

ACNC Quarterly

March 2015



From the Commissioner...

Much of the work we do at the ACNC revolves around supporting a robust and vibrant Australian not-for-profit sector. By providing charities with free publications such as [Governance for good](#), and our [template constitution and accompanying guide for companies limited by guarantee](#), we endeavour to help charities with good governance, which is essential for all charities. We also provide a range of other online resources. In addition, charities can email or phone our Advice Services team for assistance.

We take seriously our oversight role, to protect both the public and charities. We recognise that the vast majority of charities are run by people who want to make a difference and do the right thing. However, we take firm action against charities deliberately doing the wrong thing. We have investigated and revoked the

charity status of six charities. In this edition we look at our regulatory role and compliance work more closely, as well as encouraging you to assess your charity's compliance health.

If you have submitted the 2014 Annual Information Statement already, you are well on your way to meeting your ACNC obligations. Eighty per cent of charities reporting on the 1 July to 30 June financial year have submitted. We understand that including financial information adds work for some charities so we have developed a [detailed guide and checklist](#) to help you.

Some charities may have held off submitting because of the uncertainty around the ACNC's future or because it has simply not been a priority. Charities should note that submitting the Annual Information Statement is a legislative requirement. Those that fail to submit their 2014 Annual Information Statement by the due date will receive a warning letter and at six months a red mark will appear on the Charity Register alerting donors, grant-makers and the public that the charity has not complied with its reporting requirements.

Charities with overdue Annual Information Statements for both the 2013 and 2014 years will have their charitable status revoked and will lose their entitlements to Commonwealth charity tax concessions unless they submit both of their overdue statements. The list of charities at risk can be viewed at acnc.gov.au/doubledefaulters.

We are keen to work with charities in 2015 to support their good practice. I hope you find the information in this quarterly newsletter useful.

Good wishes

Susan Pascoe

Susan Pascoe AM

Working together to create healthy and sustainable charities

Our compliance tools

Part 4-2 of the ACNC Act sets out a range of enforcement tools available to the ACNC in our work to support charities to be healthy, sustainable and well-governed. The ACNC's regulatory approach outlines how we apply these tools in different situations – which range from providing education to charities about their obligations, to using formal powers such as issuing warnings and directions, and seeking enforceable undertakings.

Enforceable undertakings

An enforceable undertaking is an agreement between a charity and the ACNC where the charity agrees to do certain things to get it back on track and become compliant with the ACNC Act. For example, this may be an agreement that the charity conducts regular meetings, keeps records, or ensures that the charity's board is complying with the ACNC governance standards. Enforceable undertakings allow us to work collaboratively with a charity to rectify problems.



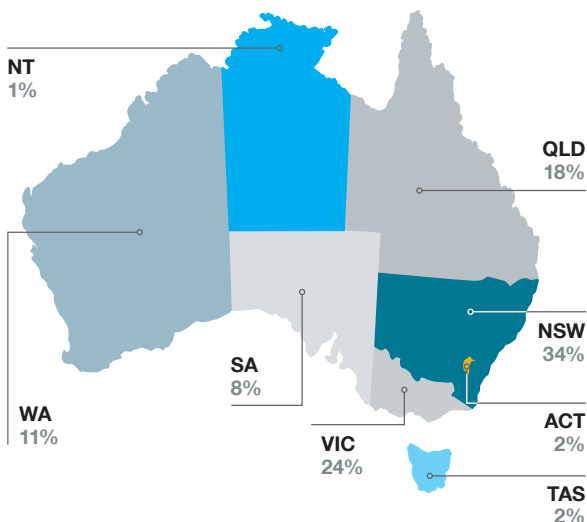
Case study: A positive outcome for Yipirinya School

Yipirinya School Council Inc operates an independent Aboriginal school in Alice Springs. The ACNC worked with Yipirinya School to identify record keeping and governance concerns, and put in place the steps required to address them using an enforceable undertaking. The school welcomed the opportunity to work with the ACNC in a process of reviewing their constitution, policies and practices. This work ensures that the school meets the governance standards required of a charitable not-for-profit organisation and operates in the best interests of the children and community that Yipirinya School serves.

Charity sector snapshot

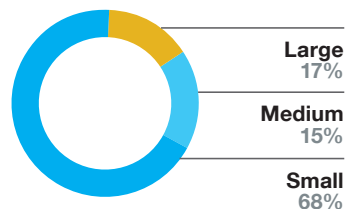
> **59 451** charities on the Charity Register

> Percentages of charities around Australia



>  Did you know?
3000 charities are over **100** years old

> Size by ACNC tier



> Top beneficiaries:



2014 Annual Information Statement

Charity activity at a glance

- Over 20 000 of an estimated 25 000 charities that should have already submitted their 2014 Annual Information Statement have done so – thank you!
- In late February, the ACNC began to revoke the registration of charities who had failed to submit their 2013 and 2014 Annual Information Statement. If you are in this situation you need to act now. You can log into the Charity Portal and submit your 2013 and 2014 Annual Information Statements.

Log in > charity.acnc.gov.au

View the list of double defaulters >

acnc.gov.au/doubledefaulters

Are you one of the 5 000 charities with an overdue 2014 Annual Information Statement?

If your charity was due to complete the 2014 Annual Information Statement by 31 January 2015, make it a priority to submit as soon as possible. Submitting a 2014 Annual Information Statement is a legislative requirement. Also don't forget – the ACNC publishes the date you submit your 2014 Annual Information Statement on the Charity Register, so if yours is late, donors and grant-makers will be able to see this.

Submit now > acnc.gov.au/2014AIS

Is yours due soon?

Your charity's Annual Information Statement and financial report (if required) are due within six months of the end of your reporting period (financial year).

! Please note that extensions are only granted in rare circumstance. Only a small number of requests are approved. Requests should be made before the due date by emailing advice@acnc.gov.au. Please include your charity name, ABN, the reason you need an extension, and the timeframe you are seeking. For more information read our [Commissioner's Policy Statement on Annual Information Statements](#) available at acnc.gov.au/cps_ais

Governance tools and tips

We provide a range of resources to help you govern and manage your charity including our [Guide for board members](#) and [Governance for good](#).

Board members: How much do you know about your charity's finances? Take a look at [Our Community's Damn Good Advice for Treasurers: Twenty-five questions a not-for-profit Treasurer needs to ask](#).

More > acnc.gov.au/governancetools

We're reviewing our regulatory approach

If you'd like to provide feedback on our regulatory approach, get in touch with us at policy@acnc.gov.au.

More > acnc.gov.au/regulatoryapproach

It's a good time to...

- Prepare for AGM season! We've put together a package of templates, tips and tools to help make this year's meeting a breeze.

More > acnc.gov.au/templates

- Make sure your charity sub-type is up to date before 30 June 2015. Check your entry on the ACNC Charity Register – if there is a message saying 'Awaiting selection of new subtype' in the Registration Details box, you need to update your sub-type.

More > acnc.gov.au/subtype

Registration Details

| | |
|---------------------|--|
| Entity Type | Charity |
| Entity Subtype | Public benevolent institution (01/01/2014) Awaiting selection of new subtype |
| Registration Status | Registered |

Helping you this quarter

Advice Services: The most frequently asked questions

Q What are governing documents?

A Your charity's governing documents are the formal documents that include its purpose/s, activities and organisational processes. Examples include a set of rules, a rule book, a constitution, a trust deed or articles of association. For more information read our factsheet > acnc.gov.au/governingdocument

Q Why aren't my responsible persons appearing on the Charity Register?

A If there are no responsible persons (board or committee members) or governing documents on your records when you first begin your 2014 Annual Information Statement online, the form will load questions prompting you to add these details. You will need to enter this information through the 2014 Annual Information Statement form, rather than through other means, in order to submit.

Q Why can't I find my charity on the Charity Register?

A If you are sure your charity is registered, but it doesn't come up on the ACNC Register, it may be withheld. First try searching using just the ABN – we may have the charity registered under a previous name. If it still does not appear you may have requested that some information be withheld. You can check what details the ACNC does have for your charity by logging into the Charity Portal > charity.acnc.gov.au



Engaging with charities

We'll be at a range of sector events in the coming months. Come and say hello.

- **U3A Conference**
(Brisbane, May 2015)
- **Corporate Governance Forum**
(Sydney, June 2015)



The next Advisory Board meeting will be in Melbourne on 15 May.

Meeting minutes from this meeting and previous meetings are available at acnc.gov.au/advisoryboard

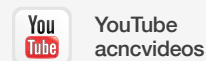
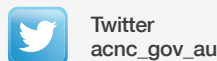
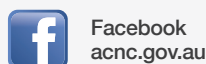
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Connect with ACNC

Keep up to date with ACNC news by signing up to our email news updates at acnc.gov.au/signuptoemailalerts

You can also ask questions, get the latest information and network with other charities on social media:



acnc.gov.au/contact

If you would like to change how you receive future copies of ACNC Quarterly, log into the Charity Portal and update your 'address for service' details.

More > charity.acnc.gov.au