

ACNC Sector Forum – Wednesday 23rd March 2022

Agenda Item 2: Member discussion

Anna Longley, ACNC Assistant Commissioner General Counsel, welcomed both new and continuing members of the Forum. Following this, many members introduced themselves and areas of focus within the sector were discussed, including staff/volunteer shortages, challenges with fundraising due to natural disasters, challenges experienced within disability service providers, potential changes to PAF guidelines, COVID-19 safe management, governance standards, changes to charity size thresholds and reporting of charity director resignations to ASIC. Anna facilitated a brief question and answer style discussion on matters raised by members prior to the Forum, including Australian banks relying on ASIC registers for charity details, harmonisation of fundraising laws and reviews being undertaken by the ACNC in relation to DGR endorsed entities and ensuring the continued integrity of the ACNC Register.

Agenda Item 3: Charity Compliance

James Bennett, ACNC Director of Compliance, and Jessica Horey, Compliance Manager, led a discussion on how the ACNC perceives compliance risk, non-compliance by charities and challenges within the sector. James outlined how data, intelligence, charity self-audits and reviews of specific topics are used to identify charities at risk of non-compliance and whether investigation and guidance is required. Following this, members suggested topics to review, including responsible person turnover.

Agenda Item 4: Commissioner's Interpretation Statement update

Joanna Austin, ACNC Director of Legal & Policy, and Nicola Bennett, Legal Counsel, provided the Forum with an update on the ACNC's review of the ACNC Commissioner's Interpretation Statements (CIS). The Forum was provided with a background on the project, specifically the CIS on Public Benevolent Institutions, and were also advised of consultation times and the ACNC's desire to receive feedback to the ACNC to ensure CIS are clear and concise.

Agenda Item 5: Australian Taxation Office Update

Joy Tillman, Director, Not for Profit Centre and Government, ATO, provided the Forum with an overview how the ATO works to support NFPs, engagement with key stakeholders and the market, key areas of ATO focus, steps taken to achieve higher assurance for NFPs and self-assessed income tax exemption categories. Joy also outlined other measures and programs, including deductible gift recipient reforms, the modernising business registers program, e-invoicing and the refresh of NFP public advice and guidance.

Agenda Item 6: Treasury Update

Karen Dunn, Acting Assistant Secretary, Not For Profits and Tax Administration Branch, Treasury provided an update on the following topics:

- New DGR category – aimed at funds that support pastoral care services delivered to students in Australian primary, secondary schools. Consultation is now open and closes on 29 April 2022.
- Fundraising reform – Treasury currently working with state and territories to reduce inconsistency in fundraising conduct obligations. In December 2021, Council of Federal Financial Relations agreed to develop a national fundraising framework to reduce red tape associated with fundraising. Official working group has been set up, chaired jointly by Commonwealth Treasury and Victorian Dept of Justice & Community Safety. Has representation from all the jurisdictions and the ACNC. Consultation to occur with the sector throughout the year.
- Transparency reporting code reform - already implemented. In February 2022, the Government and Fundraising Institute of Australia announced new guidelines for reporting charitable fundraising during natural disasters. In partnership FIA have implemented the transparency code through their existing FIA code mechanisms. Charities that are not members of FIA can be a voluntary signatory to the practice note and receive FIA support at no cost in implementing the practice note. The reporting obligations under this practice note are intended to take effect after the declaration of a national emergency.