

27 April 2018

Our ref: WD-NFP

Mr Patrick McClure, AO  
Chair  
ACNC Review Panel

By email: [acncsecretariat@acnclegislationreview.com.au](mailto:acncsecretariat@acnclegislationreview.com.au)

Dear Review Panel

**Supplementary submission –Review of the *Australian Charities and Not-for-profits Commission Act 2012* and the *Australian Charities and Not-for-profits Commission (Consequential and Transitional) Act 2012***

The Queensland Law Society (QLS) appreciates the opportunity to contribute to this important review.

In addition to its original detailed submission of 28 February 2018, QLS would be grateful if the ACNC Review Panel could also consider the following comments in this correspondence.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide.

This response has been compiled with the assistance of the QLS Not for Profit Law Committee who have substantial expertise in this area.

QLS has been asked to consider the supplementary submission of Justice Connect (dated 17 April 2018) on the subject of fundraising reform.

In our previous detailed submission (dated 28 February 2018), QLS expressed strong support for need for a national uniform fundraising regime and the desirability of the Australian Consumer Law (ACL) being the natural vehicle for this.

Our Not for Profit Law Policy Committee has had the opportunity of reviewing the Justice Connect supplementary submission and agrees with and supports the submissions made in it.

Our members continue to report frustration and high compliance costs for the not-for-profit and charitable sector in seeking to comply with the current disparate, outdated, and significantly under-resourced state and territory fund raising regulatory regimes.

The idea of modest amendment to the ACL alongside a Mandatory Code under the ACL framework with enforcement delegated to the ACCC and the state Consumer Law authorities seems to QLS to be an eminently sensible regulatory approach should each of the states and

territories repeal their fund raising regulation. QLS notes that the ACCC (and state Consumer Law authorities) are already involved in fundraising regulation as has been made clear in recent guidance published by the ACCC.

Could it be that the overall burden on the public purse (both Federal and State), in staffing a single ACL fundraising regulatory function, is actually lessened by this approach? The cost of fundraising law compliance for charities and not-for-profits would almost certainly be significantly lessened, resulting in more resources for front line public benefit purpose (which in turn further reduces the burden on the public purse).

It seems to QLS that such an approach would also result in fundraising regulation that is well understood, actively complied with by the sector (rather than it being 'too hard') and proactively enforced when needed.

QLS urges the Review Panel to make the fixing of fundraising regulation a priority in your report, by adopting the recommendations in our previous submission (and the submission of the Law Council of Australia which our previous submission endorsed) along with the recommendations of Justice Connect in its supplementary submission.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Acting Principal Policy Solicitor, Wendy Devine by phone on (07) 3842 5896 or by email to [W.Devine@qls.com.au](mailto:W.Devine@qls.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ken Taylor', written over the typed name.

Ken Taylor  
**President**