



Australian  
**Charities** and  
Not-for-profits  
Commission

# Gaining and retaining charity registration with the ACNC

Presented by:

Vladimir Klendo - ACNC Registration

Chris Riches - ACNC Education

Louis Hine - ACNC Education

27 September 2022

[acnc.gov.au/webinars](https://acnc.gov.au/webinars)





The ACNC acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community.

We pay our respects to them and their cultures and elders past, present and emerging.





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The image features a deep purple, textured background. A piece of white paper is torn out of the center, revealing the word "AGENDA" in a bold, black, serif font. To the left of the white area, a vertical strip of the purple material is rolled up, showing its hollow interior. The edges of the white paper are irregular and torn, giving it a handmade appearance.

**AGENDA**



Plan

## What we will cover today

- Obstacles in registering as a charity
- Common issues in maintaining registration with the ACNC
- Deductible Gift Recipient (DGR) reviews

# Gaining charity registration



# Who can apply to be registered

To be eligible, your organisation must:

- be not-for-profit
- have only charitable purposes that are for the public benefit
- comply with the ACNC Governance Standards and External Conduct Standards.

[acnc.gov.au/whocanberegistered](https://acnc.gov.au/whocanberegistered)



# Who can apply to be registered

To be eligible, your organisation must:

- not have any disqualifying purposes, and
- not be an individual, political party or government entity.

It must also have an Australian Business Number (ABN) with the right 'entity type'.

[acnc.gov.au/not-profit](https://acnc.gov.au/not-profit)





Registration roadblocks

# Roadblock: Proving not-for-profit status

Your charity's governing document should include:

- a 'not-for-profit' clause
- a 'winding-up' clause

[acnc.gov.au/not-profit](http://acnc.gov.au/not-profit)



# Roadblock: Unclear charitable purpose

A charity's charitable purpose is stated in its governing document (its 'objects') and demonstrated in its activities.

A charity must have only charitable purposes

[acnc.gov.au/charitablepurpose](https://acnc.gov.au/charitablepurpose)



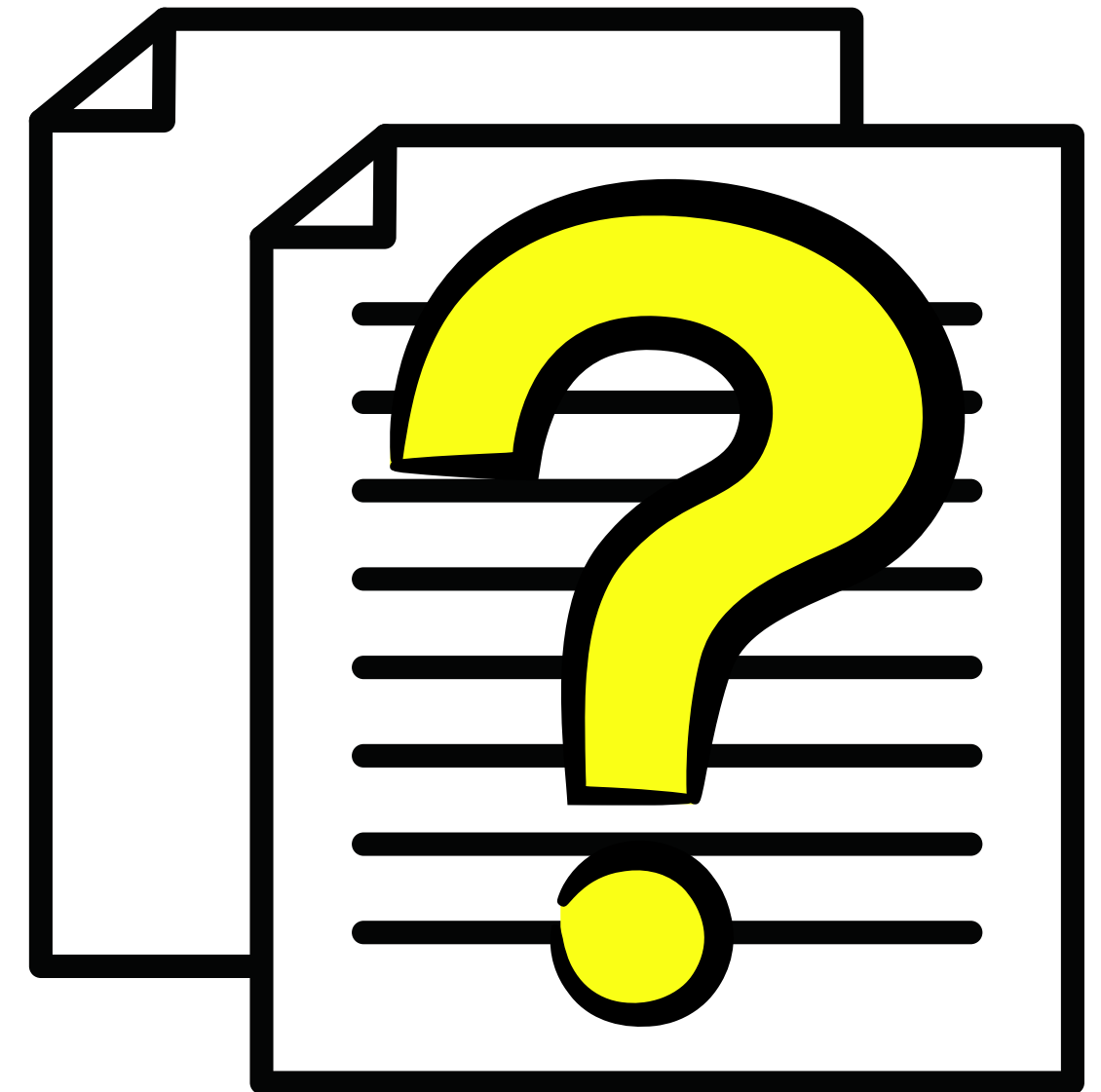
# Roadblock: Unsuitable governing document

The governing document should:

- be for the correct structure
- have appropriate clauses included

[acnc.gov.au/governingdocument](https://acnc.gov.au/governingdocument)

[acnc.gov.au/charitablepurpose](https://acnc.gov.au/charitablepurpose)



# Avoiding other roadblocks

Your application:

- should be clear on who you help
- must not have disqualifying purposes

Your operations must comply with the ACNC Governance Standards (and External Conduct Standards where applicable).



# Avoiding other roadblocks

Your application:

- must provide details of **all** Responsible People
- must include an eligible ABN


Not sure who the Responsible People are? Read more at:

[acnc.gov.au/responsiblepeople](https://acnc.gov.au/responsiblepeople)



# Maintaining charity registration





Charities must remain not-for-profit, comply with Governance Standards, as well as report any changes to their details

**[acnc.gov.au/maintainregistration](https://acnc.gov.au/maintainregistration)**

# Charity subtypes and mission drift

Charity subtypes are 'categories' every charity fits into. Each charity the ACNC registers has a charity subtype that is based on its purpose - its work.

But over time, a charity's purpose, or mission, can 'drift'.





What is 'mission drift'?

# What is mission drift

Mission drift occurs when an organisation's focus on activities and short-term goals deviate from its objects.

It can occur due to the organisation's circumstances, community influence, or current events that inspire action.



# Addressing mission drift

Review your governing document, and compare it what your charity is currently doing:

- If there is a clear difference, consider updating your objects.
- You may need to hold a meeting to discuss the issue.



# Changing your charity subtype

1. Log into the Charity Portal (**[charity.acnc.gov.au](https://charity.acnc.gov.au)**)
2. Click your charity's name
3. Select 'Manage other charity details'
4. Select 'Change your charity's subtype'

Help logging in, visit: **[acnc.gov.au/charityportal](https://acnc.gov.au/charityportal)**



## Manage other charity details

This is where you can change your charity's Address For Service, name, governing document and apply for different charity subtypes.



## Change your charity's subtype



**STANDARDS**

# Governance Standards and External Conduct Standards

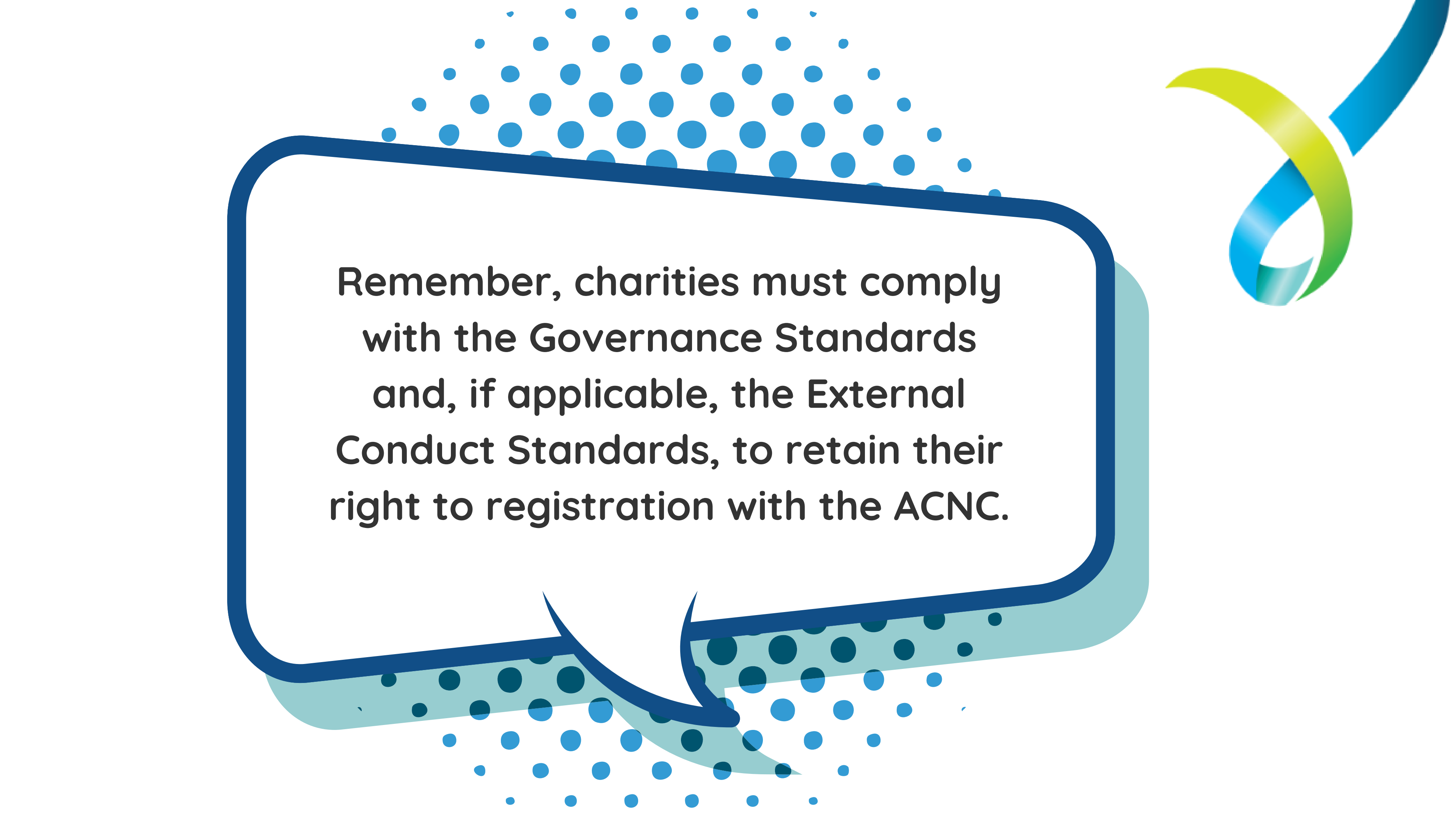
**Governance Standards** apply to all registered charities (except 'Basic Religious Charities').

**External Conduct Standards** apply to all registered charities operating outside Australia.

[acnc.gov.au/governancestandards](https://acnc.gov.au/governancestandards)

[acnc.gov.au/ecs](https://acnc.gov.au/ecs)





Remember, charities must comply with the Governance Standards and, if applicable, the External Conduct Standards, to retain their right to registration with the ACNC.

# Other obligations

Charities must notify us of changes to their:

- Address for Service contact details
- Governing document
- Responsible People

They must also Complete an Annual Information Statement

[acnc.gov.au/obligations](https://acnc.gov.au/obligations)



# Double defaulters

A 'double defaulter' is a charity which has not submitted two or more Annual Information Statements.

Double defaulters will have their charity registration revoked.

[acnc.gov.au/doubledefaulters](https://acnc.gov.au/doubledefaulters)

[acnc.gov.au/contact-us](https://acnc.gov.au/contact-us)



# REVIEW

The ACNC's program of deductible gift recipient reviews

# Deductible Gift Recipient (DGR) reviews

First announced in 2017, the ACNC receives funding to review 2% of DGR-endorsed charities each year.

About 40% of all registered charities are endorsed for DGR.

The aim is to make sure charities with DGR are still on the right track to keeping DGR status.



# Deductible Gift Recipient (DGR) reviews

Main aims of the reviews:

- ensuring tax concessions are only provided to eligible charities
- increasing donor confidence
- protecting the integrity of the ACNC Charity Register
- encouraging charities to periodically self-assess their entitlement to registration



# Deductible Gift Recipient (DGR) reviews

The 2023 reviews will focus on DGRs that were registered as charities before the ACNC's establishment on 3 December 2012.

It is important to note that being selected for review does not mean a charity is in the wrong, just that it meets the review criteria.

The ACNC will work with charities to help them retain their registration.





Remember!

## Things to remember



When applying for registration, be clear on not-for-profit status and charitable purposes.



Be mindful of roadblocks that might hold up your application.



## Things to remember



To maintain charity registration, be mindful of ongoing obligations - notifying the ACNC of changes, completing reporting tasks.



ACNC will review DGR-registered charities to help address potential issues and provide further support.





# Stay in touch

- The Charitable Purpose e-monthly
- Web guidance - [acnc.gov.au](http://acnc.gov.au)
- Webinars - [acnc.gov.au/webinars](http://acnc.gov.au/webinars)
- Podcasts - [acnc.gov.au/charitychat](http://acnc.gov.au/charitychat)
- Contact us - [acnc.gov.au/contact-us](http://acnc.gov.au/contact-us)



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# Thank you

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Questions, comments, feedback:  
[education@acnc.gov.au](mailto:education@acnc.gov.au)

