



28 February 2018

Mr Patrick McClure AO
ACNC Act Review Panel
The Treasury
Langton Crescent
Parkes ACT 2600

By email: ACNCReview@treasury.gov.au

Dear Mr McClure,

Queensland Homicide Victims' Support Group (QHVSG) feels that the ACNC has made critical improvements to the NFP sector as they educate and encourage those of us within the NFP Sector to 'Swim between the flags'. The high calibre of suitably experienced and educated staff means that the ACNC has (over a very short period of time) earned a reputation as an international leader.

QHVSG feels that the current ACNC legislation is appropriate and that modification is not warranted. Our fundamental belief is that change should not occur for change sake.

There are, however, some areas of significant concern that are being suggested which we address below.

1. QHVSG strongly opposes adding the following objects in s15-5 of the ACNC Act:

- (a) To promote the effective use of the resources of not-for-profit entities; and*
- (b) To enhance the accountability of not-for-profit entities to donors, beneficiaries and the public.*

This recommendation appears to assume that the NFP sector has no accountability in relation to the effective use of resources and lacks transparency. We feel that this is unsubstantiated in our experience and in our specific situation.

Currently QHVSG have the following reporting requirements:

- Bi-annual outputs need to be provided to our government funding body (Department of Justice – Victims Assist QLD)*
- Bi-annual budget tracking is provided to our government funding body (Department of Justice – Victims Assist QLD)*
- Annual output report supplied to DOJ via VAQ.*
- Annual Financial audit is provided to the ACNC, QLD Department of Fair Trading and DOJ – VAQ.

** Funding is provided only once these reports are provided and assessed as satisfactory.*

Fundamentally the question begs – how many times do we need to respond to the same question of funding use and performance assessment? From QHVSG’s perspective, the suggestion to add further reporting needs to our work simply directs valuable resources into administrative tasks. These critical tasks are already being examined very thoroughly, through existing means, and across several regulatory bodies.

Any NFP should have transparency and accountability as their fundamental operating ethos. The current reporting systems enable authorities to hold the NFP sector accountable.

2. Advocacy changes – a removal of social justice.

An area that is of concern for QHVSG is the concept of impacting our ability to support the rights of our community. In a democratic country we need to adhere to the fundamental principles of social justice – the idea that our sector is in any way restricted from speaking up to encourage change seems to be fundamentally at odds with social justice.

As an experienced advocate for our members, QHVSG understands that there is a clear line that cannot be crossed. At all times, we adhere to the legislation around these activities. Under Australian charity law:

- charities cannot donate to any political party or candidate;
- charities cannot produce how to vote cards;
- charities cannot stand candidates in elections;
- charities cannot advocate publicly on any issue that is not part of their charitable purpose;

We are proud of our work collaboratively with all government representatives and other stakeholders. We strive to keep the conversations around victims' rights on the table. Without our support these people lose a voice.

From our perspective the current legislation around advocacy is clear and enables society to improve through communication. To limit the sectors ability to do this would be a step backward for our society and our most vulnerable citizens.

We feel that the ACNC should be commended on its proven ability to remain independent as it continues to provide professional support in areas such as governance, research and advice.

What is required is continued faith in the ACNC as an open and transparent body, with open and transparent employment processes and continued funding to allow it to support the sector.

Regards

A handwritten signature in black ink, appearing to be 'Brett Thompson', written in a cursive style.

Brett Thompson

Chief Executive Officer

QLD Homicide Victims' Support Group