

# ACNC Adviser Forum Charter

## Context

The *Australian Charities and Not-for-profits Commission Act 2012* (the Act) sets out three objects:

- (a) to maintain, protect and enhance public trust and confidence in the Australian not-for-profit sector; and
- (b) to support and sustain a robust, vibrant, independent and innovative Australian not-for-profit sector; and
- (c) to promote the reduction of unnecessary regulatory obligations on the Australian not-for-profit sector.

The ACNC is responsible for:

- i. Registering entities as not-for-profit entities according to their type and subtypes; and
- ii. Administering the national regulatory framework; and
- iii. Assisting registered entities in complying with and understanding the Act, by providing them with guidance and education.

## Consultation

The ACNC values engaging with and listening to advisers to the charitable sector in relation to emerging issues impacting the sector and the regulation of charities by the ACNC. The Adviser Forum also forms part of the ACNC's stakeholder consultation mechanism for the purposes of validating the ACNC's evaluation of its performance against the Regulator Performance Framework.

The ACNC also convenes a Sector Forum that seeks consultation with and input from member charities.

The ACNC is assisted by an Advisory Board established under the Act, which provides advice to the Commissioner. The Adviser Forum is not intended to duplicate this function.

The Australian Taxation Office (ATO) convenes a Not-for-profit Stewardship Group to provide a forum for consultation between the ATO and the sector on matters relating primarily to taxation and tax concessions. It is envisaged that any overlap in the membership constitution will be minimal.

## Purpose

The Adviser Forum membership comprises invited professional advisers to the charity sector, primarily from the legal and accounting professions. The forum will bring this membership together with ACNC representatives and invited observer members.

The Adviser Forum will be invited by the ACNC to comment on matters that will assist the ACNC to improve its regulation of charities and to be open and accountable about the way the ACNC operates. The ACNC will seek comment and feedback from members of the Adviser Forum on:

- emerging issues impacting the sector and the provision of service to the sector
- approved forms
- policies
- education and guidance materials.

## Participation

Meetings will be scheduled twice per year, one separately to the Sector Forum and one combined.

Meetings will generally be held at the ACNC office in Melbourne, however teleconference or videoconference facilities will be provided.

Additional meetings may be called or requests for comments or feedback may be sought via email on an as needs basis.

## Membership and tenure

Membership is extended by invitation and is open to organisations, each invited to send one delegate to each meeting. The exception is for sole traders, who will be invited personally. The ACNC may seek expressions of interest prior to extending invitations.

Members will be invited to participate in the Adviser Forum for a two year term, which can be extended by invitation of the ACNC.

Membership of the Forum will be capped at 35 and should reflect the diversity of the sector. Diversity of professional industry, number and type of charities represented, and geographic location of the organisation and charities represented will be taken into account.

## Observers

Government agencies and departments will be invited to attend as observer members, either to every meeting or on an as needs basis. Observer membership will be extended to organisations that have responsibilities in respect of the charity sector.

Standing observer members:

- Treasury
- Australian Taxation Office

## ACNC Representatives

The meeting will be chaired by the Assistant Commissioner General Counsel.

The Commissioner will attend the meeting where possible.

ACNC representatives will attend as required, depending on the subject matter.



## Roles and responsibilities

### Responsibilities of the Chair

The role of the Chair is to ensure the Adviser Forum operates effectively to meet its purpose.

This role includes:

- determining membership, including inviting or releasing members
- planning the agenda in consultation with members
- calling meetings
- leading meetings
- ensuring records are maintained
- establishing and reviewing short term and long term goals
- maintaining relationships with key stakeholders

### Responsibilities of member organisations

- Representing the views of professional advisers to the sector
- Providing input into agenda items and leading topics where relevant
- Actively participating in meetings, ensuring respectful, engaged, dynamic and open dialogue
- Responding to and participating in any requests from the Chair between meetings as necessary
- Advising the secretariat of change to delegate or apologies for scheduled meetings
- Proposal of delegate or guests by invitation
- Advising the Chair if the member wishes to leave the Adviser Forum
- Disclosing actual or perceived conflicts of interest to the Chair as soon as they arise
- Maintaining confidentiality of matters marked or announced as confidential
- Providing annual feedback on the performance of the Adviser Forum
- Providing annual feedback on the ACNC's self-assessment under the Government's [Regulator Performance Framework](#), noting that the Adviser Forum and Sector Forum form the ACNC's approved stakeholder consultation mechanism.

### Responsibilities of observer members

- Representing the views of their agency or department in relation to the regulation and administration of the sector
- Providing input into agenda items and leading topics where relevant
- Disclosing actual or perceived conflicts of interest to the Chair as soon as they arise
- Maintaining confidentiality of matters marked or announced as confidential
- Providing annual feedback on the performance of the Adviser Forum
- Advising secretariat of change to delegate or apologies for scheduled meetings



**Responsibilities of ACNC staff**

- Preparing for, leading and/or participating in discussions with members during meetings
- Ensuring issues and concerns are addressed and where possible resolved
- Listening to and taking into account the discussion, feedback and comments of members

**Secretariat**

The ACNC will provide a secretariat with the following responsibilities:

- preparing and distributing notices, agendas, record of meetings, and papers
- arranging meetings, including escorting members where appropriate and catering
- noting attendances and apologies
- taking minutes and having them published on [acnc.gov.au](http://acnc.gov.au).

**Resources**

- There will be no sitting fees for Adviser Forum participation;
- Members will meet their own travel costs;
- ACNC will meet costs of venue and catering.

**Review**

The Chair will review the effectiveness of the Adviser Forum on an annual basis and report to the ACNC Commissioner and to the Adviser Forum.

