

Statutes Amendment (Commonwealth Registered Entities) Bill 2013

Proposed amendments in relation to the Collections for Charitable Purposes Act 1939.

Comments supplied by Not for Profit Accounting Specialists October 2013

s4(4)(a)	Words added “or sells, or attempts to sell, property or services wholly or partly for a charitable purpose”. This may capture more than is intended by this provision. This may capture anyone providing services / goods as part of their charitable purpose if they charge some sort of fee (regardless of how small).
s6(6)(b)	Who determines “excessive commission or remuneration”? What are the parameters?
s15(9)	If this provision applies, then the previous requirement under s15(2)(b) to provide a statement specifically in relation to the collections under the licence and how the funds were spend, will not apply and that information will not have to be provided. This information will not be readily available from the full audited set of financial information as that level of detail is not required under accounting standards or the ACNC Act. Organisations may be less accountable for activities undertaken under this Act if less detailed information is deemed sufficient to satisfy the requirements of the Act. Does the Minister have alternative ways of accessing the information previously required by s15(9) in the event that circumstances indicate it is required, e.g. if there is suspicion of wrongdoing?
s17A	The meaning of this section is unclear. Are the provisions of the ACNC Act available to enact this situation? Will this ultimately result in the increase in red tape through additional reporting?

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