A BRIEF HISTORICAL COMPARISON BETWEEN ITALIAN, AMERICAN AND AUSTRALIAN VOLUNTARY AND CHARITABLE ORGANISATIONS: 1800-1920

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1. PREMISE: REASONS FOR RESEARCH

In Italy, many scholars have been recently focusing upon the development and progressive evolution of charities, in particular because of the recent political events that caused a considerable modification in the idea of Welfare State. The new political and economic context in Italy and the deep crisis defining State finance have been soliciting academics, experts, civil servants and politicians to re-think the sphere to be attributed to State authorities and privately established organizations. The conviction according to which it is the community at large, the church, the local authorities and associations that should play an active part in the policy making process instead of central and excessively bureaucratic bodies is progressively growing. In this respect, consequently, the role and functions of charitable and non profit organizations appears to be subject to several changes with regard to the traditional sphere of intervention that these organizations have always been placed in.

It is not only a matter of rearranging the borders of State intervention in economy and of market expansion but is mainly a problem concerning the whole concept of society. Indeed, charitable and non profit organizations are called upon to develop and build a new relationship between the State and the community. The latter seems inclined more and more to take up directly responsibility to respond to social demands and public utilities.

This paper intends to draw attention on some particular aspects of charitable bodies and non-profit organizations at large in a comparative perspective. The ever increasing debate which is defining the present cultural and political context in Italy concerning the future of not-for-profit associations needs therefore deepening and a better understanding of other legal systems in which the charitable phenomenon has been long both legally and economically approached by public authorities and the community. As the historical comparison between Italian and English charities has been already dealt with on another occasion,[1] the author's intention is to endeavour to point out to the differences, dissimilarities and distances between the legal systems taken into consideration. Yet it will be also very interesting to search for any similarities that might be hidden behind the natural distance involved in two legal systems, i.e., civil law and common law, that are traditionally regarded as opposite to one another.

It seems as though the various legal systems are looking for different models which can be adopted or considered as suitable to be adopted in order to improve their own conditions and to adapt their institutions to the ever changing needs of society. In this respect, in Italy not only is the voting system being subject to many revisions and modifications so as to "up-date" it to the most modern and democratic countries, but also the whole system regarding voluntary and charitable organizations seems today to attract much attention. In Italy, where the traditionally political and cultural concept of Welfare State, that is the system by which public authorities provide for social goods and services, is rejected, non-profit organizations become therefore the object of several studies and analyses. Over the centuries, the idea that single individuals could associate together so as to directly match public needs

[1] See A. Santuari, *Non-Profit Organizations ed enti non commerciali tra Otto e Novecento: Linee evolutive e profili comparatistici*, (Unpublished First Degree Thesis, University of Padua, February 1990).

has been constantly increasing. Simultaneously, public needs began to be considered not only those linked to philanthropy as such, but also those including all the sectors of society that traditionally were not to be regarded as profitable.

The author intends to bring his own contribution to such research so as to enhance the knowledge of foreign legal systems which apparently might be regarded as too out-of-the-way from the Italian system to be taken into account.

2. *OPERE PIE* AS THE FIRST EMBRYO OF NON-PROFIT ORGANIZATIONS IN ITALY: A SHORT ACCOUNT

As far as charities are concerned, Italian scholars and politicians have always asked themselves two main questions:

(a) Is it convenient and appropriate that along private charitable associations there is also a public charity, provided by the State itself and by local governments?

(b) In which way should State interference extend to private charity and by which means and with what limitations?

From this it clearly follows that the Italian legal and economic experience of charities has been heavily defined by the omnipresent public authorities. The Government has always taken upon itself the right to exercise a close control over any activity performed by private individuals regardless of their aims. Therefore, whether associations were established to provide for a moral and financial support to poor people or they were formed so as to build a hospital, an almshouse or a school, the central authorities were entitled to interfere with such initiatives.

The historical evolution of Italian charities passes through the analysis of two Acts which marked inevitably all the following developments of voluntary organizations. Should we not take into account these two legislative products we would not be able to draw a clear picture of the opposing relationships between central authorities and private charities.

The first and proper law on charities after the unification of the Italian Reign - which took place in 1861 - was the Act of 3 August 1862, No. 753. This Act was included and explained in the circular of the Home Secretary Peruzzi of 23 December 1862.[2] Since this represents a very important official documents in the story of Italian charities it is the writer's intention to underline the most conspicuous aspects of it. Above all, the Minister stressed the important role that charities played in Italy at the time. He affirmed: *"I know very well that our charities, thanks to their ancient origin and richness, have nothing to be envious of the most civil nations, though they are not above them. I am aware that most of our charities have been an example for foreign systems and that they do not need any urgent*

[2] This circular is contained in A. D'Amelio, *La beneficenza nel diritto italiano*, (Naples, 1909), p. 426 ff.

reform [...] *I also believe that almost everywhere the single governments have played a great role and have had a great deal of influence on charities, so much so as to regard them as their employees at the same level as any other public office*". In these words, the Minister revealed his liberal stand-point according to which public authorities should not interfere with the carrying on of private charities. He underlined the ambiguous relationship that linked public institutions and voluntary organizations. Indeed, whenever the latter could establish themselves - although this event did non occur so freely - the State immediately devised a means by which to hinder the private initiative. By concluding his report, Mr Peruzzi claimed: "*He who thinks that the new Act will depict the legal system to be applied to every single branch of charities, that is the direct ways to yield religious charities or to abolish any abuses that might occur, makes a serious mistake*". He continued by saying that this fundamental and complete enactment intended to pursue a higher and more noble goal according to the principles of freedom, that is "*to release religious charities from the obsessive State interference and from the subjection to other powers and social systems. This would lead them to be subject to their managers and to the guardianship of those local governments which, though in power, but independent in many ways, are the result of continuous election by the people. They are to study charities' needs and to provide for their activity*".

It was clear that the Minister was particularly aware of the great role that religious charities might play if they were not subject to the interference of public authorities. However, this consisted of the sole voice in the post-unification Italy in which the trend was to suffocate all the operations and activities that the Catholic Church carried out.[3] In this respect, it is noteworthy the following statement made by a great philosopher from Trentino Alto-Adige: "*As we defended the rights of intellectuals to teach and supported that a liberal Government has to leave them free to do this we must also say that all generous souls, who want to do good and want to build up and maintain schools and educational colleges by themselves have a natural right to do it and they should be left the greatest freedom to exercise their right*".[4]

The Act of 3 August 1862 was largely based on decentralisation of powers and consequently lacked of any precise detail that could contrast the several and different customs of Italian districts or the charters of special foundations. It was precisely the Minister's intention to provide for an adequate answer to the experience of many charities the operations of which were often disconnected. Consequently, the Act established the constitution of Charity Agency in every city council of the country. This agency had to manage the enormous estate and activities of charities. Yet the latter were not to be subject to public authorities by any legal or administrative tie.

Later on, the Act of 28 July 1867 proceeded to extend the Act of 1862 to the Venetian provinces and to the province of Mantua, thus the ruling relating to charities being unitary in all the counties of the

[3] The Act of 22 December 1861 allowed the Government to take possession, by King's decree, of the houses of religious corporations in case of public, both military and civil, needs. Later, in 1866 and 1867 other two acts specifically provided that all religious corporations were to be suppressed and their estates to be sold out. See A. MARONGIU, *Storia del diritto italiano*, (Milan, 1977), p.123.

[4] A. Rosmini, *Opuscoli Politici*, (Rome, 1978), p.208 ff.

Reign. The Act of 1862 deeply respected the will of charities' founders, except when their decisions were in contrast with public interest. Moreover, the aforementioned Act showed a reasonable respect for local customs and for the internal rules of some special institute, which though were counterbalanced by some general rules regarding book-keeping and economic aspects that represented the basics of the Act.

The supervision of every charity was entrusted with the so-called *Deputazione Provinciale* (a county-based supervision body) against the abuses of which charities could appeal to the king directly. The interference of the central authorities was confined to the supervision on the correct functioning of the single charities and to dissolve those which did not accomplish their purposes. Furthermore, the authorities were entitled to establish new charities. It was also accepted that the charity's objective could be changed when the original purpose could be no longer fulfilled and only when this modification was supported by certain guarantees.[5]

Years later, those who strongly sustain a more penetrating control from the State began to attack the Act of 1862 by maintaining that it would leave too many loopholes. The opponents to the aforementioned Act, most of whom were also against the presence of the Catholic Church in society, wanted charities to be subject to a stringent supervision of the authorities. The ever increasing lobbying in favour of a different role of the State towards charities, which defined both left and right wing of Parliament, ended up in passing a reform Act on Charities, that is the Act of 17 July 1890, n. 6972.[6] It was held that charities had been too free in the past because of the deep trust in the public good and in the spirit of correctness which inspired the promoters of the Act of 1862. It seemed as though the opponents to the Act of 1862 forgot about the real picture of charities that appeared to carry out their activities and to match the daily needs of those who entrusted them exactly because charities were not bound by any bureaucratic constraint. Charities and the public at large were aware of the fact that the authorities of the State would have taken any decision if free associations and private individuals had not been able to face a necessity of general interest.

It followed that the system of charities as provided for by the Act of 1862 was regarded as obsolete so much as in 1874 the Government commissioned an inquiry to examine if the aforementioned Act would entrust prefects[7] who represented the administrative authorities of the State with the sufficient powers to secure the correct functioning of charities. The inquiry also provided that the Commissioners had to make proposals to draft a reform to be carried out quite soon. On 26 April 1876, Minister Nicotera appointed a special committee with the task to study and suggest the reforms and improvements to be made in public charity. It was clear that the distinction between private and public charity no longer existed in the legislature's mind because charities were to become all public.

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[5] A. Gamberucci, *Istituzioni pubbliche di assistenza e di beneficenza*, (Milan, 1929), p.532 ff.

[6] D'Amelio, *op. cit.*, p.431.

[7] Once again, an extraneous power to charities such as the prefect was given the responsibility and the power to control over them so as to subject them to State interference. Consequently, charities were practically transformed into local administration of the central authorities.

This term did not underline the fact that private charities had faded away but, on the contrary, they were to be subject to the authoritative influence of the State.

The proceedings of the aforementioned Committee were used by the same Minister to bring forward a Bill during the session of Parliament on 1 December 1877 to reform the Act of 1862. The debate on the reform of charities did not regard only Parliament but it represented the subject of much discussion among the public opinion. In particular, the status of charities and the many problems which were linked to them characterised the whole proceedings of the National Conference on Charity held in Naples in March 1879 and of the International Conference on Charity held in Milan from 29 August to 5 September 1880.

The Rt. Hon. Depretis, who was appointed Prime Minister in 1876, proposed a generally statistical and moral inquiry on charities and simultaneously intended to introduce urgent reforms. By the decree of 3 June 1880, Mr Depretis appointed a Royal Committee to enquire on the real conditions of charity in Italy for the purpose of elaborating a general plan to better arrange charities and to adapt them to the different time and to the changed social situation. In this respect, on 7 September 1880, the Prime Minister brought forward a Bill that was not even discussed because a new General Election was called for. Nine years later Minister Crispi brought forward a "Bill on public benevolent institutions". From the very title of this Bill it followed that the previous term, that is religious charities, which defined the commitment and intervention of private individuals was to be replaced by "public charitable institutions" that stressed the state-orientated connotation of charity in Italy. Not only was Mr Crispi's reform concerned with those charities that satisfied the real and actual needs of poor but also with those which were set up to prevent poverty. The basic rule according to which charities were to be left independent did not find its place in the criteria that inspired the new reform. Charities were not regarded as single sovereign bodies that were responsible for the carrying out of public utilities but rather as political and administrative branches of the central authorities. Therefore, they could not benefit from any independence whatsoever unless permitted by the Government itself. Charities were subject to more penetrating control especially as to budgets and expenses.

It is easy to believe that such a reform, though it had been passed to defend the public interest, nearly gave a finishing blow to the existence and free operations of charitable organizations in Italy. Catholics underlined that the whole charity was to be attributed to the original move of religious sense and free associated groups. They also strongly criticised the aforementioned reform because it would bring about a clearly hostile policy against those assets which were to be destined to worship.[8]

Also everybody was against the interference of a centralised and suspicious State realised by means of an Act that seemed to be the outcome of personal prejudices rather than impartial studies and detailed research into the real exigencies and needs of charity.[9] Crispi's Bill was brought forward before the

[8] E. Morichelli, *I beni delle soppresse corporazioni ecclesiastiche sui loro rapporti con i comuni, i privati, lo Stato*, (Milan, 1862), p.101 ff.

[9] Indeed, the Act of 1890 was the product of a political elite which was strongly anti-Catholic and contrary to any form of freedom of real social association, though this very class claimed to be liberal and pluralist. Thus, Gamberucci, *op. cit.*, p.541.

Committee of the Chamber of Deputies in which Mr Luchini was appointed as relator of the Bill itself. The Committee left the Bill almost unaltered: they only modified it in order to make it more complete and consistent with the whole system. The Bill as modified by the Committee, was discussed in the Chamber of Deputies from 29 November 1889 and 19 December 1889 and was passed with minor changes and a few additions. The Bill was brought forward in the Senate House on 23 December 1889. The debates in the newspapers and the opposition of charities seemed to find more comprehension and understanding in the Senate rather than in the Chamber of Deputies. It is noteworthy that the Parliamentary Proceedings concerning charities underlined the deep gap between the Government and the Senate House, especially on the passing of Section 91, n. 3 of the aforementioned Bill. This section provided for the compulsory transformation of religious charities. The Central Office of the Senate House, in which the Bill was firstly discussed, proposed and voted for the repealing of Section 91. The Prime Minister, Mr Crispi expressed his profound delusion about this solution during one of his speeches in the Chamber of Deputies. He stressed that the abolition of the section mentioned above was in contradiction with the spirit that was the very basis of the whole Bill.[10] Once the Chamber of Deputies passed the Bill, it was brought forward in the Senate House again. On that occasion, the Bill was not modified and eventually was passed on 14 July 1890. After being approved by the King the Bill became Act of the Reign: this Act, though being later subject to minor modifications, still remains today a sort of civil code for Italian charities.[11]

By comparing the two statute laws, that of 1862 and the Act of 1890 one can easily realise that the former provided for a wider freedom of action for charities. In particular, the Act of 1862 guaranteed full independence to charities of any State interference and control. However, the major contrast between the two aforesaid Acts was the different approach of the State authorities towards ecclesiastical charities. The legislature of 1862 recognised the natural link existing between voluntary organizations with charitable purposes and the Church and its institutions, by allowing the former to supply services such as education, care for the poor, schooling, etc.[12] The criteria that inspired the Act of 1862 were defined by rules of freedom and by the supervision of the people themselves which took charities away from State interference. The Government took upon itself the right of maintain charities in the condition in which they had been established, according to the law and to the provisions of their articles of association.[13] By the Act of 1862 the concept of charity was extended also to saving banks,

[10] Crisp's speech may help the reader understand the real intention of the Government with regard to charities, and particularly religious charities. The whole activity of charities was to be subject to the control of the State authorities, thus eliminating any different kind of organization, especially church charities that had always had an important role in the world of charities. Although the Central Office of the Senate was also in favour of a kind of State control over charities its members retained that such control was not to end up with suppressing the various organizations that carried out the same activity, that is charity.

[11] C. Lessona, *La nuova legge sulle istituzioni pubbliche di beneficenza, commentata con i lavori preparatori*, Rome, 1890, p.146 ff.

[12] If one intends to compare the English and Italian legislation relating to charities, they are to point out that in Italy, though the State granted charitable organizations complete freedom it was the only authority that had to recognise a kind of "authorisation" to these associations. On the contrary, in England the authorities of the State appeared to give recognition to the existing social context with which the Government co-operated and supported but it did not show either suspicion or hostility. On this argument, see D. Owen, *English Philanthropy 1660-1960*, London, 1964, p.310 ff.

[13] See M. Maggetti, *La genesi e l'evoluzione della beneficenza*, Rome, 1890, p.102.

securities, co-operative societies, even if these were not strictly directed towards the poor people.[14]

It was exactly with the Act of 1890 that the activities of charities were subject to a continuous and heavy control by the State. The Act provided for "*istituzioni pubbliche di beneficenza*" (publicly benevolent institutions).[15] This meant that only those associations that were granted legal personality could be regarded as "*istituzioni pubbliche di beneficenza*". Private associations and temporary groups could not be recognised by the State because they had not been granted any legal personality.[16] During the proceeding leading to the passing of the Act of 1890 the granting of legal personality became the subject of many discussions within Parliament. It the writer's intention to report a brief part of one of the Rt. Hon. De Cambray-Digny's speeches: "*In our legislation we do have a proper loophole: there does not exist an Act that provides how and in what ways charitable associations are to be granted legal personality. In Italy, there are many charitable organizations that have been legally established as corporations by means of royal decree. They are companies the principal income of which comes from the fees that are charged upon their members and the capital of which consists of savings and donations. In general, at the beginning these companies are simple private associations that do not have any expectations to last for ever (this is the condition without which an association is not granted legal personality). When they have a real and useful purpose and they are managed with a true philanthropic spirit is necessary to grant them legal recognition. As far as control is concerned these associations cannot be subject to the same stringent and heavy rules applicable to the other benevolent organizations*".[17]

The Act of 1890 provided for a detailed list of bodies and associations included in the definition of publicly benevolent institutions by stressing the following points:

- the schools with education and training purposes were charities to be subject to the control of the Ministry of Education and District Commissions;

- the saving banks had many points of contact with charities because they were established by legal persons;

[14] Later, in 1875 during the proceedings concerning the passing of the Code of Commerce many MPs proposed to include co-operative and friendly societies in the definition of company. There were long debates especially with regard to friendly societies because they represented the best link between private and public charity.

[15] As has been previously pointed out, the meaning of this definition corresponded to affirm that all associations were subject to the control of the State. By regarding charities as public the legislature knew that there would have not been any problem of interpretation about the exact nature of such institutions because the Act expressly excluded any private initiative.

[16] In this respect, any private association was prevented from pursuing charitable purposes because the legal recognition was to be attained only after a very long and complicated procedure that automatically reduced the number of charitable associations.

[17] In his speech, this member of Parliament seemed to sustain the necessary differentiation between charitable voluntary organizations and publicly charitable institutions. According to this distinction, only the latter because of their direct dependence from the State were to be subject to those hindrances and hurdles that instead the Act would extend to *all* charities. See Lessona, *op. cit*., p.254.

- the secondary purposes, namely those objectives that did not represent the main purpose of the institution, did not modify the essence of the charity;

- family foundations and private associations, which were funded by members' contributions and private donations were not included in the charities as provided for by the Act of 1890.

In substance, this Act established the transformation of private charities into public charities by imposing on the latter a series of administrative controls which eventually discouraged any private project.[18] Public charity was thus commuted into State charity so much so that the two terms were used as synonymous to point out to an activity which had to remain an absolute monopoly of the State. The Minister of Interior got to concentrate in its hands a great deal of power by replacing the role of the District Committees especially as to the limitation of charities' expenses.

The continuous interference of the State with charities' own existence often called for Courts' decisions. For instance, on one occasion,[19] the Supreme Court ruled: 'By virtue of its control over legal persons, the Executive is not permitted to introduce such modifications in private foundations' articles of association as to alter their essence completely or partially'. Ten years later, the Council of State affirmed: 'Nothing is contrary in entrusting the religious sisters of a particular order with education and care of the girls who are sheltered in a female orphanage to be set up'.[20] This decision recognised that persons who belonged to a free association, which also pursued religious objectives, could be admitted to carry out charity. Therefore the Council of State seemed to overcome the prejudicial approach of most State institutions towards "private" charities. However, this decision remained an isolated voice within the legal and social context of the time. On another occasion,[21] the Supreme Court stressed that legal persons carrying out charity, even if they had been established for private purposes or in favour of some families, were to be regarded as being subject to public law and consequently to State control. The judges also affirmed: *"Although the common language refers to private purposes and private utility it is impossible to deny the public character of a body that all along its life has the function and the compulsion of providing not only for the utility of living individuals but also for ancient generations. The interest of that society is represented by the body: the control of such representative function cannot but be attributed to the State, superior and perpetual institution, which is entrusted by definition with representing and guaranteeing all actual interests*[...]".[22]

The aforesaid decisions underlined the intention of the authorities of the State to "govern" charities, by exercising a control over benevolent bodies by means of the granting of legal personality. This

[18] Santini-Caroncini, *La Legge sulle istituzioni pubbliche di beneficenza*, Rome, 1893, p.109.

[19] 9 August 1887, *in Foro Italiano*, 1887, III, p.913 ff.

[20] 26 January 1912, in *Foro Italiano*, 1912, III, p.923 ff.

[21] 11 February 1921, in *Foro Italiano*, 1921, III, p.914 ff.

[22] The State was therefore considered to be the absolute holder and bearer of all social interests, by taking upon itself the right and the power to represent the whole civil society. On this argument, see P. Ridola, *Democrazia pluralistica e libertà associative*, Milano, 1987, p.145 ff.

concession eventually became a kind of privileged status that could not but discriminated among voluntary non profit organizations.[23]

[23] G. Scotti, *Della conversione dei beni immobili delle Opere Pie*, Milano, 1874, p.213 ff.

3. A SHORT REFERENCE TO THE PARALLEL DEVELOPMENT OF CHARITABLE ORGANIZATIONS IN AMERICA AND AUSTRALIA

3.1. The United States

The ever increasing needs of establishments like hospitals, schools, orphanages, almshouses, and so forth, solicited the English cultural and social tradition in the American colonies to found many charitable organizations. These organizations would later be legally supported by the decisions of the Courts and by the favour of the colonial councils.[24]

Since the eighteenth century, in the American colonies, both public and private institutions used to partake together in the establishing of schools and in the care for the poor.[25] After the Independence War, the legislative assemblies of a certain number of states that had been in those years established passed some laws in order to protect and support those charities operating within their borders. Nevertheless, the legal aid was somehow very little because of the American legislator's political will of late eighteenth century to refuse dramatically any Act coming from Great Britain. This position brought the American legislators to repeal any English statute law, including the Statute of Charitable Uses of Elizabeth I of 1601.[26]

The political steadiness that the American states attained during the nineteenth century brought about some important changes in the legislation concerning charities. It was considered to be necessary to regulate the enormous concentration of private richness that had been collecting in the United States by many charitable organizations carrying out their activities on the territory. It was exactly in the 1800's that the willingness to benefit the community at large by means of private resources, by reducing therefore the Government expenditures, begun to be recognised not only as a legitimate step to be made but also as a more economically convenient one. Indeed, this shift in the way in which charitable activities were regarded would allow citizens to be formed into associations so as to match directly their own exigencies, thus being able to face the most urgent and immediate needs of the population.[27]

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[24] See Fish and Feed, *Charities and Charitable Foundations*, (New York, 1974), p.37 ff.

[25] In this respect, it is worthy underlining the example of Harvard College, which after being founded in 1636 through a heritage from John Harvard and from a General Court's funding, was later funded both by private charitable organizations and by public bodies.

[26] The Preamble of the aforesaid Statute read as follows: "*Charity is*[...] *relief of the old aged, impotent, poor people, help the sick and mutilated soldiers and sailors, free schools and universities; repairing of bridges, pavements, ports, churches, main streets and shores; education and promotion of the orphans, help, relief and assistance to the prisons, marriage of poor householders, attention and rescue of prisoners, relief of any poor inhabitant as to the payment of taxes and rates*[...]". For further details, see W.H. Jordan, *Philanthropy in England 1480-1660*, (London, 1859), p.253 ff. and Fish and Feed, *op. cit*., p.71 ff.

[27] The charitable structure which has been always mostly used in the United States is the charitable trust. By means of such legal form an organization may collect vast quantities of money that are entrusted with a board of trustees who, in their turn, are compelled to embark the funds they manage in order to fulfil the benevolent purposes that are provided for by the organisation’s articles of association.

The twentieth century, as the Welfare State begun to root itself in the political context, brought along a radical change in the traditional field of private philanthropy. The role of public bodies in the areas of education, health and care became more penetrating, thus reducing the sphere of intervention of private and voluntary organizations.[28] However, the presence of the Welfare State within the essential public utilities, led private charity to perform an extremely important function in the north American society. Indeed, private charity developed new areas of intervention (such as scientific and literary research, medical research, etc.) which would be later taken upon by public institutions. In other words, whereas the traditional sectors in which charities carried out their activities were occupied by government policies, American charitable organizations developed their own action in other directions. Voluntary efforts and interventions in areas like medicine and environment could not but attract the attention from federal and national bodies which often interfered to support financially the works of charitable associations.

In order to have a complete picture of activities, finance and assets of American charitable organizations during the present century we will refer to some data listed in a Report by the American Ministry of Treasury of 1968. It read as follows:

- legacies in favour of charities amounted to 15,8 billion dollars:
- the value of real property belonging to various churches consisted of 100 billion dollars:
- the assets of voluntary hospitals amounted to 15 billion dollars;
- the real estates belonging to colleges and universities equalled 87,5 billion dollars;
- the number of citizens who volunteered in non-profit organizations during the year 1968 was 57 million people.

As to the charitable character to be given to a voluntary association or organizations, the American judges have always founded their decisions upon the fact whether there was a non-profit operation or not, which therefore became the essential requirement.[29] That meant that a non-profit organization could get income, pursue profits and obtain the payment of fees as the value of the service that it supplied, provided that the income would be used and embarked to encourage and support its charitable purposes.[30] Consequently, when the organization is defined by charitable purposes and non-profit operation both state and federal legislature agree to recognise tax exemption to it.[31]

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[28] See O. Clarke, *Social Welfare: the role of voluntary organizations*, London, 1979, p.131 ff.

[29] See D.R. Young, *If not profit, for what?*, Yale University, 1985, p.47 ff.

[30] Indeed, a college that is operated by a non-profit organization is not deprived by its charitable status if its funds, which derive from the fees that the students pay to the college, from the fees paid for the custody of the students' belongings, from the interests paid by the students themselves on the loans they get from the college, are invested in educational objectives. In this respect, see P. Weisbrod, *The voluntary non-profit sector*, Lexington Books, 1977, p.142 ff.

[31] Undoubtedly, one of the characteristics that distinguish English charities from the American ones, is the strong presence in America of foundations, which are formed by the enormous private fortunes concentrated in the hands of some great families, such as the Rockfellers. Since the beginning of the twentieth century the large American foundations developed their action mainly in the education sector: a great number of colleges, boarding schools and universities owe their existence to the decisive contribution of generous and wealthy donators.

In the United States, as far as the sphere of intervention of non-profit organizations is concerned, they expanded in the commercial and economic sectors at large.[32] This statement is enough to make oneself understand how the entrepreneurial leadership is not only confined to the for-profit area but it also comprises the organization that do not pursue profits.

Within non-profit organizations, the American legislation provides for a classification which is established on the distinction between tax exempt organizations for which charitable contributions are regarded as deductible, and organizations for which the contributions are not deductible such commercial associations and clubs. These organization forms supply services only to their members, and therefore they are not defined by the public utility character which is required by the law to be eligible for a charitable organization. The importance of non-profit organizations in the United States increases to the extent to which the demand for social goods increases. These goods become more and more technologically complex and can be easily supplied by non-profit organizations because they are free from those bureaucratic and administrative constraints that the law provides for its own bodies which perform in the area of social services.

[32] See H.B. Hansmann, *The role of non-profit enterprise*, Yale Law Journal, April, 1985.

3.2. Australia

In Australia and New Zealand, the legislation concerning non-profit organizations is the outcome of two centuries of history. The acts relating to associations can be referred towards the end of eighteenth century and beginning of the nineteenth century. Although no kind of authorisation or royal charter whatsoever was required to set up an association whereby to fulfil a lawful purpose[33] most of Australia's English settlor's resulted from the Unlawful Societies Act of 1799 and the Seditious Meetings Act of 1817 which applied also to Australia. Thus, one could question the actual extent of freedom that was provided by the common law. Indeed, it was the Legislative Council of South Australia that passed the first statute law which allowed for the general incorporation of associations.[34] The *Institutions Incorporation Act* was inspired by Captain Bagot, a pastoralist and miner-owner, who brought it forward in Parliament. The reasons why this Act was supported and eventually passed were clearly stated in its Preamble which read as follows: "*Whereas great inconvenience has arisen in cases where property belonging to institutions established for the promotion of religion, education, and benevolent and useful objects, has become vested in trustees, by the refusal of such trustees to act, and by the necessity for the frequent change of trustees; and great expense is often incurred by reason of such change, and the appointment of other trustees, and the transfer of such property to such other trustees; and it is expedient, for the encouragement of such institutions, to facilitate the incorporation of the same*". Some researchers revealed that the aforementioned Act was taken advantage of by "*church endowment funds and church educational societies as well as hospitals, a horticultural society, the Commercial Travellers Association and benevolent societies*".[35] The South Australian Act was used as a model for the Western *Australian Associations Incorporation Act* of 1895, the *Associations Incorporation Ordinances* of the Australian Capital Territory and the Northern Territory.

[33] As the Australian colonies were established, they directly or indirectly obtained the laws of the mother country. Indeed, despite the differences, the modern legislation on associations in Great Britain, Australia and New Zealand has been developing relatively in the same manner upon the common foundation of the common law. See D. Ford, *Unincorporated non-profit associations*, Melbourne, 1980, p.62 ff.

[34] Unincorporated non-profit associations, that is, those organizations that were not granted any form of legal personality, usually took on the form of trust or a trust for the purposes of the association.

[35] See Bottomley's research, 1986, p.53.

The *Religious Educational and Charitable Institutions Act* of 1861 was a Queensland legislative initiative which addressed the same problem of property holding by associations.[36] The motivation for the passing of the *Religious Educational and Charitable Institutions Act* seems clear from the Preamble of the Act which stated: "*Whereas it is desirable to provide facilities for the transmission and management of estates, properties and effect granted to religious, educational or charitable uses*".

In New Zealand, the legislature passed the Unclassified Societies Registration Act of 1895. Although this Act had the same objectives as the earlier South Australian legislation it was not inspired by the South Australian model. In 1972, White identified the motivation for the passing of the Act with "*a deputation of representatives of a number of clubs, including rowing and football clubs, who waited upon the Premier and described the unsatisfactory position their associations were in because they had no status. The deputation seemed particularly concerned that trustees, over whom the club members had little control, might do "the Pacific slop" or abscond with the club funds*". The Act of 1895 provided a means by which any association consisting of more than 15 members could incorporate for a lawful purpose which was not for the pecuniary gain of its members (non distribution constraint). It further required the provision of a registered office of the association and regulated the voluntary and involuntary termination of the association. The Act was amended in 1906 and then completely replaced in 1908 by the *Incorporated Societies Act*. The latter was passed in response to the great use being made of the Act by associations and the original Act's deficiencies in some areas.[37] The newly issued Act required the provision of annual returns and registration of rules, and provided greater regulation by a registrar.[38]

4. SOME COMPARATIVE CONCLUSIONS

The historical, though brief, *excursus* relating to the different developments of voluntary and charitable organizations during the nineteenth century pointed out to the deeply diverse approach that the legislatures had towards these aggregations. Whereas in Italy the Government, especially after the unification of the Reign occurred in 1861, passed acts and implemented policies providing for stringent and suffocating rules concerning associations which were not established by the central authorities, that is non-profit organizations, in the United States and Australia these associations seemed to be treated in a different way. Firstly, the American and Australian legislative initiatives appear to have been inclined to encourage and support the establishing and the growth of organizations that were regarded as perfectly apt to carry out public purposes, such education, health care, charity,

[36] The Act was at first restricted as its name implied religious and educational institutions, but was widened in 1959 to include show societies. Under the Act, the Governor on the advice of the Executive Council issued letters patent of incorporation creating a body corporate. The Act was repealed by the Queensland Associations Incorporation Act of 1981 (A.I.A.), by which time only just over 500 institutions had sought incorporation.

[37] Thus, Fletcher, 1986, p.217.

[38] The history of voluntary organizations show how corporate and unincorporated associations operated similar activities. The fact that seems to be clear is that the acts that are provided for these two kinds of associations have been evolving separately. In this respect, see J. Baxt, *The dilemma of unincorporated associations, Australian Law Journal*, 1973, p.54 ff.

vocational training, etc. Secondly, the various acts which were passed by Parliaments, particularly in Australia, seemed to be concerned with stating some fundamental rules by which charitable organizations could be incorporated and consequently, be granted legal personality. Once these organizations had complied with the requirements which were set in the provisions of the Act, basically they were to show that they were formed for a lawful purpose, they were *free* to fulfil their objectives according to their articles of association. Thirdly, the historical overview underlined the attention that the different Governments paid to the subsequent evolution of charitable and voluntary organizations, thus amending, if necessary, and modifying the previous legislation.

On the contrary, in Italy, the legislature seemed to be more concerned with making sure that this kind of associations would be subject to the direct control of the central and local authorities so as to determine and direct their activities and action. Although the Act of 1862 relating to *Opere Pie*, which represents the very first legislative provision as to charitable organizations in Italy, was inspired by the awareness of the importance of voluntary associations for Italian society, the following statute laws did not contribute to give non-profit organizations a liberal status. Rather, they progressively tended to be more and more vexed by the omnipresent intervention of the State. Therefore, the action of charitable organizations grew lame because it had to deal with the many prohibitions provided for by the authorities who kept on considering them as stepchildren of the legal system.

Presently, though two main statute laws have been recently passed by the Italian Parliament,[39] the Italian legal system is still influences by a set of provisions that make it almost impossible for charitable and voluntary associations to freely carry out their goals. Indeed, the long and costly procedure whereby a non-profit organization needs to follow up in order to be granted legal personality and the hostility towards these associations or foundations that the legislature and the Courts so often show prevent society and its aggregate forms to express all their potential. In Italy, the third sector has no official recognition as a distinct sector of activities, and non-profit organizations lack the financial, fiscal and administrative instruments and supports which, in other countries, such as those mentioned above, have enabled them to spread and to achieve a publicly acknowledged role within the national borders. This fact contrast clamorously with the decisive position that NPOs have in the implementation of public policies, above all in the field of welfare.

Consequently, the Government should give back to society that which belongs to it, i.e., freedom of association, which not only implies freedom of gathering together in sport clubs or political parties but also in organizations that legitimately claim, like public powers, to serve the public at large by providing for services which often are defined by a higher degree of efficiency and effectiveness than State-run utilities. It is not a matter of privatisation but a question of recognising that *also* individuals are able to match those needs and exigencies that spring out from society. In this respect, the comparison with other legal and economic systems has a valuable implication, particularly as to non-

[39] We refer to the Voluntary Organizations Act of 1991 and to the Social Co-operative Societies Act of 1992, which, though still inspired by the idea that non-profit organizations do not form a wide range of social and economic experiences, but they rather need to be identified with some specific sectors, showed the intention of Parliament to set some definitive rules regarding a phenomenon that is more and more expanding both in terms of collective awareness and social implications.

profit organizations. Although one cannot deny the differences existing among the various jurisdictions, they are to remember that to look into other's experiences undoubtedly means to learn something for themselves. This rule perfectly applies to the way in which NPOs are dealt with in Italy: if the legislature intends to change its attitude towards this precious form of organization, it shall be compelled to take into account what occurs in other countries where NPOs are left free to develop as they wish.

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	stereotypes.	
10	**Responsibilities of Charities, Community Organisations and Nonprofit Associations for Superannuation and Training Levy** This paper outlines two new imposts that nonprofit corporations may be liable to pay. The Superannuation Guarantee charge is explained together with flow chart diagrams. An explanation of the Training Levy, its definition and application is also accompanied by flow chart diagram.	Allan McPherson
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14	**Public Fundraising Charities in Queensland** This paper is the results of a survey of the financial records of charities registered under the Queensland Collections Act between 1989 and 1992. The survey analyses gross income and assets in both periods as well as the growth of specific organisations between 1989 and 1992. A number of organisations were then selected for detailed financial analysis. An initial analysis of the data is offered in relation to contemporary theories of the state and the nonprofit sector.	Myles McGregor-Lowndes Catherine McDonald David Dwyer
15	**The Challenge from Within. Organisational Commitment in Voluntary Human Service Organisations** A survey of Queensland employees of 400 nonprofit organisations was conducted to ascertain their organisational commitment. Drawing upon organisational theory, nonprofit theory and social welfare literature, a range of proposed antecedents to organisational commitment were tested. These fall into four distinct categories: organisational structure, participant demographic features, individual and organisational normative frameworks, and job or work related characteristics. Addressing each in turn, the aspects of organizational structure measured were participation in decision making and hierarchy of authority (centralisation), and job codification (formalisation). The paper concludes by discussing whether nonprofit organisations can make a successful transition from relatively unmanaged organisations with fluid social relations to `managed' organisations with crystallised social relations without placing at jeopardy an element of their uniqueness.	Catherine McDonald
16	**Board Members' Involvement in Nonprofit Governance** A study of the attributes of board members of organisations registered as charities under the Queensland Collections Act was undertaken. It sought to ascertain the current status of and ability of nonprofit boards to fulfil their governance functions plus the implications for this for welfare services delivery, and, prescriptive indications for maximising the governance capacity of nonprofit boards and organisations.	Catherine McDonald
17	**Gifts, the Law and Functional Rationalism** This paper examines the legal facilitation (or rather lack of facilitation) of gifts. The emerging western political ideology of welfare is based on the	Myles McGregor-Lowndes

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	premise that nonprofit organisations are to play a far greater role in the delivery of welfare services. This role will be enabled in part by increased gifts. The ideology has not addressed the fundamental hostility of the law to the facilitation of gifts. The nature of the legal obstruction of such gifts is compared to equivalent commercial transactions, the reasons given for this obstruction are analysed and the appropriateness of such nonfacilitation is challenged.	
18	**Community Services Development: A New Approach to Government/Non-Government Sector Relations** This paper examines the context of Community Service Development achievements and point to major challenges ahead. It is intended that the paper contributes to the development of theory and understanding from a practice vantage point. The focus of this paper is limited to the program context of Community Services Development. As such, it illustrates an approach to the relationship between government and non-government sectors which has contributed to significant new strategies and reform.	Jan Williams
19	**An Analysis of the Differences in Audit Processes Used in the Audit of Nonprofit and Profit Organisations** There is little formal research addressing the role of audits in nonprofit organisations. Before models can be developed for the production of nonprofit auditing information, it is necessary to examine the present conduct of nonprofit audits. This research investigates the process by which the audit of nonprofit organisations is conducted and whether it differs from the process used in profit organisations. The research involves the collection of accounting information for 22 Queensland charities. The auditors of these organisations were requested to complete questionnaires addressing their overall approach to the audit of nonprofit organisations. For eleven of these nonprofit organisations, a matched (by annual revenue) profit organisation signed by the same auditor was compared using attributes of the audit process. Attributes tested were the use of engagement and management letters, materiality, components of audit risk, extent of compliance testing, staffing levels, and time spent. The results indicate that parts of the audit process used are statistically different for nonprofit and profit organisations.	Renee Radich
20	**The Application of Financial Ratios in Analysing Nonprofit Organisations** Historically ratios have been used to assess the financial standing of profit organisations. This paper examines ratios of a group of nonprofit organisations and assesses the applicability of the traditional profit-based ratios to nonprofit organisations. Financial statements of a sample of charities registered in Queensland are analysed. The traditional profitability, liquidity and financial stability ratios are analysed and calculated wherever practicable and compared to the typical benchmarks used in profit analysis. The traditional ratios and their benchmarks (used in the profit sector) calculated from the financial statements prepared within the present reporting framework are largely inappropriate to the nonprofit sector. Alternative benchmarks useful for the nonprofit sector are suggested.	Ros Kent
21	**Competition Between Nonprofit and For-Profit Organisations in the Marketplace: A Case Study of the Mailing Industry** Competition between nonprofit and for-profit organisations has been an issue raised consistently in debates in America about nonprofit taxation. It is claimed the nonprofits when competing with for-profits have an unfair advantage because of taxation exemptions. This paper examines the mailing house industry in Brisbane, Queensland and competition between nonprofit and for-profit mailing houses.	Irene Tutticci David Dwyer Myles McGregor-Lowndes
22	**Resources of Space, Age, People** As business practice in the 90's focuses on mission rather than goals and embraces process rather than plans, marketing concepts have adjusted toward vision instead of image. Profiling, projection and positioning have become the strategies more prominent than promotional tactics and product endorsement. Places of distribution are newly regional rather than international. Pricing now reflects diversification of resources. This paper merges western marketing experience with eastern bonding practices, and illustrates the emergence of a development model for nonprofit organisations.	Nell Arnold
23	**Market Orientation in the Nonprofit Sector**	David Dwyer

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	As the nonprofit sector moves into a more competitive environment it is being required by the community to become more efficient and effective. One response is for nonprofit organisations to become market oriented, which is the familiar response in the for-profit sector. Two components of market orientation, that is market segmentation and customer oriented products, fit well within the peculiarities of a nonprofit organisation. This is usually accompanied by the desire to obtain a competitive advantage causes problems for various stakeholders within the organisation. This paper contends that three factors, management, scarcity of resources, and conflict between organisational objectives and market orientation, are major influences on the adoption of a market oriented culture for a nonprofit organisation.	
24	**Recruitment and Training of Board Members for the 90's and Beyond** This paper presents the findings from a research project which involved analysing the mission and objectives of selected arts organisations in Queensland and thereby developing a performance profile for Board Members; interviewing Board Members, General Managers and Artistic Directors to establish information flow, roles and responsibilities of directors and executives, and recruitment and training practices for Board Members; and through observation at Board Meetings assessing performance in relation to selection and training methods. The conclusion recommends guidelines for selection and orientation or training procedures for Board Members of arts organisations.	Jennifer Radbourne
25	**Power Through Influence: The Evolution of Arts Management in Australia** The purpose of this paper is to frame effective models of arts management for Australia in the nineties and beyond based on an analysis of historical practices. The evolutionary process of government subvention of the arts through non-profit arts organisations provides a clear statement of the role of power and influence. In particular the ascendancy of arts organisations and their management constitute a background against which to study other non-profit corporations.	Jennifer Radbourne
26	**Nonprofit Organisations and Value Added (GST) Taxation** The subject of this paper is the changes in the taxation of nonprofit organisations which seem to be more or less inherent in the value added taxes. The Australian federal Coalition's proposed goods and services tax will be part of the discussion.	Ole Gjems-Onstad
27	**Nonprofit Organisations Face a Restructuring State: The Case of Local Social Services in the Hunter Region of New South Wales** This paper is concerned with certain of the characteristics of local social services, and their role in a restructuring Australian welfare state. I am particularly concerned with the distinctive gender characteristics of these organisations, because in comparison with most other organisations they have a feminised quality. This partly mirrors women's traditional role of undertaking the major part of the caring labour of society. However, simultaneously work in these organisation deviates from more traditional patterns where employed women occupy subordinate positions. In many community organisations, women occupy leadership roles. The analysis here is concerned with the apparently paradoxical nature of these organisations in their capacity to entrench traditional gender roles and to challenge these by allowing women to fill management positions. It is also concerned to examine whether changes that have been occurring in the community services sector over the last two decades are likely to enhance women's general position in the society, or diminish the power exercised by women. The paper draws in a preliminary way on a study of local services in the Hunter Region of NSW undertaken in the latter half of 1992. These preliminary findings are set against the broader picture of developments in the contemporary welfare state.	Lois Bryson
28	**"Money Pouring Out of Its Ears" — On the Taxation of Really Profitable Nonprofit Organisations in Australia** Under current law Australia appears to be a tax haven for certain non-governmental institutions. Millions of ordinary business income may go untaxed and the deductibility for donations is unlimited - both are very generous tax measures in an international context. The basic problems of most Australian nonprofit organisations are not taxation; they are just that: nonprofit. Anybody interested in the non-governmental sector should be willing to face the question: What is an equitable tax treatment? The short-term tactic of ducking the question may not be the best or most beneficial long term strategy.	Ole Gjems-Onstad

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29	**Sport and the Law Implications for the Nonprofit Corporation** This paper examines the growth of Sports Law and examines the flexibility of present corporate forms to deal with the growing size and importance of sporting activities.	Hayden Opie
30	**Career Paths in the Third Sector: Implications for Human Resource Management** This paper discusses the following questions. What is the structure of the third sector labour market? What is the staff structure of third sector organisations? Is it true that career paths are unavailable, either within organisations or within the sector? If none exists, why do workers stay in the field? What motivates them? If there is a high turnover of staff, is this the reason? What are the implications of all this? If some sort of career path does exist, why do workers deny having a career? What do we mean by `career' anyway?	Jenny Onyx
31	**Inquiries, Empirical Research and Regulatory Failure** The paper review charity inquiries that have been held in England, United States of America, New Zealand and Australia. The analysis of the primary literature identifies common issues and suggested remedies pertaining to the regulatory failures of charities. The issues may well be appropriate for consideration by the forthcoming Industry Commission and participants.	Myles McGregor-Lowndes
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33	**Case Study of Queensland State Taxation** Recent developments concerning the taxation of nonprofit organisatons by the Queensland State Government are reviewed. These include stamp duty amendments and land tax.	Berkeley Cox
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35	**A Select and Annoted Bibliography of Nonprofit Taxation** This paper was prepared to assist those who might be considering making a submission to the Industry Commission on the taxation of charities. It contains a core bibliography of tax material in Australia, England, Europe and America. Major Australian Taxation Inquiries are also noted and annotated.	Myles McGregor-Lowndes Sandra Carr
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40	**A Note on the Industry Commission Terms of Reference on Charitable Organisations** A note reviewing the development and structure of the terms of reference of the Industry Commission.	Myles McGregor-Lowndes Catherine McDonald
41	**A Comment on the Industry Commission Issues Paper on Charitable Organisations** This comment examines the data presented in the February issues paper of the commission on charitable organisation. It also comments about issues that are or are not raised in the Commission's paper.	Myles McGregor-Lowndes Catherine McDonald
42	**Halos, Fractures, Rigour Mortis, Cloning, External Instruments & Co Ltd by Guarantee** An examination of the National Safety Council Collapse and its consequences.	Myles McGregor-Lowndes
43	**Making The Commission Transparent - Volume 1** Comments on Freedom of Information Documents from the Industry Commission.	Myles McGregor-Lowndes Catherine McDonald
44	**Making The Commission Transparent - Volume 2** Comments on Freedom of Information Documents from the Industry Commission.	Myles McGregor-Lowndes Catherine McDonald
45	**A Taxing Definition — A Comment on The Industry Commission's Draft Proposals for Defining Community Social Welfare Organisations** An examination of the proposed Industry Commission draft report definition of CSWO for inclusion in section 78 ITAA. The paper draws attention to the consequences of linking the definition to the common law definition of charity.	Myles McGregor-Lowndes
46	**An Italian Legal Case Note: Administrative Court of Lombardy (Italy), District of Brescia, 30 November 1992, N.1285 Parco Castelli S.R.L. Versus Lombardy Local Government** A case note on a recent Italian case involving the definition of a nonprofit organisation.	Alceste Santuari
47	**Charities and the Industry Commission** An overview of the taxation implications of the draft report on charitable organisations by the Industry Commission.	Sandra Rodman
48	**The Industry Commission Inquiry into Charitable Organisations: The Draft Report, Implications for the Future of Community Services** A considered analysis of the draft report on charitable organisations by the Industry Commission. The paper critically examines the processes of the Commission, the terms of reference and draws attention to matters not considered by the draft report.	John May
49	**Retaining Charity Tax Exemptions — A Stitch in Time Saves Nine** The draft report on charitable organisations by the Industry Commission recommends strongly that the Australian Tax Office institute a review of the tax exempt status of all charities. The paper describes a number of matters that such organisations should consider concerning their tax affairs in order to place themselves in the best position for a possible audit by the Australian Tax Office.	Sandra Rodman Myles McGregor-Lowndes
50	**Index to Industry Commission Draft Report on Charitable Organisations** The draft report on charitable organisations by the Industry Commission is a long document without a detailed subject index. This paper includes	Myles McGregor-Lowndes Catherine McDonald

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	index of boxes, figures, tables, organisations and a detailed alphabetical subject index. Those who require detail reference to the draft report will find this paper of assistance.	Ted Flack
51	**Charitable Grants and Donations from Machine Gaming Revenue: Does It All Work Out in the Wash Up?** This paper traces the revenue derived from Machine Gaming by the Queensland Government, gaming hotels and clubs flowing though to community organisations. It seeks to quantity the level of monies flowing to community organisations from such revenues.	Myles McGregor-Lowndes Catherine McDonald David Dwyer
52	**Impact of the Introduction of Machine Gaming in Queensland on Minor and Major Bingo Operators** This paper examines the effect of gaming machines on bingo. The initial consensus of the charitable sector was that this would be the most effected form of charitable gambling.	Myles McGregor-Lowndes Catherine McDonald David Dwyer
53	**A Matter of Giving** This paper examines the taxation consequences of donations from the donor's perspective.	Sandra Rodman
54	**Reviewing the Collections Act** The Collections Act in Queensland is in need of reform. This paper suggests a number of principles to guide the reform of the Act.	Ted Flack
55	**Corporations Law Fundraising Provisions for Nonprofit Organisations - Are They Caught?** The Australian Securities Commission in late 1994 issued Policy Statement No.87 applying to charities seeking deposits or loans from their members. The paper outlines the events leading to the final policy statement and discusses the implications for charities seeking to operate deposit and loan schemes.	Berkeley Cox
56	**Comments on the Australian Accounting Research Foundation's Legislation Policy Discussion Paper No.4 (A Framework for Financial Reporting by Incorporated Associations)** The Australian Accounting Research Foundation has issued a draft proposal on the accounting and auditing requirements of incorporated associations. This paper critically assesses the draft proposal.	Dan Scheiwe
57	**Introduction to Fraud, Corruption and Ethics in Nonprofit Organisations** This paper is in two parts. The first part examines fraud and corruption prevent. The second part specifically deals with these issues in the context of nonprofit organisations.	J M Boyd S D Edwards
58	**Charitable Bequests - A Specific Case of Gift Giving** This paper summarises a recently completed research project into the flow of bequests to Queensland charities. The study uses records of the Queensland Public Trust Officer. Statistical analysis of annual volume, gender, average amounts, time lapses and categories of bequests are included.	Chris Barnard
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