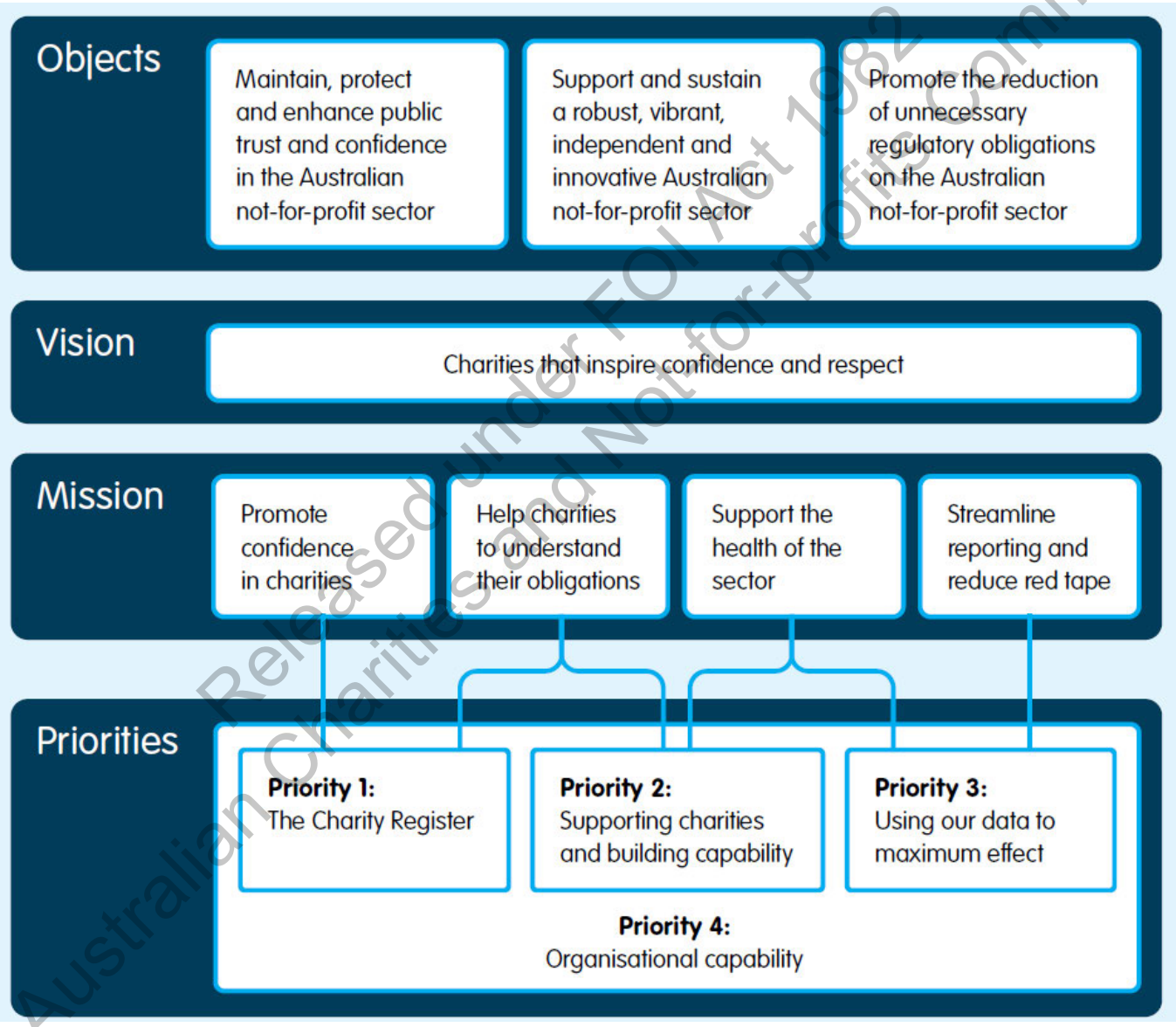
Australian Government | Australian Charities and Not-for-profits Commission

2025-26 Directorate plan

Legal and Policy



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Legal and Policy

Our priorities

1. **Enablement and capacity building** – provision of clear, practical legal advice regarding the lawfulness of decisions made under the ACNC Act by the Commissioner and her delegates, and equipping staff to make decisions under authorisation lawfully and with confidence, consistent with charity law, administrative law and the ACNC's regulatory approach.

2. **Commissioner's Interpretation Statements** – publication of revised CISs on public benevolent institutions and provision of housing, and internal engagement to support staff.

3. **De-identified Registration Decisions** – work with Registration and EPA to diagnose and unblock the DRD process, reframe expectations by reference to the funding expectations and relevant policy and collaborate with both teams to publish additional DRDs.

4. Strategic and targeted **contribution to the policy conversation**, prioritising outcomes that further the three objects of the ACNC Act.

External factors that may impact our work

1. Volume of litigation and/or complex registration or compliance matters requiring legal support

2. Legislative amendments to the secrecy provisions

3. Workforce continuity and capacity

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How we will promote a vision of a 'One ACNC'

Shared purpose

'**Together**' is one of the qualities set out in the Legal Services Charter which states: 'We work with you to provide legal services that meet the ACNC's needs. We work together to identify solutions which are legally correct and practical.'

Both the Legal and Policy Services Charters refer to **working together** stating, 'We want to work with you in partnership. We also seek your feedback so that we can continuously improve.'

Continually evolving

Being **innovative** is one of the qualities set out in the Legal Services Charter which states: 'We manage our legal practice in a way that fosters innovation and improves the way we deliver legal services.' For example, one way we have done this recently is by creating a legal advice database and discussing new advices at team meetings to share knowledge.

Supported and connected

We actively participate in ACNC groups like the social club and innovation hour, and one of us is usually in the office most days. We're generally all in the office on Tuesdays to connect with each other and with you.

People belong

It's important to us to create a psychologically safe workplace where each team member feels comfortable expressing their views. We welcome a diversity of views and perspectives. We are open-minded and respectful and love having our views tested.

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Our contribution to the forward workplan

Key: Planning P Consultation C Delivery D

Activities	Sub-activity	Main deliverable(s)	Accountable individuals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	What does success look like?
Maintaining the integrity of the Register	s 22															
Assisting charities to understand and comply with their obligations	Publishing de-identified reasons for decisions	Work with Registration and EPA to diagnose and unblock the DRD process, reframe expectations by reference to the funding expectations and	EL2 APS6 Legal	D	D	D	D	D	D	D	D	D	D	D	D	Further DRDs being published on the website, enhancing transparency and the ACNC's existing guidance offering.

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Activities		Main deliverable(s)	Accountable individuals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	What does success look like?
	Sub-activity															
		collaborate with both teams to publish DRDs.														
	CIS – PBI (EA update)	Publish updated PBI CIS and compendium of feedback. Co-deliver training with Registration to equip staff to apply the updated CIS.	EL1 Legal	P	P	D	D									
Assisting charities to understand and comply with their obligations	CIS – Provision of Housing	Consult with internal and external stakeholders. Co-deliver training with Registration to equip staff to apply the CIS. Publish updated housing CIS.	EL1 Legal		P	P	P	C	C	C	D	D	D			The sector has a clear understanding of the ACNC's expectations in relation to charitable status and the provision of housing (and the ACNC applies the law consistently).
	s 22															

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Activities		Main deliverable(s)	Accountable individuals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	What does success look like?
	Sub-activity															
																effectively across government.
Proactively engage with the sector to understand emerging issues, risks & opportunities that affect the sector	s 22															
Assisting policy makers, researchers, and the media about the work of the charity sector																
Maintaining robust, effective and efficient organisational governance	s 22															

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Activities	Sub-activity	Main deliverable(s)	Accountable individuals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	What does success look like?
	s 22															
Maintaining robust, effective and efficient organisational governance	s 22															
Meeting whole-of-government obligations	s 22															

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Meeting whole-of-government obligations																

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	Sub-activity															
	s 22															
	s 22															

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Opportunities/Parking lot

Activity	Description of opportunity	Benefit	Dependencies
Assisting charities to understand and comply with their obligations	Consider Private/public benefit – guidance or CIS	Better support charities to comply with public/private benefit issues. Provide clarity to staff in assessing registration applications, undertaking DGR reviews and compliance case work.	Developing clarity on questions such as: • Who are we targeting – staff, advisers, charities, the public? • Whether it would be beneficial to first produce comprehensive internal technical guidance.
	Review of CIS on meaning of 'government entity'	Update to incorporate impact of current legislative instrument. Better support to charities and staff, and simplification of a complex document.	Resourcing. Non-overlapping consultation windows
	Review of CIS – First Nations	Included in the Statement of Commitment Action Plan. Update to use strengths-based, contemporary language. Length of time since last review (2015).	Resourcing. Non-overlapping consultation windows.
	Review/update of template rules for a charitable unincorporated association	Support to charities, especially those that are smaller and less sophisticated.	Resourcing.
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Business risks

Description	Risk	Mitigation strategy	Current risk	Next review
		s 22		

Likelihood	Description
Rare	The risk will only occur in exceptional circumstances. There is a high level of justifiable certainty that the risk will not be realised. There is a less than 10% chance that the risk will occur in the life of the plan, project or activity being assessed.
Unlikely	The risk is unlikely to occur. Whilst there is a credible possibility that the risk may occur, it is unlikely There is a 10-40% chance that the risk will occur in the life of the plan, project or activity being assessed.
Even Chance	It is possible for the risk to eventuate. There is a reasonable probability that the risk could occur. There is a 40-60% chance that the risk will occur in the life of the plan, project or activity being assessed.
Likely	The risk is likely to occur. Whilst there may not be certainty that the risk will occur, all information indicates that the risk has a high probability of eventuating. There is a 60-90% chance that the risk will occur in the life of the plan, project or activity being assessed.
Almost Certain	The risk is expected to occur. There is a high level of certainty that the event will occur. There is a greater than 90% chance that the risk will occur in the life of the plan, project or activity being assessed.

Consequence	Rare	Unlikely	Even Chance	Likely	Almost Certain
Catastrophic	High	High	Very High	Very High	Extreme
Severe	Medium	Medium	High	Very High	Very High
Major	Low	Medium	Medium	High	High
Moderate	Very Low	Low	Medium	Medium	Medium
Insignificant	Very Low	Very Low	Low	Low	Low
	Likelihood				

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