

ACNC Adviser Forum – Wednesday 18th November 2020

Agenda Item 2: Bushfire Response 2019-20, A Review of Three Australian Charities

Hon Dr Gary Johns, ACNC Commissioner, provided an overview on the review and report released.

- ACNC reviewed three charities for the purpose of ensuring charities that received significant donations were responding appropriately.
- The report is intended to provide insights to the public on charity operations and challenges.
- ACNC plans to conduct more reviews early next year, however these will not be made public.

Agenda Item 3: ATO Update – JobKeeper payment

The Adviser Forum received a presentation and update from Jennifer Moltisanti, Assistant Commissioner, Not-for-profit Centre and Government, ATO, on the JobKeeper scheme.

- As of 27 September 2020, 12000 ACNC registered charities have received JobKeeper payments totalling about \$5.8 billion.
- Information on JobKeeper eligibility is available on the ATO [website](#).

Agenda Item 4: Reporting & Red Tape Reduction key updates:

Mel Yates, ACNC Director Corporate Services and Reporting Red Tape Reduction, provided updates on Charity Marketplace, Best Practice Financial Disclosures and Red Tape Reduction:

Charity Marketplace

- To date, over 3,000 2020 Annual Information Statements have been received.
- From feedback received the following changes have been made:
 - Added the option of 'online' as a location in the AIS.
 - Added case studies in the AIS guidance to assist charities with adding their programs (examples are church, school and grant making).
 - It is important to categorise programs thoughtfully in the 2020 AIS.
- Any members interested in testing phase 2 of the Charity Marketplace, involving the development of the register search function should contact Rachel.Smith@acnc.gov.au.

Best Practice Financial disclosures

- Following feedback received, the ACNC has revised the position on:
 - Overall materiality: disclosure would be made where total Government Revenue is 10% or more of Total Revenue
 - Additional materiality: disclosure would be made of only the top 10 funding departments, with others listed in an Appendix Several other changes relating to the use of notes in the financial report and passing on funding to other charities
- We expect to release the guidance before the end of the year.

Red Tape Reduction

VICTORIA

- From 1 September 2020, a new arrangement between the ACNC and Consumer Affairs Victoria means charities will only be required to submit annual information statements to the ACNC. They will have to notify CAV of their intention to fundraise.

WESTERN AUSTRALIA

- The ACNC and Consumer Protection have entered into a streamlined reporting arrangement from the 2020 Annual Information Statement, whereby associations only need to report to the ACNC using the Annual Information Statement. The ACNC will require some additional information that we will share with Consumer Protection.

Agenda Item 5: NFP Private Sector Financial Reporting Framework

Fridrich Housa, Deputy Technical Director, AASB presented on the NFP Private Sector Financial Reporting Framework project. The AASB welcomes feedback on the design of the framework.

Agenda Item 6: Treasury Update

Jacky Rowbotham, Principal Adviser, Treasury provided updates on:

Requiring DGRs to Register as Charities

- Draft bill and explanatory memorandum are open for public consultation on the Treasury [website](#). Submissions are due by 4 December 2020.
- Under the Bill Non-Government Item 1 DGRs will be required to be registered as a charity. Approximately 1,000 entities will be affected by the reform.

Fundraising Reforms

- NSW is leading reform on the harmonisation of charitable fundraising laws. The proposal is for a cross border recognition model for charitable fundraisers, whereby a registered charity would be deemed to be authorised to fundraise in each participating jurisdiction.
- The proposal is to be considered by the Council on Federal Financial Relations. This Council is made up of Commonwealth, State and Territory treasurers.

Agenda Item 7: ACNC Stakeholder Engagement Framework

Anna Longley, ACNC Assistant Commissioner sought feedback from the group on proposed changes to the ACNC Stakeholder Engagement Framework.

- The ACNC is in the process of finalising the Stakeholder Engagement Framework and encourage feedback to Rachel.Smith@acnc.gov.au by 24 December 2020.

Agenda Item 8: The role of advisers in maintaining purpose and good governance

Elaine Leong, representing the NFP Legal and Governance Network, spoke about the evolving role of general counsel and how in-house and external advisors can work together on fulfilling charitable purpose.