



2015 ASSOCIATIONS INCORPORATION ACT



Noel Harding June 2016

BACKGROUND

Associations Incorporation Acts –

WA first State – in 1895.

50 years before the other States

Our 1895 Act - 6 pages

Our **1987 Act** – 45 pages - toothless tiger

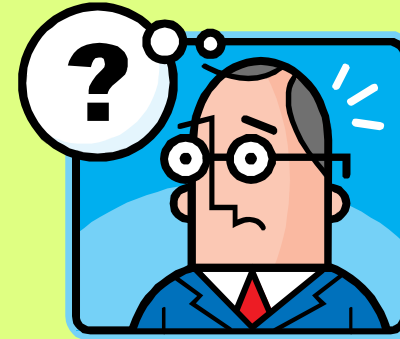
Commerce Dep't little control, no
current contact details

No requirement to upgrade Rules to
comply with the new law.

Problems with older associations –
ignorance of changes

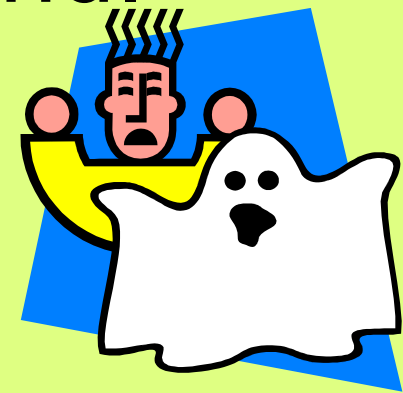


No review process existed



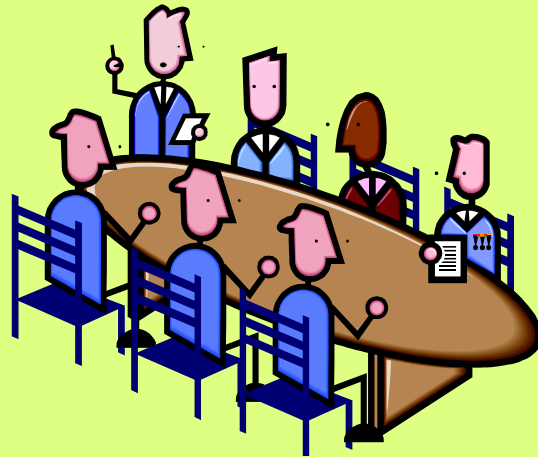
- Around 2004 Commerce cancelled about 4,000 associations
- Not a perfect change, as later events proved

- I wound up one association -
found it no longer existed legally
- If you find your association no
longer “exists” its not the end.



- In 2006 Commerce commenced a very effective consultation with WA NFP bodies re a new Act.
- We, on behalf of CPAA and ICA, made major submission.
- Many submissions – Forum

- Some of us invited by Commerce to discuss the details –
- Since then two of us have often been called upon to discuss issues



- The Sector was listened to – unusual!
- Delays - change of Government.
- Delays – common issues across Australia shared – Victoria the model
- Delays – Terminology consistent with ACNC – where possible



- In 2011 Act amended to allow transfer from WA to Corporations Act
- Process gives proof of same legal entity
- Process maintains same ABN and Charity/DGR endorsement.

Other States

Journey is different –

Assn. laws much later than 1895 Act

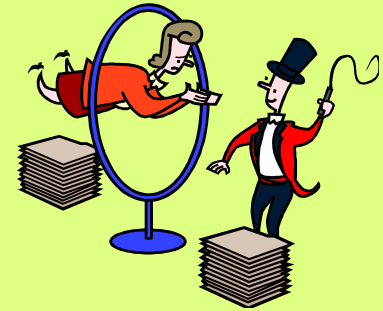
- more comprehensive

- includes audit & reporting obligations

- Fund raising laws quite diverse.
COAG gave uniform laws high priority 8 yrs ago – now gone!
- Public reason is problems with common definition of ‘charity’
- Now have Federal Charities Act definition available – apparently not acceptable at State level!



The new 2015 Act



New Act – new obligations –
new penalties – need new awareness

Act gives core Law – detail in the
regulations

New Model Rules –
Assns must upgrade Rules

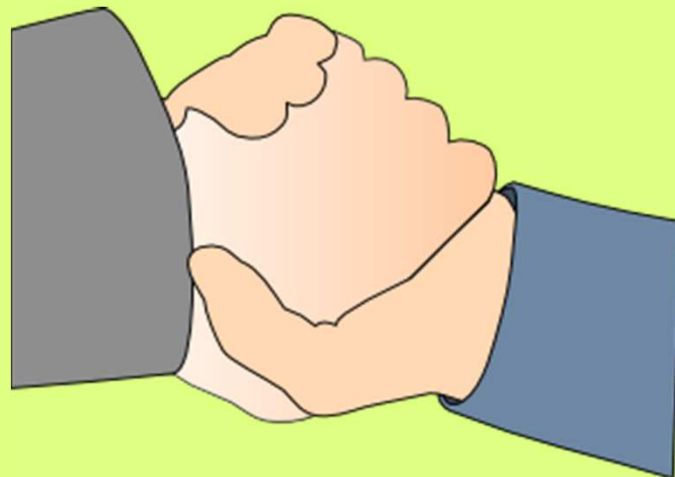
Model Rules - binding on assns after transition period – if your Rules are not consistent on an issue the Model will over-rule in that instance



If you adopt the Model as a whole - changes in law automatically apply to your Rules

NEW

No provision in Act for Sitting Fee
– if your Rules allow a Sitting Fee
then members may approve.



Nominations for membership or Board appointment only need one nominator
MR 4.3 (a) (ii) & 11. 2 (a)

Not For Profit Clause position in Rules
no longer confined to Objects Clause

Eligibility for incorporation widened –
more in line with modern society – S.4

Trading activity – S.5 3 provides for an
assn to trade but emphasises the bar
on members benefiting – clearer than
1987 Act- S.4.4

Advertising & one month delay now
removed - S.8

Obligation to advise assn's official address
– 90 days of Royal Assent - S.203
thereafter 28 days of change –
S. 174/175 – Penalty \$1,000

Regulations (S.156) require annual
information return

No financial report needed
Commerce needs core address etc

If Committee refuse access to Members
Register an appeal provision applies –
Schedule 1 Item 5

Committee may request a Stat. Dec.
may charge a fee -S.54
(penalty \$2,750)

Commissioner may request copy of
Register - S.55 – Penalty \$5,000
Improper use of Register -
S.57– penalty \$10,000

- Members address in Register may be email - S.53
- Meetings may be held electronically
- Common Seal now optional - S.13
- Seal not essential for contracts – S.15 (“may” not “must”).
But subject to your Rules.

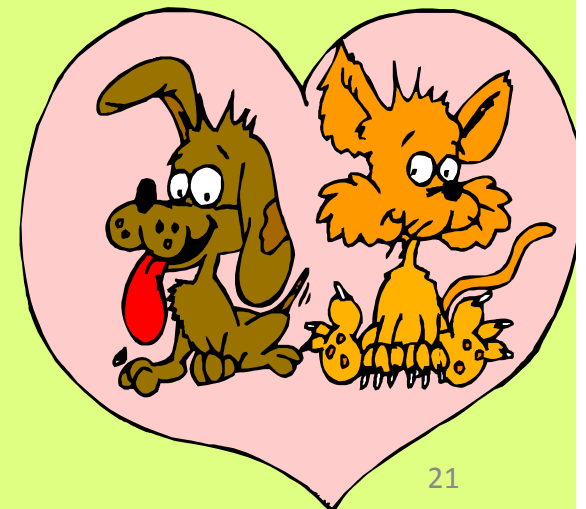
Dispute Resolution procedure

Schedule 1 Item 19 & Model Rule
27/28 – includes mediation – appeal
to SAT if unresolved –

Where assn provides in Rules for appeal
to, say, Peak Body, that process will
prevail, but SAT remains –

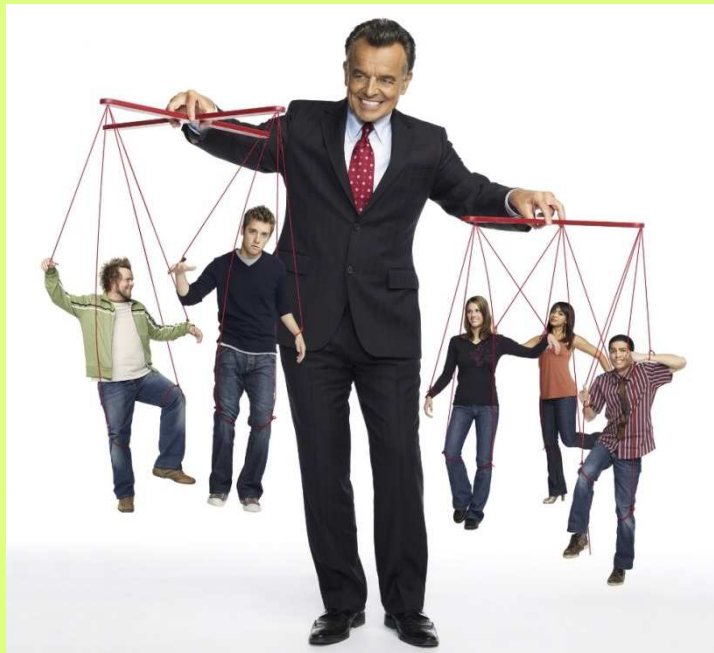
Commerce look to organisations to
handle their own issues

Committee members
must disclose personal interest -
S.42/43 – Penalty \$10,000
- Must record in Minutes



“Officer” now includes –

- Staff involved in major decisions
- External financial controller
- The “string puller”



Officers duties –

S.44-49 – Penalties \$10,000

Exercise care & diligence

Exercise good faith, proper purpose

Not misuse position



Retiring officers must –

Hand over records –
Including computerised records.

Penalty - \$10,000



The new Associations Incorporation Act 2015 - Financial Reporting

Robert Campbell

CPA, RCA

Australian Audit Group

rjcampbell@ausaudit.com.au

0892189922

0410424433

RELEVANT SECTIONS OF THE ACT

- PART 5
- FINANCIAL RECORDS
 - S 66-67
- REPORTING
 - S 68- 76
- ACCOUNTABILITY including audits & reviews
 - S 77-91

Key changes

- Introduction of 3 tier system aligned to
 - Corporations Act 2001 & ACNC Act 2012
 - Based on the “Revenue” of the Association
 - Tier 1 < \$250K revenue
 - Tier 2 between \$250K and \$1 million revenue
 - Tier 3 > \$1 million revenue
- The changes specify :
 - What type of accounting is required - cash or accrual
 - When Australian Accounting Standards should be used.
 - When Financial Statements or Financial Reports are required
 - When audit or reviews by an auditor are required

Revenue defined under Australian Accounting Standards (AAS)

- Revenue calculated as defined by accounting standards in force at the relevant time see S 64 (4)
- Currently AASB 118 “Revenue” & AASB 1004 “Contributions”
- ‘revenue’ means
- ‘income that arises in the course of ordinary activities of an entity.
- Revenue is referred to by different names, including ‘sales, fees, interest, dividends and royalties’
- Revenue is ONLY one part of **income**

Examples of revenue

- government and other grants
- donations , tithes, offerings
- fundraising activities
- bequests or legacies
- fees and charges for provision of services
- sales of goods
- interest earned.
- dividends or similar distributions.

What is not Revenue ?

- amounts **collected on behalf of third parties'** are not revenue
 - any sales taxes, goods and services taxes
 - any amounts collected by your charity acting as an agent on behalf of another person or organisation (the 'principal') (AASB 118 Revenue, paragraph 8).
- **gains from the sale of 'non-current' assets**, such as property, plant or equipment
- unrealised gains, for example on the **revaluation** of certain assets
- TIP : Always know how much of your Income is actually Revenue.

TIER 1 ASSOCIATION

- Revenue less than \$250,000 (S 64(1) (a))
- or
- Commissioner declared association to be Tier 1(S 64(1) (b))
- May choose Cash or Accrual Based accounting
- Prepare Financial Statements not a Financial Report.
- No audit (or review) required
- Unless the constitution requires audit/ review or
- The members in general meeting vote to have an audit/ review or
- The Commissioner requires an audit.

TIER 2 Association

- between \$250K and \$1 million revenue
- An incorporated association is a tier 2 association in respect of a financial year if-
 - a) for the year it is not a tier 1 association or a tier 3 association;
 - b) The Commissioner has declared....it to be a tier 2 association....
(\$64 (2))

TIER 2 - IMPLICATIONS

- Accrual based financial report **NOT** Cash accounting
- Compliance with accounting standards
- Within 6 months of year end
- Prepare a Financial Report
- Reviewed by an **independent** qualified person
- Audit (not review) is required if
 - Majority or members at AGM resolve or
 - The constitution requires an audit or
 - Commissioner directs that an audit be done

TIER 3 ASSOCIATION

- Greater than \$1 million in revenue
- Accrual accounting
- Compliance with accounting standards
- Financial Report within 6 months of year end
- Audited by an **independent** auditor

What is a review of a Financial Report? (1)

- A review of your Association's financial report is conducted by a qualified independent reviewer.
- The reviewer states whether **there is, or is not, anything that has come to their attention** that causes them to believe the financial report **does not meet the requirements** of the Associations Act (in all material aspects).
 - “negative” assurance rather than the “positive” assurance of an audit.

What is a review of a Financial Report? (2)

- A review also states whether your Association:
 - provided all information, explanation and assistance needed to conduct the review
 - kept good financial records so a financial report could be prepared and reviewed
 - kept other records as required under the Associations Act
 - E.g.: the Members register, minutes etc.
- A review is typically Less Cost than an audit
- A rough estimate is 65% of the cost of an audit.

What does a reviewer do?

- Uses the Standard on Review Engagements ASRE 2410
 - “Review of a Financial Report Performed by the Independent Auditor of the Entity”
- Examines your **financial report** and ledger accounts but in less detail than an audit to detect unusual items
- Performs analytical procedures to detect other anomalies
- Interviews your staff or relevant volunteers, including those responsible for finance and accounting to seek explanations
- Evaluates and reports any material errors, fraud or non-compliance with laws and regulations

Financial Statements – TIER 1 ONLY

S 68 (1)

- CASH BASIS
 - Statement of Receipts and Payments
 - Statement of Reconciled Bank Balances
 - Statement of Assets and Liabilities
- ACCRUAL BASIS
 - Statement of Income and Expenditure
 - Balance Sheet

Financial Reports – TIERS 2 & 3

- Ss 63 (1) , 71(2) & 74 (2)

A Financial Report comprises

- The financial statements
- Notes to the financial statements
- Management committee's declaration about the financial statements and notes
- Must give a “True and Fair” view of the financial position and performance of the association
- Must comply with current accounting standards issued by the Australian Accounting Standards Board
 - Including any modifications prescribed in the regulations linked to the Act
 - Currently no modifications

Financial Statements – Tier 2 & 3

- As per AASB 101 “ Presentation of Financial Statements”
 - Statement of profit or loss & other comprehensive income
 - Balance sheet
 - Cash flow statement
 - Statement of changes in equity
-
- This is the same requirement for any association registered as charities with the ACNC
 - It requires preparation by a skilled person

Notes to the Financial Statements TIERS 2 & 3

- Must include
- Disclosures required by the regulations
- Notes required by the accounting standards
- Declaration by the Management Committee about the Financial Statements and Notes

Declaration by the Management Committee

- Must State the opinion of the management committee as to
- Whether or not , there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable **(SOLVENCY)**
- Whether or not, the Financial Statements and Notes are in accordance with **Part 5** of the Act.
- Declaration is in accordance with a resolution of the committee
- Specify the date of the declaration
- Be signed by at least 2 members of the committee authorised to do so.
- **TIP: The committee minutes should indicate who is authorised to sign**

What is a True and Fair View?

- There is no statutory definition but guidance UK Financial Reporting Council
- Requires professional judgement
- Where choice of accounting policies is available under the accounting standards – choose the most appropriate in the circumstances
- Establish accounting policies if not specifically covered by the standards or where the standards are ambiguous
- Make objective judgements for example about valuation
- Consider what is and is not material or significant or relevant
- Give sufficient additional information to help the reader understand the financial position and performance.

What does “comply with accounting standards” mean?

- Professional judgement should be used to determine which accounting standards are applicable and relevant to the association
- There are 58 current standards and numerous amendments
- The following five accounting standards required by ACNC should be considered:
 - *AASB 101, Presentation of Financial Statements*
 - *AASB 107, Statement of Cash Flows*
 - *AASB 108, Accounting Policies, Changes in Accounting Estimates and Errors*
 - *AASB 1048, Interpretation of Standards*
 - *AASB 1054, Australian Additional Disclosures*
- *NB : AASB 1031 “Materiality” has been withdrawn*

Additional standards to consider likely to be relevant to an association

- AASB 1 First-time adoption of Australian equivalents to IFRS
- AASB 13 Fair Value Measurement
- AASB 102 Inventories
- AASB 110 Events after the reporting period
- AASB 116 Property, Plant & Equipment
- AASB 117 Leases
- AASB 118 Revenue
- AASB 1004 Contributions
- AASB 119 Employee benefits
- AASB 136 Impairment of assets
- AASB 137 Provisions, contingent liabilities and contingent assets

Advice on which standards to apply

- From the complexity of the accounting standards
 - Seek a meeting with your independent auditor or reviewer to
 - Discuss the applicable accounting standards to your association
 - Discuss the required disclosures and notes for your Financial Report
-
- REMEMBER : THESE CHANGES APPLY FOR YOUR FINANCIAL YEAR
ENDING ON OR AFTER 30 JUNE 2017

DUTIES OF THE AUDITOR (1)

- The auditor must determine
- whether the financial report satisfies, the requirements of Part 5 of the Act;
- whether the auditor has been given all information, explanations and assistance necessary for the conduct of the audit;
- whether the association has kept financial records sufficient to enable the financial report to be prepared and audited;
- whether the association has kept other records as required by this Part.

DUTIES OF THE AUDITOR (2)

- The auditor must describe in the audit report
- Any defect or irregularity in financial report
- Any deficiency, failure or shortcoming in
 - receiving all information, explanations etc.,
 - keeping proper accounting records and
 - other records required by Part 5.
- Include any statements or disclosures required by auditing standards
- **Report any significant breaches to the Commissioner - S 83**
- THIS MAY BE A MORE EXTENSIVE DISCLOSURE THAN CURRENT REQUIREMENTS FOR AUDIT QUALIFICATIONS & EMPHASES OF MATTER

RIGHTS OF AUDITORS & REVIEWERS

- Reasonable Fees to be paid by association
- Access to books
- Reasonable requirements for information, assistance etc.
- Receive notice of meetings & to attend general meetings
- Be heard at general meetings concerning the functions of auditor/reviewer

Appointment of a reviewer or auditor

- may only be appointed by resolution of the members of the association at a general meeting
- BUT
- The management committee may appoint a reviewer or auditor,
- if financial statements for a year MUST be reviewed or audited; and no appointment is in place

A Reviewer or Auditor holds office until

- death
- becoming an insolvent under administration
- ceasing to be qualified for appointment as provided by section 88(2); or
- removal from office under section 89; or
- resignation from office
- until the report of the review or the auditor's report has been presented for consideration at the annual general meeting
- The committee must advise the Commissioner of a resignation within 14 days of receipt

Removal of reviewer or auditor by resolution

- at a general meeting of the association in accordance S 89 but not otherwise
- Every member to receive 2 months notice of the meeting
- The committee must :
 - give that notice to the auditor or reviewer ASAP
 - lodge the Notice with the Commissioner
- The reviewer or auditor may make a written representation within 30 days of receipt of the notice
- The committee must give copy of the representation to all members at least 7 days before the meeting.
- Otherwise no removal.
- Committee may apply to the Commissioner for an Exemption

Qualifications for appointment as a reviewer or auditor - S 88

- a member of a professional accounting body who has a designation in respect of that membership that is prescribed by the regulations for the purposes of this paragraph
 - see regulations regarding necessity of a Public Practising Certificate
- a registered company auditor under the Corporations Act; or
- a person the Commissioner considers has appropriate qualifications or experience and approves for the purposes of this section.

CONCLUSION

- Very significant changes to financial reporting requirements for all associations
- For Tier 2 & 3 associations
 - The requirement for audit or review
 - The application of accounting standards may be complex
 - The **Committee has to understand** the accounting policies and standards being applied and
 - The Committee has to ensure the Financial Report is “**true and fair**”
- **TIP : Start now to consult with professional advisors on how the Financial Report may be “true & fair” the year ending on or after 30 June 2017**
- Watch for any changes to the regulations
- Keep your members informed.

QUESTIONS:



2015

Associations Incorporation Act

Specific topics

Brian Read June 2016

Transfer – S 92 to S 100 –
migration to another Act extended
beyond current provision of
Corporations Act to include –

WA Co-operatives Act 2009



Another Commonwealth Act (ORIC)

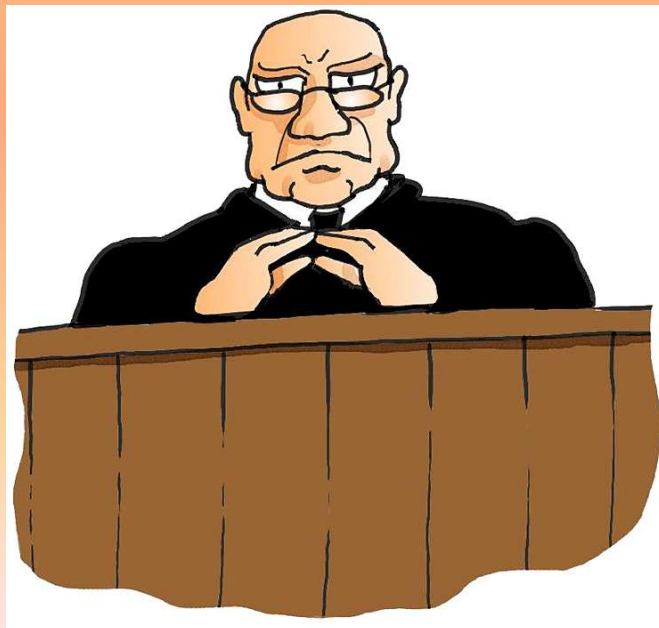
Amalgamation –

S 101 to S 108 provides for 2 or more associations to merge –

This includes provision for the transfer of assets – Schedule 2

Statutory Management –

S 109 to S 119 – goes beyond financial issues – SAT decides on recommendation of Commissioner



WINDING UP

S 120 Voluntary windup –
Corporations Act

S 123 By Supreme Court
Schedule 4 - the grounds

S 127 Insolvent trading



Winding up terminology changed –
now Cancellation – S 128

Distribution on Wind-up extended.
1987 Act restricts to an incorporated
assn or for charitable purposes.

S 24 provides it can be to an NFP
that is either –

Winding up distribution can be to –

- Incorporated association
- Company limited by guarantee
- WA co-operative
- Corporation with WA Charity Licence

“Charitable purposes” not in new Act –

Check your Rules.



Still need to comply with ACNC & ATO
Rules

SAT has power to review
Commissioner's decisions – S 170

Powers – S 14 – same as 1987 Act

Penalties –
imposed by Court, not
Commissioner, normally paid by
association unless it is a
deliberate act of an officer of the
association



Commissioner now has greater power to intrude.

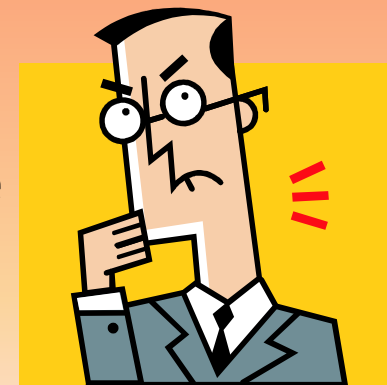
In line with trends across Australia.

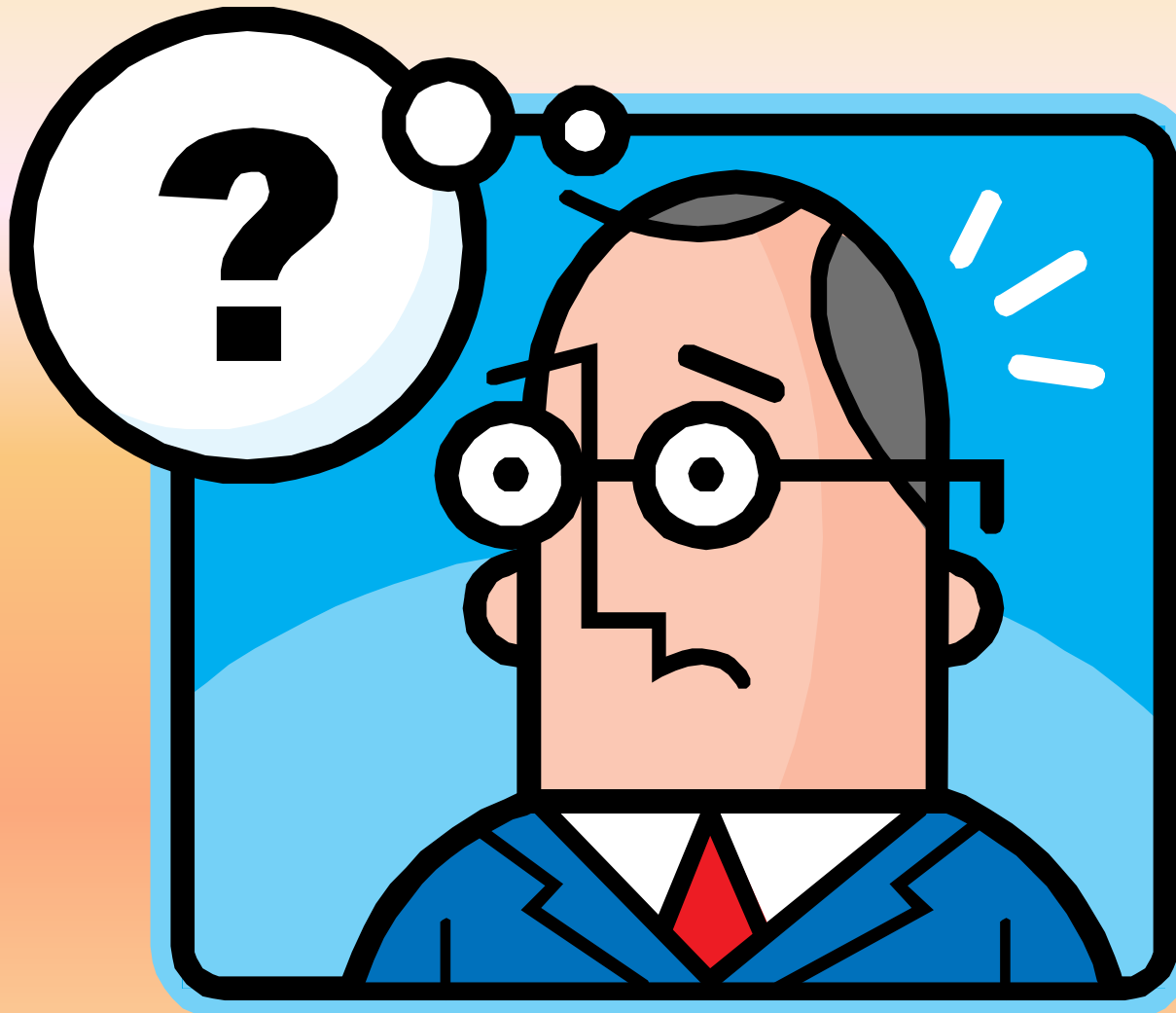
In line with the ACNC

Intent of ACNC Act re State jurisdiction structures, is to refer the matter to the State body.

Be aware.

Make sure your Board/Committee is aware.





PHEWWWW!



- Adding to your ministry

P O Box 175
BAYSWATER WA 6933
Ph: (08) 9271 1844
Fax: (08) 9271 1944

addministry@hardingthornbury.org.au

Visit our website at:
www.addministry.org.au



Government of **Western Australia**
Department of **Commerce**
Consumer Protection

MAKING THE CHANGE

ASSOCIATIONS INCORPORATION ACT 2015
Using the Model Rules

PRESENTER: Robyn Peterson
Legislation and Policy Branch

ASSOCIATIONS

ASSOCIATIONS

ASSOCIATIONS

TODAYS TOPICS

- Amending your rules – general information
- What are the Model Rules?
- Where can I find the Model Rules?
- Content of Prescribed Model Rules
- Transitional arrangements for updating the rules of an association

THE NEW LAW

- Anticipated that the Associations Incorporation Act 2015 and regulations will come into effect on 1 July 2016.
- Applies to over 18,000 not for profit groups
- Replaces existing Associations Incorporation Act 1987.

RULES OF ASSOCIATION – SCHEDULE 1

- All associations will need to have all of the Schedule 1 requirements in the rules.
- Schedule 1 will be updated to include new requirements to have provisions regarding:
 - dispute resolution processes;
 - financial year; and
 - distribution of surplus property.

MODEL RULES

- Included in the Regulations
- Not compulsory to adopt. Associations can still develop their own rules if they wish.
- At the end of the 3 year transition period, if association rules do not comply (ie Schedule 1 item missing) relevant clause of the Model Rules will apply.

CONTENT OF THE MODEL RULES

- The Development of the Model Rules
- The Structure of the Model Rules
- The Department of Commerce Model Rules with Guidance Notes

PART 1 - PRELIMINARY

- The Information to be provided to the Commissioner
 - Name
 - Objects
 - Quorums
 - Financial year
- Definitions

PART 2 – ASSOCIATION TO BE NOT FOR PROFIT

- All associations must have this clause in their rules
- No longer required to be in the objectives
- Describes the circumstances in which payments may be made to members

PART 3 - MEMBERS

- Eligibility for membership
- The association may have different classes of membership
- Becoming a member and ceasing to be a member
- Fees
- The register of members

PART 4 – DISCIPLINARY ACTION, DISPUTES AND MEDIATION

- An area identified by the sector as needing reform
- Describes an appropriate process for dealing with disciplinary action that could result in the expulsion or suspension of a member
- Dispute resolution clause
- Mediation
- The role of the State Administrative Tribunal

PART 5 - THE COMMITTEE

- Powers
- Office holders – roles and responsibilities
- Appointing committee members
- Meeting procedure
- Managing material personal interests

PART 6 – GENERAL MEETINGS

- The Annual General Meeting
- Notice of meetings
- How members may requisition a meeting
- Use of proxies
- Use of technology

PART 7 – FINANCIAL MATTERS

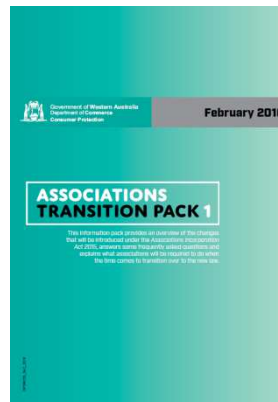
- Control of funds
- Limited requirements about financial accounting and reporting

PART 8 – GENERAL

- By – laws
- Common seal
- Winding up

TRANSITIONAL REQUIREMENTS

Transition Pack 1
Page 2 & 6



ASSOCIATIONS

ASSOCIATIONS

ASSOCIATIONS

UPDATING THE RULES

- Rules must be amended to comply with new law by 1 July 2019.
- All association rules must include provisions for all Schedule 1 matters.
- During the 3 year transition period the committee may pass changes that do no more than give effect to a requirement of the Act at a meeting (without convening general meeting of members)

FINDING MORE INFORMATION?

ASSOCIATIONS

ASSOCIATIONS

ASSOCIATIONS

RESOURCES AND PUBLICATIONS

- Transition pack
- Associations newsletter
- Online resources
- Information sessions



NEW LAW REFERENCES

The new law: www.slp.wa.gov.au

🖱 Online Legislation Databases → Acts in force

Draft prescribed model rules:

www.commerce.wa.gov.au/modelrules

Regulations: not currently available

ASSOCIATIONS

THANK YOU

Department of COMMERCE

Consumer Protection Division

☎: 1300 30 40 74

🖱: associations@commerce.wa.gov.au

💻: www.commerce.wa.gov.au/associations

Twitter: @ConsumerWA

Facebook: www.facebook.com/ConsumerProtectionWesternAustralia

Making sense of State and Commonwealth Charity

Associations Seminar
Add-Ministry and WACOSS
June 2016

Murray Baird

Assistant Commissioner General Counsel
Australian Charities and Not-for Profits Commission



Where are we going?

- About ACNC
- Associations, Not for Profits and Charities
- Registered Charities for Commonwealth purposes
- Commonwealth Exemptions and Concessions
- Obligations – records, members, changes
- Charities for State Purposes
- Choose your vehicle
- Tiered Reporting
- Transitional Reporting Provisions
- NFP Clause and Winding up clause
- Governance standards
- Basic Religious Charities
- Compliance





Registration, Regulation, Reporting, Resources



2014 Annual
Information Statement



THIS IS NOT A LEGAL DOCUMENT AND IS A SAMPLE ONLY

CHARITIES

Purpose

Charities are required to complete this

statement, which must be lodged in time to

be available after the end of a charity's reporting

period.

Instructions

1. Please complete all relevant sections of the

statement. Charities must complete all relevant

sections. Charities must complete all relevant

sections. Charities must complete all relevant

Section A: Charity information

1. Enter your charity's name in the box.

This name must appear on the AIS.

2. Enter your charity's Australian Business Number (ABN).

3. Enter your charity's ACNC number.

4. Enter your charity's ACNC number.

5. Enter your charity's ACNC number.

6. Enter your charity's ACNC number.

7. Enter your charity's ACNC number.

8. Enter your charity's ACNC number.

9. Enter your charity's ACNC number.

10. Enter your charity's ACNC number.

Retain ACNC

"sufficient support for the
retention of the ACNC"



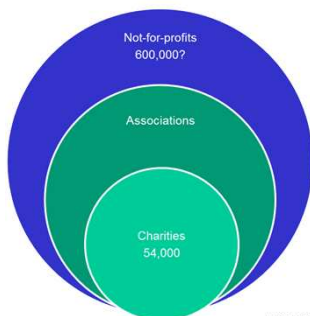
"ACNC will help charities to
be more effective and
improve their governance"



"The Government will now
work with the ACNC to
remove duplication and
increase accountability and
transparency."

PRESENTATION TITLE | DATE

Associations, Not-for-profits and Charities



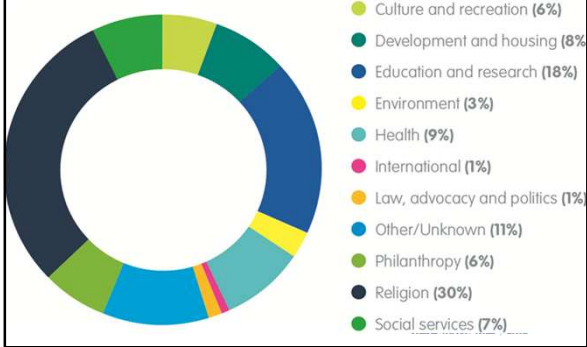
PRESENTATION TITLE | DATE

Subtypes of Charities

- Health
- Education;
- Social or Public Welfare
- Religion
- Culture
- Respect and Tolerance
- Human Rights
- Natural Environment
- Security and Safety of Australia
- Suffering of animals
- Other analogous purposes;
- Public Debate on Charitable Issues;
- Health Promotion – preventing disease;
- Public Benevolent – caring for the most disadvantaged.



Diversity



CHARITY NAME

Australian Red Cross Society

SAVE A COPY AS A PDF

REGISTRATION DETAILS

Registration Status
Registered
Entity Subtype
Public benevolent institution (01/01/2014)
[Charity to select subtype](#)

CHARITY DETAILS

| | | | |
|------------------------|--|-----------------------------|--|
| Legal Name | Australian Red Cross Society | Other Name(s) | Red Cross, Australian Red Cross, Australian Red Cross Employment Services, Australian Red Cross Business Services, Australian Red Cross Training Services, Lady Lawley Cottage |
| Charity ABN | 50169561394 | Charity Address for Service | Bmoore@redcross.org.au |
| Charity Street Address | 155 Pelham St Carlton VIC 3053 AUSTRALIA | Email | donorinfo@redcross.org.au |
| Phone | 03 9345 1800 | Website | http://www.redcross.org.au/ |

Benefits of Charity Registration

- Commonwealth exemptions and concessions;
- Income tax, FBT, GST, CGT, franking credits
- Exemptions under other Commonwealth arrangements – copyright, discrimination, consumer protection, do not call, SPAM etc



PRESENTATION TITLE | DATE

What does a charity need to do?

- Keep records;
- Report annually;
- Notify changes.



Charities for State Purposes



- 170 Statutes concerning Charity status;
- Various definitions;
- Same entity can be in or out of the definition;
- Is a common definition possible?

PRESENTATION TITLE | DATE

Choose your vehicle



- Unincorporated Association
- Incorporated Association
- Company
- Act of Parliament
- Letters Patent
- Co-operative
- Body of Persons
- Trust

PRESENTATION TITLE | DATE

Tiered Reporting

- Small - less than \$250K – no formal accounts to ACNC
- Medium - \$250K-\$1m – reviewed accounts filed
- Large - \$1m plus – audited accounts filed



PRESENTATION TITLE | DATE

Transitional Reporting Arrangements and Report Once

- ACNC will accept accounts in the form required at State Associations office;
- Some states do not require Associations filing if filed with ACNC

Report Once Use Often

PRESENTATION TITLE | DATE

Winding up a charity

- 'In the event of the organisation being dissolved, all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes, which is charitable at law and which has rules prohibiting the distribution of its assets and income to its members.'

PRESENTATION TITLE | DATE



Five Governance Standards

- Purposes and character of an NFP entity
- Accountability to members
- Compliance with Australian laws
- Suitability of responsible entities
- Duties of responsible entities



Directors Duties

- Care and Diligence
- Good faith and proper purpose
- Use of Position
- Use of Information
- Solvency



Basic Religious Charities

- Registered entity for advancement of religion
- No other sub-type (eg Education, Relief of Poverty);
- Not Incorporated Association or Corporation
- No funds >250K revenue;
- No government grants >100K
- No grouping



Compliance and Reporting focus 2015 - 2016



- Lodgement and accuracy of Annual Information Statements and Financial Reports
- Charities operating overseas
- Basic Religious Charities
- Closely held charities
- Vulnerable beneficiaries
- Substantial assets;

QUESTIONS?



THANK YOU.



Phone: Call 13 ACNC (13 22 62)
weekdays 9am-6pm AEST.

Fax: 1300 232 569

Web: acnc.gov.au

Email : advice@acnc.gov.au
