



19 January 2012

The Manager, Philanthropy and Exemptions Unit  
Personal and Retirement Income Division  
The Treasury  
Langton Crescent, Parkes ACT 2600

Dear Manager,

I write on behalf of Australian Quakers to offer brief comments on the Review of Not-for-Profit Governance. The focus of my remarks is on decision-making in incorporated associations.

### 1. Current Requirements

Under the various State and Territory Acts and Regulations, incorporated associations are expected to make decisions by means of taking votes. The provisions for the holding of general meetings usually include clauses to this effect.

As a result, the legal framework means that constitutions that are drawn up are expected to include such provisions. This can be difficult for organisations such as ours that do not vote but rely on a corporate sense of the meeting (a form of consensus, if you will) to reach a decision, which is then recorded in the form of a formal minute.

### 2. Proposed Change

There is increasing use of consensus decision-making in organisations of all kinds, including incorporated associations. It would seem appropriate that this trend is reflected in legislative and regulatory provisions applying to decision-making. We believe that State and Territory legislation and model rules should make explicit allowance for the use of consensus models of decision-making in the constitutions and rules of incorporated associations. This would be preferable to simply ignoring processes that are used in practice but are outside the framework.

We think it should be possible to draft legal requirements in such a way that decisions can be made either by consensus or by voting, and that an appropriate record be made of what has happened. This would have the added benefit of encouraging members participating in meetings to look for points of agreement on which decisions can be made, rather than focusing on taking adversarial positions.

I hope these comments will be of assistance to the Review. Please let me know if you have any queries to raise.

In peace

A handwritten signature in cursive script that reads "Maxine C Cooper".

Maxine C Cooper  
Presiding Clerk  
Australia Yearly Meeting

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