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Senate Standing Committee on Economics  
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Dear Committee members

### **Australian Charities and Not-for-profits Commission (Repeal) (No. 1) Bill 2014**

It has come to our attention that the Department of Social Services was asked by the Senate Estimates Committee to provide written answers to Questions on Notice concerning consultation in relation to the proposed repeal of the *Australian Charities and Not-for-profits Commission (ACNC) Act 2012* — thereby abolishing the ACNC — and the establishment of a National Centre of Excellence. The Senate Standing Committee on Economics in turn requested the Department of Social Services to provide it with the list of those the Department had consulted.

Governance Institute of Australia was specifically referred to in the written answer from the Department of Social Services as a body that has been consulted by the Department of Social Services on the repeal of the ACNC and the establishment of a National Centre for Excellence.

This is misleading. Governance Institute has not at any time been consulted by the Department of Social Services.

A representative of Governance Institute attended a forum, 'NFP Forum: Defining, Regulating and Taxing NFPS — What Happens next?', organised by the Melbourne Law School, held at the University of Melbourne, in February 2014, at which staff members representing the Department of Social Services were also present.

Governance Institute of Australia does not accept that our attendance at the forum constituted a 'consultation' with the Department of Social Services. We are of the view that it is misleading for the Department of Social Services to claim that it has consulted Governance Institute on the basis that representatives of the Department and our representative attended a forum organised by a third party, at which the repeal of the ACNC and the establishment of a National Centre for Excellence were discussed.

Indeed, our representative advises us that the question of whether stakeholders would be 'consulted' was raised at the forum, given that both the Minister's adviser and the representatives from the Department of Social Services were present. Stakeholders were keen to be consulted, and specifically asked the Minister's adviser and Department representatives if opportunities for consultation would be provided, given that no such opportunities had as yet been made available.

Our representative advises us that both the Minister's adviser and the representatives from the Department of Social Services stated at the forum that consultation with stakeholders had already occurred, and that there would be no further consultation on the matter. We understand that considerable disquiet was evinced at this news by those attending the forum, given that the majority of those present — constituting a range of relevant stakeholders — had not been consulted by the Department of Social Services. The Department had also not provided for public consultation.

We have requested that the Department of Social Services remove 'Governance Institute' (and the name of our representative 'Amin Nathwani') from its list of those bodies that have been consulted by the Department of Social Services (as provided in the answers to Questions on Notice concerning consultation in relation to the proposed repeal of the ACNC and the establishment of a National Centre of Excellence).

Furthermore, we have requested that the Department of Social Services notify both the Senate Estimates Committee and the Senate Standing Committee on Economics that Governance Institute has not been consulted by the Department of Social Services and is incorrectly included on the list of those consulted.

We also request that the Senate Standing Committee on Economics *not* include Governance Institute as a body that has been consulted by the Department of Social Services in its report on this matter.

Yours sincerely

Tim Sheehy  
Chief Executive