toured locally, nationally, and internationally. As innovative organisations in a disrupted and rapidly changing world, our members provide insight, challenge assumptions, and test new ideas for society.

We believe a society that embraces and supports creativity is more prosperous, robust, egalitarian, respectful of the past, and prepared for the future. We believe the arts are essential to our collective civic identity, and can simultaneously impact in social, economic and environmental arenas.

**IN SUMMARY:** We believe that the ACNC is an effective and efficient organisation that has made strong inroads into reducing red tape for the not-for-profit sector. We believe the objects of the ACNC Acts continue to be relevant. We believe the powers and the functions of the ACNC Commissioner are sufficient to enable these objects to be met, and should not be increased. We believe that no changes to the objects of the ACNC are needed nor would be productive.

The ongoing work of the ACNC to reduce red-tape is welcome. For example to reduce reporting duplication for cultural organisations who report to ACNC as well as the Register of Cultural Organisations and the Australian Securities and Investment Commission is sound. But we believe this work can be done within the current legislation and objects.

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**In response to specific questions in the Terms of Reference:**

**Question 1.**

- **Are the objects of the ACNC Act still contemporary?**

We believe that the objects of the ACNC Act are still relevant. In particular, we believe that supporting the not-for-profit sector to be “robust, vibrant, [and] independent” (Object b.) is vital for a democratic and civilized society. We believe that any additional constraints on not-for-profits, with regard to their roles as advocates, would be dangerous and counter-productive.

We believe that a thriving and diverse third sector can provide an important role in challenging the status quo, testing new social interventions, bringing together disparate evidence and resources and providing crucial and efficient services to Australians regardless of their background.

**Questions 6, 7 and 9.**

- **Have the risks of misconduct by charities and not-for-profits, or those that work with them, been appropriately addressed by the ACNC legislation and the establishment of the ACNC?**
- **Are the powers of the ACNC Commissioner the right powers to address the risk of misconduct by charities and not-for-profits, or those that work with them, so as to maintain the public’s trust and confidence? Is greater transparency required and would additional powers be appropriate?**
- **Has the ACNC legislation and efforts of the ACNC over the first five years struck the right balance between supporting charities to do the right thing and deterring or dealing with misconduct?**

We believe that there is sufficient oversight by the ACNC Commissioner to address the risk of misconduct by Charities and not-for-profits.

We are concerned that increasing the public perception of misconduct could undermine confidence and lead to a disinclination of the public to make donations, and a reduction in philanthropy by foundations and funds. In an environment where government investment is not increasing, the risk of damaging the fragile financial viability of our most important sector is too great.

**Question 8.**

- **Has the ACNC legislation been successful in reducing any duplicative reporting burden on charities? What opportunities exist to further reduce regulatory burden?**

We believe that there is still some duplication of reporting that is required by charities, for example cultural organisations which have DGR status must report to the Register of Cultural Organisations(ROCO) as well as the ACNC, and we think more work could be done to reduce the reporting load.

Thank you for the opportunity to respond to the Review. We do not believe there are convincing reasons for any major change to the ACNC. We believe that an ongoing commitment from government to uphold the reliance on the ACNC as the central regulating authority for charities is critical.

Yours sincerely,



Nicole Beyer  
Executive Director, Theatre Network Australia