

Aid for the Blind (Qld) Inc.

My Fingers Are My Eyes

The Manager

12 January 2012

Philanthropy and Exemptions Unit

The Treasury

Email : nfpreform@treasury.gov.au

Langton Crescent

PARKES ACT 2600

Dear Sir or Madam,

Thank you for the opportunity to address issues in the ACNC draft exposure Bill.

Aid for the Blind(Qld) Inc is a not for profit charitable organisation providing low cost rental accommodation to vision impaired persons as well as training in computer typing for young vision impaired children. We are almost entirely self funded.

We appreciate the regulation that will come from the standard "one stop shop" under this draft. However we have commented in the attached pages, on several points that might affect our and similar organisations. Your attention is also directed to our point 5 regarding a "typo" in the draft Bill.

Should you seek any clarification of details in the attached two sheets please contact Andrew Goodman, Administrator by;

Telephone 07 38461258

Or email andrew@aidfortheblind.org.au

Kind Regards,

ANDREW GOODMAN

Enclosures(2)

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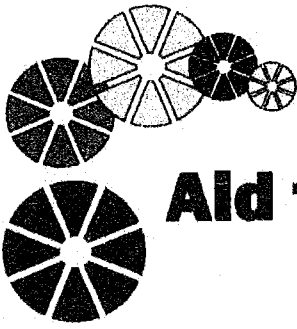
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RESPONSE TO ACNC EXPOSURE DRAFT BILL 2012

1. The draft bill sets out its object and furthering of object, and to establish a registration and regulation process. However Division 5 at (1A)(d) requires the entity to have not been a registered entity previously. The entity might have been registered for a particular purpose and wishes to change its purpose. It is now precluded from registration. It could be that the entity was a charitable purpose but now has its purpose as promotion of Australian industry (education or health subtypes may have narrowed and developed to the new purpose). Why should registration be refused because of a change or because it ceased functioning for a time and wishes to renew its registration?
2. In Chapter 3 the Bill refers to financial records and the need to keep records that enable to Commissioner to assess properly the entity's entitlement to be...registered. However the report does not need to contain statements reflecting any aim or purpose and expenditure to that end. Accordingly it is unclear how the Commissioner will garner the information needed, unless the responsible individual's declaration contains a declaration that the expenditure is for the charitable purpose of the entity , not just "in accordance with the Act" [Chapter 3, Div 55-25(109)(1)(b)]

RESPONSE (Cont'd)

3 At Chapter 4 Div'n 100-10(1)(l) there is a requirement for the details of the qualifications of the responsible individual in relation to the registered entity to be kept in the Register:

- Does this mean that the responsible individual must have qualifications (eg academic, professional or trade) suitable to the position or the nature of the charity?
- The Governance papers raised the issue of whether qualifications should be a requirement of the "individual"; but our response was against such a matter and against different levels of liability based on qualification.

4 The Commissioner's powers under Division 120-A does not empower the commissioner to require anything within a particular time; by implication the entity would have a reasonable time but that may be the subject of dispute. All other similar powers (eg taxation notices to produce) have a set time for the party to comply. This Draft should have a set time.

5 Draft at 140-120 has a grammatical/typo error at (1) by inserting "is"; the word needs deleting or sentence changing.

6 Enforceable undertakings are said to be given by an entity; they should also be given by a responsible individual. An entity might elect to "fold" and re-appear later under a different name while the individual is possibly the person behind the problem for which the undertaking is sought.

7 Registration requirements [Div'n 5-10,(1A)(b)] requires the entity to meet the governance requirements set out in the governance section of this Act. There is no governance section as such in the draft Bill.

8 Division 10-B refers to registration application being in the approved form. Actual requirements for registration are not enacted but presumably will be set out in regulations including the forms. No comment is possible until the regulations and forms for application are seen.

