

12 June 2014

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

Dear Senator Bushby,

**Re: Senate Economics Legislation Committee, and  
Re: Inquiry into the Australian Charities and Not-for-profits Commission (Repeal)  
(No. 1) Bill 2014 (Bill)**

I refer to the attached Answer to Estimates Question 334, from the 2013-14 Additional Estimates Hearings (ref Hansard Page: 27/02/2014 CA104/CA105) (the **Answer**).

That Answer was recently brought to my attention, and that of my colleague (and the principal of our firm) at Prolegis Lawyers\*, Anne Robinson.

You will see that both Anne and I are listed on page 2 of the Answer as persons (representing the Charity Law Association) who had been spoken to by the Department of Social Services (**DSS**) in relation to the proposed Civil Society National Centre of Excellence (the **Centre**).

I am writing on behalf of both myself and Anne Robinson;

- To correct the record (see the next paragraph below), and
- To request that our names be deleted from the list provided by DSS in response to Question on Notice 334.

OR

- *Alternatively*, if it is not possible to delete our names from that list, to request that it be noted that, in both our views, the information provided by DSS to the Parliament was incorrect and potentially materially misleading.

Specifically:

- Our only relevant contact with DSS officers was at a Not-for-Profit Forum at the University of Melbourne Law School on 28 February 2014 (the **Forum**).
  - Three DSS officers and an adviser to Minister the Hon Kevin Andrews were present at the Forum. But they deliberately and expressly did not participate in any way in any discussion at the Forum, and the Ministerial adviser expressly disavowed any intention on the part of him and the DSS officers to engage in any form of consultation at the Forum.
  - As best we can recall, none of the DSS officers present, nor the Ministerial adviser, asked any question of either of us.
  - In our view, it is quite incorrect, and potentially materially misleading, to suggest that their or our presence at the Forum involved our being spoken to, or in any other way consulted, about the proposed Centre, the above Bill, or the proposed abolition of the Australian Charities and Not-for-profits Commission.
- \* *Prolegis Lawyers specialises in advising in relation to the charity and not-profit sector. As far as we are aware, the firm comprises the largest group of professionals in any law firm in Australia that specialises in advising in relation to the sector. The firm is also widely recognised by leading sector participants and advisers throughout Australia for its expertise in relation to the sector.*

Yours faithfully,

**John King**  
Consultant