



## **NTCA Submission on the Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021**

*The National Timber Councils Association is an incorporated local government association representing the interests of member municipal regional councils in relation to forestry on both public and private land. The Association's primary function is to provide a forum for local government to address the management of forests and forest industries and their impact on local communities.*



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The National Timber Councils Association (NTCA) would like to thank the Commonwealth Government for supporting a process that enables organisations such as ours to be heard. Our Association welcomes the submission process and is glad to make a submission.

The NTCA represents councils who host the forest industry from four states, New South Wales, South Australia, Tasmania and Victoria, with informal connections to councils across the remainder of Australia.

The National Timber Councils Association aims to promote vibrant, resilient communities, maintain regional investment, employment opportunities and responsible environmental practices.

We acknowledge that the recommended amendments of the Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021 are:

- **Subsection 45.15(2)- Omit-** “engage in conduct, or omit to engage in conduct, if the conduct”, **substitute –** “do an act, or omit to do an act, if the act”.
- **After paragraph 45.15(2)(a) – Insert:**
  - (aa) as a summary offence under an Australian law, and the offence relates to:
    - (i) real or personal property of any description, whether tangible or intangible; or
    - (ii) a legal or equitable estate or interest in any such property, or a right, power or privilege in connection with any such property; or
    - (iii) causing personal injury to an individual, or any other kind of impairment of an individual’s health, including the risk or threat of causing such injury or impairment; or
- **At the end of section 45.15 – Add**
  - (3) A registered entity must take reasonable steps to ensure that its resources are neither used, nor continued to be used, to promote or support acts or omissions by any entity that may be dealt with as described in paragraph (2)(a), (aa) or (b).
  - (4) For the purposes of subsection (3), a registered entity’s resources includes:
    - (a) its funds; and
    - (b) its responsible entities, and employees, when acting in that capacity; and
    - (c) its websites, social media accounts and other publications;But does not include any of its volunteers who are not one of its responsible Entities.
- **At end of the instrument- Add:**
  - Part 3-1- Application, saving and transitional provisions, Division 1-Application of the Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021. –**
  - 70.1 Application**
    - (1) The amendments made by the amending instrument apply in relation to acts or Omissions occurring on or after the day the amending instrument commences.
    - (2) In this section:  
***Amending instrument*** means the *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021*

In response to the amendments of the Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021, we would like to make the following comments:

The National Timber Councils Association has for a number of years advocated for changes to the Act and welcome the amendments proposed.

Whilst we acknowledge the right of registered entities to advocate, by extending governance standard three to include certain summary offences and promoting unlawful activities, this hopefully will assist in stopping activities for political purposes and the disruption of operations that can cost businesses and communities thousands of dollars as well as health and wellbeing issues.

A concern that we do have is in regard to the fact that a “registered entity’s resources does not include it volunteers, unless the volunteer is a responsible entity”<sup>1</sup>. We disagree with this as a number of charities would not be able to operate if it wasn’t for their volunteer base and their volunteers are usually kept well informed of the entities activities, hence having access to intellectual property. Not only that but the volunteers are usually in the frontline of their operations. We do appreciate that the registered entities are required to have appropriate processes, safeguards and controls in place, if the volunteers of the registered entities are not included this will become a loophole.

We hope the ACNC Commissioner’s enforcement of these proposed amendments takes into consideration not only the breach of the registered entity but the impact on the person(s)/business affected.

We once again thank you for the opportunity to provide our submission and do not hesitate to contact us at [nationaltimbercouncilsassoc@gmail.com](mailto:nationaltimbercouncilsassoc@gmail.com) if you have any questions.

Reference:

1.Australian Charities and Not-for-profits Commission Amendment (2021 Measures No.2) Regulations 2021 Explanatory Note

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