

Senator Bushby
Deputy Government Whip in the Senate
Chair, Senate Economics Legislation Committee
Parliament House
CANBERRA ACT 2600

12 June 2014

Dear Senator Bushby

Correction about consultations on the abolition of the Australian Charities and Not-for-profits Commission (ACNC)

I am writing to you concerning public hearings of the Committee into the Australian Charities and Not-for-profit Commission (Repeal) (No 1) Bill 2014 (the Bill) on Friday 23 May.

During the hearings, I heard representatives from the Department of Social Services (DSS) respond to a question about consultation on the Bill, by referring to a list that had been tabled with the Senate Estimates Committee in relation to a Question on Notice. When I followed up that response (Question 334, dated 27 February 2014 (this was actually the day before the Forum that I will refer to) I found that the list contained 31 names but that 23 of them were people (charity law experts and key stakeholders) that my colleague, Associate Professor Matthew Harding and I had invited to a NFP Forum at the Melbourne Law School to understand the government's proposals and what they meant for the NFP sector. I had invited Ms Trish Woolley of the DSS to attend and she asked if two other DSS officers could also come. I also invited the Minister who did not attend and an adviser to the Minister who made it very clear that there would be no consultation and that the decisions had already been made. In no way could this presence be construed as consultation.

I immediately contacted Trish Woolley to ask her to correct the record. Another officer emailed me on the following Monday and said that they had been asked to provide supplementary answers to Senate Estimates and that they wanted to ensure their answers relating to consultation were 'correct and consistent'. I assumed corrections would be made.

I have tried to discover whether any action has been taken to correct the record and it would appear that this has not happened. I am also aware that other persons present at our Forum have written to the DSS and asked for the record to be amended to correctly

TAX GROUP

MELBOURNE LAW SCHOOL

The University of Melbourne | Victoria 3010 | Australia

Email: law-tax@unimelb.edu.au Website: www.law.unimelb.edu.au/tax

record the fact that they have not been consulted. I note that three have written directly to the Committee, but there are at least another 5 who have corresponded with the department. I also note that Professor Ian Ramsay who was not able to attend the Forum is on the list and that he has also requested that the record be corrected. I note that the question I became aware of was Question 334 dated 27 February 2014 but I have since discovered that there are a number of other Questions relating to the proposal to abolish the ACNC that refer to myself and others at the Forum having been consulted.

In these circumstances I would like the Committee to record the fact that I have not been consulted in relation to the proposed abolition of the ACNC, the appointment of a successor agency or the proposed Centre for Excellence.

Yours sincerely

Ann O'Connell

Professor, Melbourne Law School
Chief Investigator, Not for Profit Project
University of Melbourne