

Key points at a glance

- Between 1 July 2022 – 30 September 2022 the ACNC received 3 FOI requests
- The ACNC has received submissions on updates to the Commissioner's Interpretation Statements on Public Benevolent Institutions and Health Promotion Charities. 34 submissions have been received.
- Commissioner's Interpretation Statements guide charities and the public on how the ACNC understands the law that applies to charities.
- The ACNC will thoroughly review all submissions and publish a comprehensive summary of matters raised.

Litigation

- **AAT 2021/37774 ([Equality Australia Ltd](#) and the Commissioner of the ACNC)**
- The applicant is currently a charity (advancing public debate (promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a state, territory or another country), but is seeking registration as a public benevolent institution (PBI).
- Application for PBI was refused as ACNC contends that the Applicant has an independent purpose of awareness raising, education, research and advocacy.
- The hearing was held 1 – 3 August 2022. We are awaiting a decision.
- **AAT 2022/2881 (Camp Gallipoli Foundation and Commissioner of the ACNC)**
- The applicant was registered as a charity on 30 October 2015 and registration was revoked, effective 2014 – being the date the charity was effectively registered and revoked, from.
- In 2022 the applicant formally objected to the decision to revoke and on 29 March the ACNC decided not to deal with the objection as it wasn't lodged within the review period. On 8 April 2022 the applicant lodged an application in the AAT for review of the extension of time refusal. No date has been set for a hearing.

Commissioner's Interpretation Statements

- Commissioner's Interpretation Statements guide charities and the public on how the ACNC understands, interprets and applies common law and legislation as it relates to specific, complex aspects of charity law.
- As part of a rolling review of all Commissioner's Interpretation Statements, in June 2022 the ACNC released two draft CIS for consultation:
 - Public Benevolent Institutions
 - Health Promotion Charities.
- The ACNC is consulting widely on these documents to ensure they are clear, helpful and an accurate reflection of the law. This involves assessing written submissions, collating feedback and conducting virtual and in person workshops.
- The original date for submissions was 27 July 2022. We then extended the date to 30 August to allow time for further submission.
- To date we have received 34 submissions.
- The ACNC will thoroughly review all submissions in relation to the PBI and HPC updates and will publish a comprehensive summary of matters raised.
- We have not set a date for publication of the revised draft or final documents. Until they are published, the sector can rely on the CIS on the ACNC website.

Freedom of Information

- 1 July 2022 – 30 September 2022: 3 requests
- The ACNC has two, historical, FOI decisions which are currently being reviewed by the Office of the Australian Information Commission (one from October 2018, and one from April 2021).