

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Additional Estimates

2014 - 2015

**Department/Agency: Treasury**

**Question: AET 357-364**

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

**Reference: written - 11 March 2015**

**Senator: Siewert, Rachel**

**Question:**

- 357. Treasury previously did some work around the potential to improve productivity in the charities and not-for-profit sector. Is this work continuing and if so what can you tell us about its findings?
- 358. Please clarify which Minister holds responsibility for the ACNC and why.
- 359. What role does the ACNC hold in countering the funding of terrorism?
- 360. Please provide an update on progress in regards to the implementation of the charity passport.
- 361. Has the ACNC been consulted by DSS regarding plans for the National Centre for Excellence or for future regulatory arrangements of the sector?
- 362. Is any legislation regarding the replacement of the ACNC being drafted?
- 363. If so, when will charities have an opportunity to see the exposure draft?
- 364. What impact is the ongoing uncertainty about the future of the ACNC having on the charities sector, particularly the capacity to reduce red tape by having other regulators share information?

**Answer:**

- 357. Treasury has undertaken work regarding productivity in the not-for-profit sector. It is not ongoing and the findings are a matter for Government.
- 358. The Treasurer is responsible for the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) under the Administrative Arrangements Order.
- 359. The ACNC has a role in countering the funding of terrorism through its role in registering charities. Once charities are registered, the ACNC provides oversight through annual reporting. The ACNC also seeks to ensure there is proper internal governance through education and enforcement activities, which will also assist to counter the funding of terrorism. Finally, the ACNC proactively shares information with other agencies when it believes there is a risk of terrorism funding.
- 360. The ACNC Charity Passport was released on 11 June 2014. The current form of the Charity Passport is a File Transfer Protocol repository, through which officers from authorised government agencies can access Charity Passport files containing data on registered charities.  
The ACNC will continue to encourage government agencies to make use of the Charity Passport and publicly available Register data and reports.

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361. The ACNC has advised that it was not specifically consulted by the Department of Social Services (DSS) regarding plans for the National Centre for Excellence or future regulatory arrangements of the charity sector. However, both have been the subject of open, public consultation.
- 362/3. The Government has been considering options for the reform of charity regulation since the national consultations regarding proposed replacement arrangements for the Australian Charities and Not-for-profits Commission (ACNC) were undertaken with the sector in July and August 2014. Decisions on the future of the ACNC, including the decision on the development of legislation regarding its replacement, are a matter for Government.
364. The Government continues to monitor and consult with the not-for-profit sector, including on opportunities to reduce red tape.