

ACNC ain't broke, don't fix

Thursday 8 February 2018

The first five year review of the Australian Charities and Not-for-Profit Commission (ACNC) Act has been told the full potential of the charities regulator is yet to be realised, but there is no need for legislative change.

The ACNC Advisory Board, in its submission to the Review Panel Chaired by Patrick McClure AO, cautioned against any sudden legislative amendment to ensure the ACNC was given time to properly support development of both the charity and not-for-profit sector.

Advisory Board Chair and Unicef CEO Tony Stuart said "The review of the Act offers the only opportunity in the foreseeable future for effort to be directed to seeking Federation agreement about the ACNC being the one stop shop for both charities and not-for-profit organisations.

"The original idea for the ACNC was to have it register, support sustainability, and reduce red tape for all not-for-profits, not just charities. The ACNC has proven it can regulate the 54,000 charities well. We hope the review can restart discussion about it also playing a role not-for-profits as well."

The Advisory Board in its public submission to the ACNC Act Review Panel in arguing against the need for major changes to the ACNC legislation has asked the panel to consider focusing on how the ACNC can promote the sustainability of the charity sector and further efforts for red tape reduction.

The Advisory Board has also recommended the Review Panel consider:

- Addressing uncertainties in the operation of the Corporations Law and the ACNC Act;
- Strengthening the "responsible persons" test to ensure a person convicted of a serious offence is not in a position to govern an ACNC registered organisation;
- Enabling the ACNC to issue public statements about investigations into charities and reasons for cancelling a charity's registration;
- Considering a role for the Advisory Board to also provide advice to the responsible ACNC Minister on matters relating to the charity and not-for-profit sector;
- Allowing additional information to be published on the ACNC register than currently permitted by law.

"I encourage anyone interested in charities, not-for-profits, philanthropy, or volunteering to make their views known on the ACNC laws by making a submission to the review before submissions close on 28 February," Mr Stuart said.