

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: ACNC

Question: SBT 64-68

Topic: Charities on the register

Reference: written - 29 October 2015

Senator: Siewert, Rachel

Question:

64. How many entities are currently on the charities register?
65. How many are native title prescribed bodies corporate?
66. How many are registered under the C(ATSI) Act? What types are they?
67. How many complaints have there been regarding Aboriginal and Torres Strait Islander charities?
68. What proportion of complaints about all charities relation to fraudulent or criminal activity?

Answer:

64. As at 30 October 2015, the ACNC Charity Register displayed the records of 54,098 charities.

Since the establishment of the ACNC, we have revoked or removed from the Charity Register approximately 9,000 charities. These charities were revoked/removed from the Charity Register as they failed to submit an Annual Information Statement for two consecutive years, or were no longer operating.

The ACNC revoked/removed these charities from the Charity Register to ensure members of the public and donors have access to an accurate and up-to-date register of charities.

In the same period we have registered over 7,000 new charities.

65. The ACNC Charity Register lists 38 charities that are Native Title Bodies Corporate.
66. As at 30 October 2015, there are 820 charities registered with the Australian Charities and Not-for-profits Commission (ACNC) that are also registered with the Office of the Registrar of Indigenous Corporations (ORIC) under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act).

The table below notes the subtypes held by the 820 charities registered under the CATSI Act.

Please note registered charities can have more than one sub-type.

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| Subtype | Number |
|--|--------|
| Public Benevolent Institution | 554 |
| Advancing social or public welfare | 87 |
| Advancing culture | 55 |
| Advancing education | 50 |
| Advancing health | 22 |
| Advancing natural environment | 13 |
| Promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia | 13 |
| Purposes beneficial to the general public and other analogous to the other charitable purposes | 11 |
| Health Promotion Charity | 8 |
| Advancing religion | 4 |
| Advancing security or safety of Australia or Australian public | 4 |
| Promoting or protecting human rights | 4 |
| Promote or oppose a change to law, government policy or practice | 2 |
| Preventing or relieving suffering of animals | 0 |
| No current subtype | 220 |

67. With the exception of identifying charities registered by ORIC, it is difficult for the ACNC to identify 'Aboriginal and Torres Strait Islander charities'.

In the Annual Information Statement, the ACNC collects data from charities that assist Aboriginal and Torres Strait Islander beneficiaries. The ACNC also collects voluntary data regarding diversity of the responsible persons of a charity and that may provide information about responsible persons who identify as Aboriginal and Torres Strait Islanders.

The ACNC does not otherwise collect any information regarding Aboriginal and Torres Strait Islander charities.

From 1 July 2014 to 31 October 2015, the ACNC Compliance Directorate received 36 concerns regarding charities that, on evaluation, were assessed as likely to be substantially controlled by Aboriginal and Torres Strait Islander peoples.

Two of these charities were registered with ORIC.

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The ACNC and ORIC have a Memorandum of Understanding on working together in relation to registered charities that are registered under the CATSI Act. Complaints regarding registered charities that are also registered with ORIC are referred to ORIC to avoid duplication.

The ACNC works with Aboriginal and Torres Strait Islander charities, as it does with all registered charities, to provide regulatory advice and educational materials.

In February 2015 the ACNC also entered into an enforceable undertaking with an Aboriginal and Torres Strait Islander charity. The enforceable undertaking sought to address a number of matters of concern raised with the charity throughout the investigation.

The enforceable undertaking was published on the ACNC's compliance decisions page at acnc.gov.au/compliancedecisions.

68. On average, the ACNC received 55 concerns about charities per month. The majority, or two-thirds, are raised by members of the public.

The majority of concerns (approximately 60%) are resolved by the ACNC's Advice Services Directorate through the provision of guidance and education. When necessary, concerns are referred to the ACNC's Compliance Directorate for further review.

From 1 July 2014 to 31 October 2015, 399 concerns about registered charities were referred to the ACNC's Compliance directorate.

Of those concerns, 24 (6%) appeared at first assessment to be mainly related to "Fraudulent or criminal activity".

Where the ACNC finds that the alleged criminal activity was substantiated or considered likely to have occurred, the matter is referred to the relevant law enforcement agency for action. In most circumstances the ACNC jurisdiction for these types of concerns relates to a charity's compliance with Governance Standard 5: Duties of Responsible Persons.