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GOVERNANCE

Amendments proposed to foreign-bribery offence

Foreign bribery is inherently difficult to detect and enforce. Offending is often offshore, evidence hard to identify and obtain. It can be easily concealed – bribes may be disguised as agent fees or other seemingly legitimate expenses.

The foreign-bribery offence in section 70.2 of the *Criminal Code Act 1995* carries significant penalties for individuals and companies. Yet its enforcement is challenged by third-party agents or intermediaries, instances of wilful blindness by senior management to activities occurring within their companies and a lack of written evidence.

The federal government is exploring reform options to improve the law's effectiveness through the exposure draft *Amendments to the foreign bribery offence*.

The draft proposes removing unnecessary barriers to successful prosecution. It proposes new offences of recklessly bribing a foreign public official and failure to prevent foreign bribery in *Amendments to the foreign bribery offence in the Criminal Code Act 1995*.

The reforms would create an incentive for companies to implement more effective measures to prevent bribery and promote a culture of integrity. They would also guide business on effective compliance programs to prevent bribery.

The Attorney-General's Department is working on a *Proposed model for deferred prosecution agreement scheme in Australia*, which may assist with enforcing foreign-bribery offences.

Responses to the draft should be emailed to foreign.bribery@ag.gov.au by 1 May.

GOVERNANCE

Managing charity money

The Australian Charities and Not-for-profits Commission has released *Managing charity money – a guide for board members on managing finances and meeting ACNC duties*.

It provides insights into good practice in financial management, focusing on practical steps that charities can take to ensure that their finances are used appropriately and protected from misuse.

It also explains the obligations that charities have to the ACNC, such as providing financial reports and ensuring that they operate profit-free.



GOVERNANCE

Governance Institute calls for single whistleblowing law

The Governance Institute has called for a stand-alone 'one-stop-shop' Act to protect corporate whistleblowers, saying that regulator-specific provisions across many pieces of legislation fail to provide the best protection for those exposing misconduct.

In a submission lodged with Treasury, the institute says that whistleblower provisions in the Corporations Act are very narrowly focused and require whistleblowers to have a detailed understanding of whether the misconduct they are reporting is covered by corporate law or might relate to competition, tax, workplace health and safety, bribery or corruption or industrial relations, all of which are covered by different legislation and regulators.

It argues that a whistleblower should be protected, irrespective of the regulator or agency initially approached and whether the allegation is referred to another body to investigate. Disclosures within the corporate sector should not be confined to the Australian Securities and Investments Commission and the tax office.

'We do not believe that a whistleblower should be required to have a nuanced knowledge of legislation to know which regulator or law enforcement agency [to] approach to qualify for protection,' said the institute's chief executive Steve Burrell.

'It is a strong disincentive to making disclosures if employees or concerned members of the public feel that they require legal advice before making any such disclosure.'

'A stand-alone Act that covers disclosure of any sort of misconduct – not just financial misconduct – and that provides protection regardless of which regulator the whistleblower discloses to is what we need. Australia should follow the lead of the United States and United Kingdom where there are general provisions for allegations of misconduct made in good faith, and which do not attract retribution. This is a much better option than one which mandates the same provision in multiple pieces of legislation.'

The institute believes that it is important to distinguish between protecting the whistleblower who has acted in good faith and any subsequent action taken.

Mr Burrell said, 'If a whistleblower talks to a regulator such as ASIC or a law-enforcement agency which believes it is not the appropriate body to investigate the allegation, [the] regulator should be able refer it to the appropriate body.'

'Whistleblowers should have protection providing it concerns disclosure of potentially illegal activities that ASIC or another regulator or law-enforcement agency can investigate. Nor should disclosures of unlawful activity be confined to ASIC. Importantly, if this cross-referral recommendation is accepted, it is critical that the whistleblower has the same confidentiality protection they had when they first made the disclosure.'

'Regulators and policy-makers have quite rightly homed in on the important link between a good corporate culture and ethical corporate conduct. A robust and independent whistleblowing process that makes employees feel comfortable about fearlessly reporting wrongdoing is a critical asset in building the kind of positive, ethical culture that supports strong corporate outcomes.'

FINANCIAL REPORTING

NFPs need more AASB help

An Australian Accounting Standards Board report finds that Australia's adoption of International Financial Reporting Standards (IFRS) has been relatively smooth for most Australian businesses.

Extra support, however, is warranted for not-for-profits, including public-sector entities, charities and incorporated associations, to meet user needs and to reduce costs associated with preparing financial information.

Review of Adoption of International Financial Standards in Australia sets out responses from Australian stakeholders from all sectors that, through interviews and forums conducted by the AASB, shared their views and experiences of the past 10 years – since Australia adopted IFRS.

AASB chair Kris Peach said, 'The research report finds that while IFRS standards are currently appropriate as a base, extra modifications and guidance for specific standards are needed to support the NFP sector. The AASB is undertaking and considering projects specifically to meet this need.'

The projects include:

- Exposure draft 277 *Reduced Disclosure Requirements for Tier 2 Entities*
- Benchmarking AASB standards against International Public Sector Accounting Standards Board standards to identify further areas that might warrant modification, and
- Reshaping the Australian Financial Reporting Framework – leading and working with key regulators and policy-makers to simplify and clarify reporting requirements.

Projects being considered are:

- Fair-value guidance for the NFP public sector
- Accounting for volunteer services
- Review of Australian-specific disclosure paragraphs in AASB standards, and
- Definition of contributions by owners.

'The [report] has provided important feedback and proves again how vital consultation with all sectors is when developing and maintaining world-class accounting standards,' Ms Peach said.

FINANCIAL REPORTING

Issues paper asks big questions

A new issues paper asks big questions aimed at firing up debate on how financial reporting and accountability in the not-for-profit and charitable sectors can be improved.

Launched by Anglicare Australia, the ACNC and the Australian Accounting Standards Board, the paper responds to calls for improved reporting by NFPs and charities.

David Gilchrist, the paper's author and a director of the management consultancy Baxter-Lawley, said that to pin down how better reporting in the sectors should look is problematic.

'This report is the first step in developing an understanding of how we might move forward,' said Dr Gilchrist.

Better Financial Reporting for Australian NFPs focuses on the transaction-neutral framework of the AASB. It asks whether the framework meets the needs of financial-information users and whether there needs to be a more nuanced, sector-specific path.

The paper notes that it is difficult to identify users of NFP and charity financial reports and equally difficult to identify their information needs.

The questions are:

1. Who are the users of NFP and charitable organisations' financial reports?
2. What are their financial reporting needs?
3. Do standards support the provision of high-quality financial information to users of NFP financial reports?
4. Do reporting arrangements allow NFPs and charities to meet their obligations in a cost-effective manner?
5. Should volunteer time be allowed and donated assets be required to be reported in financial reports as in AASB1058; in some different way or not at all?
6. If volunteer time and donated assets should be reported, how should they be valued and reported?
7. Should restricted assets be separated from unrestricted assets in the statement

The paper's aim is to start developing a reporting framework that is fit-for-purpose, resource efficient (meets a cost-benefit test), and sensitive to the relative financial risks of organisations involved.

The paper doesn't aim to provide answers but raises a set of 13 core questions intended to facilitate discussion.

GOVERNANCE

The 'must-have' guide for aged care directors



With profitability, return on assets and equity under pressure in what is soon to be the largest employer in the country, the Governance Institute's *Adding value to governance in aged care* is a 'must have' for the sector's directors and senior management.

Aged care is a major part of the Australian economy. About 2000 providers employ some 350,000 staff.

Increasing Choice in Home Care reforms changed the regulatory framework as of 27 February, and the new guide addresses a broad range of issues, including the sector's unique challenges.

Among topics are factors to consider before taking a board position, what a board should consider before appointing a new member, the relationship between board and management, interaction with stakeholders, volunteer management, and risk-management responsibilities.

Adding value to governance in aged care is the definitive guide for directors committed to dealing with the high regulatory burden,

increasing consumer choice and changes to funding.

'Boards of aged care providers will be subject to increasing scrutiny and pressures as the forces of demographics press up against the issues of affordability and sustainability in the sector. Boards will need to ensure that they are capable of making informed and effective decisions and have in place governance frameworks to enable this,' said the institute's Steve Burrell.

'A lot of boards, particularly not-for-profits, may not be prepared for the regulatory change sweeping the sector and the demands this brings. Boards need to have a designated skillset to overcome the multiple challenges their organisations are facing.'

Adding value to governance in aged care is a practical guide for anyone involved in aged care because large-scale organisational change will be required in terms of workplace arrangements, staff roles, IT, business processes and capital expenditure to deliver the best consumer-driven care.

'Importantly, the guide does not tell boards how to run their organisations. But it does step directors through the issues that they should consider in terms of their governance responsibilities,' said Mr Burrell.

ACNC

ACNC releases screencasts

The ACNC has released two new screencasts to help charities use key functions of the charity portal.

The step-by-step videos walk through the processes of *Changing a responsible person* and *Changing your charity's sub-type*.

The commission has also published a range of information on the obligations charities have to state and territory regulators. You can access this information and a range of general advice on fundraising at acnc.gov.au/fundraising.

ACNC

New charity data available on data.gov.au

Data from more than 46,000 registered charities' 2015 annual information statements, including financial details, has been uploaded to data.gov.au as part of the ACNC's commitment to openness.

The general public, journalists, academics, and charities themselves have access to the latest ACNC reporting.

For most charities the information filed will be for the financial year 1 July 2014 to 30 June the following year.

The new material amounts to the ACNC's biggest upload and allows users to download, compare, filter and sort by different variables. The commission will update the dataset weekly as more statements are received.

Data.gov.au provides an easy way to access public datasets from the federal and state and territory governments. The main purpose of the site is to encourage public access to government data by providing it in useful formats under open licences. It was created following the *Government's Declaration of Open Government* and response to the Government 2.0 Taskforce Report.

The data may be accessed at data.gov.au/dataset/acnc2015ais.



ACNC

Six charities revoked

The ACNC has revoked the charity status of six organisations following investigations into their operations. They were:

- Nest Egg Guardians, which was endorsed by the tax office to access a GST concession, income-tax exemption, and FBT rebate. The organisation also had deductible-gift-recipient status
- Brighter Horizons Limited, which had been operating since 2014 and received a GST concession, and income-tax exemption. Its revocation was backdated to 4 August last year
- Walking Wounded Ltd, which had been operating since 2014 and was endorsed by the ATO as a deductible-gift recipient and received a GST exemption, income-tax exemption, and FBT rebate. Its revocation was backdated to 16 October 2014
- Gulf Aboriginal Development Company Limited, which was operating from 2000 and was endorsed for GST concession, income-tax exemption, and an FBT rebate. The revocation was backdated to 1 July 2013, and
- Harvest Angels Inc, which had been operating from 2015 and was endorsed for GST, income-tax and FBT concessions.

The ACNC has also revoked the charity registration of Catch the Fire Ministries Inc., which has been operating since 1999. It had GST, income-tax and FBT concessions.

The charity said that the commission had investigated the organisation's non-charitable political purpose. Catch the Fire had solicited donations for the Rise Up Australia Party. Charities are not allowed to promote or fund political candidates.

In April last year the ACNC issued guidance on political advocacy called *Charities, elections and advocacy*. The guide sets out what needs to be considered, what activities the commission considers acceptable and those that might bring a charity's status into question. The commission strongly encourages senior staff and board members to study the guide.

The ACNC has had 37 concerns raised in the past year on the above issues and has investigated several. You may read the guide at acnc.gov.au/advocacy.

You may find the full list of the ACNC's compliance activity at acnc.gov.au/compliance/decisions.

Acting ACNC commissioner Murray Baird said that the regulator takes its job seriously and will revoke registration if organisations are unentitled to charity registration or fail to meet proper standards.

'Part of the ACNC's role is to shine a light on Australia's charity sector, and take action where there has been wrongdoing,' said Mr Baird.

'The [commission] is committed to protecting public trust and confidence in Australia's charity sector.'

'We are continuously working with the public and the sector to identify and investigate charities that are deliberately breaching the ACNC Act.'

'We receive about 60 concerns every month, and the majority are raised by members of the public. A large proportion are also from the charity sector itself.'

'We assess all concerns, and investigate where appropriate to ensure [that] charities registered with the ACNC are transparent and accountable.'

Since the ACNC was established it has received more than 2500 concerns. Anyone concerned about a charity can contact the commission by calling 13 ACNC or by visiting its website at acnc.gov.au/raiseaconcern.



cancelled

ACNC

Help for Parents and Citizen's Associations

Management committees of many Parents and Citizens' Associations change annually, making it hard to maintain registration with the ACNC.

Like all charities registered with the commission, P&Cs are obliged to meet ACNC requirements, including updating responsible persons listed on the register, notifying changes of contact details, and submitting annual information statements.

If you are involved in a P&C, watch the ACNC webinar that explains the obligations of registered charities. The transcript and video of the webinar are available at acnc.gov.au/webinars.

ACNC

ACNC revokes status of hundreds of charities

The ACNC has revoked the registration of 590 charities that have failed to submit annual reports two years running.

In February, commissioner Susan Pascoe warned more than 1300 registered charities that failing to submit outstanding annual information statements would result in the loss of charity status.

'As the national charity regulator, it is important that we provide the Australian community with accurate and up-to-date information on the charity register,' Ms Pascoe said.

'This information is largely collected from the annual information statements required from charities to meet their basic requirements to retain charitable status.

'The organisations that have lost their charity status were warned multiple times to submit their outstanding reports.

'Pleasingly, more than 700 charities – over 55 per cent – that were initially at risk of revocation have recognised the importance of being accountable and transparent in their operations, and have submitted their

outstanding statements. This group have retained their registration with the ACNC and will continue to access Commonwealth charity tax concessions.

'This is a positive outcome for these charities. Revocation for failing to report is always a last resort for the ACNC, and we prefer to work with charities to get them back on track.'

Revoked charities will no longer be able to display the ACNC's tick on the register.

'Revoking charities that fail to meet their obligations is an important part of maintaining trust and confidence in the not-for-profit sector,' said Ms Pascoe. 'The public need to be confident that the national regulator is displaying only eligible charities on the register.

'The [register] provides the public and donors with accurate and up-to-date information about Australia's 54,000 charities. Since it was launched in late 2012, it has been searched over 1.7 million times.'

Donors, grant-makers and volunteers can search the register at acnc.gov.au/findacharity.

The list of revoked charities can be found at acnc.gov.au/doubledefaulters.

FINANCIAL REPORTING

Chart feedback closed

The chance to comment on the ACNC's free not-for-profit accounting tool – the National Standard Chart of Accounts (NSCOA) – ended on 28 February.

The NSCOA is a nationally recognised data-entry and dictionary tool that federal, state and territory governments have agreed to accept when requesting financial information from NFPs.

Developed by the Queensland University of Technology following extensive consultation, the tool was given to the ACNC to manage in June 2013.

The NSCOA offers a common approach to the way NFPs record and report accounting information by simplifying and improving the consistency of categories and terms.

'The NSCOA was introduced to make it quicker and easier for charities to meet their reporting requirements for all levels of government,' Ms Pascoe said.

Survey results will help guide the data dictionary's development and guide the commission in producing new resources for the sector.

NEWS

Collins & Co Not for Profit Conference

Our third annual NFP Conference, held at the MCG on March 22nd 2017, featured practical presentations by our expert speakers on both technical and soft.

Skills tailored for the Not for Profit sector. The attendees had an enjoyable day, learning from our presenters, networking and enjoying the views across the iconic MCG oval!



We would also like to thank all of the speakers for their time and our Sponsors for their support.

The conference was a resounding success and the feedback given by attendees on the day included:

- Keeps getting better each day!
- Solid informative speakers on relevant topics
- Interesting range of speakers and learnt from the Conference
- Exceeded my expectations. Lovely lunch too! Thank you

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So save the date for next year –
Thursday 15 March 2018 featuring **Susan Alberti** as guest speaker.



NEWS

Crimcheck featured article – How much is your reputation worth

Know your people!

Many organisations request National Criminal History Checks to minimise risk when recruiting potential employees, whilst other organisations have a legislated requirement to carry out criminal history checks on their employees at regular intervals. Regardless of the reason to perform a National Police History Check, a large number are sourced by the individual, and do not specifically meet the needs of the organisation that will utilise the information.

When an applicant applies as an individual they often either write “volunteer” or “employment” as their reason for applying for the check. These single word descriptions often limit the Police agencies in what information can be released. For every National Criminal History Check application that has some form of criminal history, the Police must use the stated reason for the check to judge what information to release. The National Police History Checking System is set up to accept up to 70 characters of text, the more contextual information that

they have in the reason for the check, the better they can judge what information should be released in the interest of public safety.

Organisations often need to ask themselves why they are requesting a National Criminal History Check? If it is for compliance purposes, then those single word entries may suffice. If it is to mitigate risk, it may be an idea to specify to the applicant what they are to write on the application form. Whilst many view a Criminal History Check as a hurdle that must be overcome, the reality is that it is more of an awareness tool to allow an organisation to know its employees. When it comes to reputational risk, is it better to be blindsided after the fact? or be aware from the outset?

We are often asked – what’s the difference between a state police issued certificate and an accredited agency certificate?

Regardless of the source of the Police Check, they will all contain the same information.

The Australian Criminal Intelligence Commission facilitates all National Police Checking across Australia regardless of jurisdiction. Each State and Territory contribute to a National database of Persons of Interest. Regardless of which pathway you decide to take, all National Police Check requests flow through a common coordination point.

Most accredited agencies are equipped to enter written agreements with organisations to allow access to National Criminal History Checks that they request. As CrimCheck are a Not-For-Profit we are committed to supporting other not for profits to ensure that they get value for their investment, if you would like more information on how we can support your organisation please email admin@crimcheck.org.au and we will contact you to discuss your needs and possible solutions.

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GOVERNANCE

Charity Compliance 2015 and 2016 report

The ACNC has launched its *Charity Compliance 2015 and 2016* report, which shows that the vast majority of registered charities are run by dedicated and honest people.

Bad behaviour by a small number of individuals, though, damages trust and confidence in the sector.

The ACNC investigates concerns and takes strong action where required. In most cases, the commission is able to resolve issues by providing regulatory advice and guidance, suggesting that most charities are receptive when contacted.

Commissioner Pascoe said, 'However, where we find serious misconduct and mismanagement, the ACNC will take firm action, including revocation of charity status.'

'Over the two-year period of the report, the ACNC revoked the status of 28 charities. A further nine had their registrations revoked following a review of their entitlement to charity status.'

'Revocation is the most serious enforcement action taken by the ACNC and results in the loss of Commonwealth charity tax concessions.'

'We have published this report as we believe that there are many lessons registered charities can learn from compliance matters. We also feel it's important that we, as the charity national regulator, are transparent and accountable to the sector and the public and hold ourselves to the same standards that we hold charities to.'

'Our secrecy and privacy provisions limit the information that can be publicly released, however, we are able to release aggregated data and de-identified case studies to provide insights into the ACNC's compliance work. The case studies in particular give the sector and the public an insight into the kinds of issues we find when investigating concerns, and how we work with charities to resolve them.'

'We have also included lessons for other charities in the case studies so that they can

use this information to improve their own organisation's governance.'

The report also sets out the ACNC's areas of focus for the next 12 months.

'The ACNC will continue to investigate concerns that could significantly [affect] public trust and confidence in the not-for-profit sector,' Ms Pascoe said.

'Public trust and confidence is vital to the long-term sustainability of the sector, and we are hoping that by publishing this report, members of the public feel assured that there is a "cop on the beat".'

'Similarly, we want to make charities aware of the common issues we have found over the past two years so they can self-assess their governance and process to ensure they are on the right track.'

'[We] will be focusing on five key areas of compliance: fraud and financial mismanagement; terrorism; harm to beneficiaries; political activities; and lodgement and accuracy of annual information statements.'

To read the full report visit acnc.gov.au/compliancereport.



GOVERNANCE

Checking compensation insurance

The ACNC has asked not-for-profits to check the currency of their workers' compensation insurance.

Serious consequences follow if mandatory insurance has lapsed.

Any person – paid or volunteer – who governs an organisation can be held personally liable for the costs of an uninsured workers' compensation claim. Compensation regulators may also prosecute organisations and individuals for compliance breaches.

Speak to your insurer or insurance broker to ensure that your organisation is meeting its compensation obligations or contact your local workers' compensation authority at:

- ACT www.worksafe.act.gov.au/workers_compensation
- NSW www.workersinsurance.icare.nsw.gov.au/
- NT www.worksafe.nt.gov.au/WorkersCompensation/
- QLD www.worksafe.qld.gov.au/insurance
- SA www.rtwsa.com/insurance
- TAS www.workcover.tas.gov.au/insurance
- VIC www.worksafe.vic.gov.au/insurance-and-premiums
- WA www.workcover.wa.gov.au/employers



NEWS

Collins & Co Workplace Giving

Collins & Co supports a number of charities, Not for Profits and other worthy causes, and part of this is through the Staff Workplace Giving Program

Last quarter's staff donations were donated to the Lost Dogs Home in North Melbourne.

Previous recipients have included

- The Tomorrow Foundation for their Common Social Café program, which provides hands-on hospitality training, work experience, guidance and employment opportunities for refugees, asylum seekers and migrant youths.
- The I Give a Buck Foundation, which supports children affected by domestic violence.
- And Second Chance Animal Rescue.

Staff not only donate to the program but are able to nominate a cause that is close to their heart and worthy support.

Our blog is one of the quickest ways to communicate the latest news and updates to you blog.collinsco.com.au

GOVERNMENTS

AAT upholds decision to revoke school's funding

The Administrative Appeals Tribunal has affirmed the federal Department of Education and Training's decision to revoke the approval of Malek Fahd Islamic School Limited to receive federal funding.

The AAT was not satisfied that the school authority was able to satisfy the requirements of the Education Act or be able to do so in the foreseeable future.

Concerns centred on the school's independence, financial management and governance.

'I note the AAT decision refers "in particular to the ongoing burden of the uncommercial arrangements with AFIC" and that "findings make it clear that, at a minimum, MFISL continues to be operated for profit", said Mr Birmingham.

'I remain committed to ensuring that all school authorities meet the requirements of the Education Act to ensure that our taxpayer dollars and any private investment by parents is being spent to benefit Australian students.'



GOVERNMENTS

Non-compliant college loses funding

The federal Department of Education and Training stopped funding the Islamic College of South Australia on 14 April.

The college received \$4 million in federal funding last year.

'It is disappointing that after the number of chances this school has been given and the constructive work the department has been doing with the [school] authority since November 2015 the school has still failed to meet the reasonable standards and expectations placed on them,' said education minister Simon Birmingham.

The school authority was not meeting strict conditions imposed in April last year that

included improvements to governance and financial management and regular reporting on progress being made on the changes.

'School governance should be of the highest standard and funding should be exclusively used for the education and welfare of students,' said Mr Birmingham.

'The Australian Education Act 2013 requires, among other obligations, that school authorities operate [as] not-for-profit, be financially viable, be a 'fit and proper person', and ensure that funding provided is used only for school education,' he added.

ACNC

Charities risk consequences of overdue annual reporting

More than 4000 charities risk sanctions after missing the deadline for their annual reporting to the ACNC.

Registered charities that report on a standard 30-June financial year were required to submit their annual information statements by 31 January.

Ms Pascoe said charities that have failed to submit their statements were encouraged to do so immediately to avoid sanctions and possible status revocation.

‘The Australian public value transparency in the charity sector, and meeting ACNC obligations is a simple and effective way to achieve this,’ she said.

Registered charities that fail to meet their obligations may face financial penalties, and will lose the right to display the ACNC’s tick.

Ultimately, they risk revocation.

Commissioner Pascoe said that most charities have had several years to familiarise themselves with the ACNC’s annual-reporting requirements.

‘The 2016 [statement] is the fourth annual report that registered charities have been required to submit ...,’ she said.

‘Each year we send charities multiple reminders to ensure they know when their reporting is due, and how they can access our range of guidance materials and support services.

‘Since the ACNC was established in December 2012, financial penalties have

been used sparingly. Issuing financial penalties to charities is not something we take lightly. However, if deemed appropriate we will penalise those who are wilfully avoiding their reporting obligations.’

Fines may be up to \$4500, depending on the size of the charity.

For charities that have double-defaulted, failing to submit two statements, the risk grows. ‘Failing to submit two [statements] is grounds for revocation ...,’ Ms Pascoe said.

Resources to help charities complete their 2016 statements, including a checklist, worksheet and a step-by-step guide, can be found at acnc.gov.au/2016AIS.



GOVERNANCE

AICD calls for whistleblowing reforms

In a submission to a parliamentary inquiry into whistleblowing reforms, the Australian Institute of Company Directors has recommended a range of improvements, including expanding the number and type of people protected under the Act.

It wants a broader definition of ‘disclosable conduct’ and extended protection for anonymous whistleblowers.

The AICD has also called for increased penalties for corporations that victimise or harm whistleblowers.

AICD chairman Elizabeth Proust said that the current regime placed too heavy a burden on

whistleblowers and failed to encourage best-practice governance.

‘Presently, only current employees who are disclosing certain offences are covered,’ she said.

‘If we want a strong whistleblowing framework, we cannot and should not expect whistleblowers to be experts on the Corporations Act.

‘There is also little reason why former employees or contractors shouldn’t be protected if they report wrongdoing.

‘Put simply, if a practice is illegal under any commonwealth, state or territory law, someone who blows the whistle should be protected.

‘Company directors want to know if there is corporate wrongdoing happening within the organisations they govern, and a robust whistleblowing regime that encourages reporting can help make that happen.

‘Australia needs a robust whistleblowing regime that will help improve governance practices, encourage effective internal reporting frameworks, and make sure that someone who blows the whistle gets the protection and support they deserve.’

Changes for residential and home-care providers

The federal Department of Health is making changes to financial-reporting requirements for residential aged care and home-care package providers.

A single template called the Aged Care Financial Report (ACFR) will consolidate the:

- Annual Prudential Compliance Statement (APCS)
- Building activity component of the Survey of Aged Care Homes (SACH), and
- Home Care Financial Report (HCFR).

A general-purpose financial report will continue to be required, and the ACFR will need to be submitted with the general-purpose report.

Providers are not required to submit an audit opinion with their ACFR.

Providers of home care that do not also provide residential care will not be required

to submit a general-purpose report, needing only to complete the home-care section of the ACFR.

Under the new arrangements, the residential-segment format will be replaced by mandated line items at both the approved provider and residential-segment level. However, providers will be able to include mandated line items in their general-purpose report or ACFR.

The new arrangements are mandatory for all residential and packaged home-care providers in the 2016-17 financial year. Providers who report on 30 June will submit their new reports by 31 October.

Providers will complete the ACFR online, data to be entered into a new portal. Residential aged care providers will also upload and submit their audited GPFR through the portal.

Introducing the ACFR will require changes to the *Accountability Principles 2014* and the *Fees and Payments Principles 2014* (No. 2). Details of the changes will be available shortly.



Improving reduced disclosure

Financial reports are set to become more relevant and concise for many not-for-profit and non-listed entities under changes proposed by the AASB.

The board has reviewed standards specifying information to be disclosed in financial reports of entities eligible to use the reduced-disclosure regime (RDR).

Proposals in exposure draft 277 *Reduced Disclosure Requirements for Tier 2 Entities* aim to address concerns about the length and relevance of reports produced under the regime.

Kris Peach said, 'We are keenly aware of the need to cut unnecessary or overly detailed disclosures and to increase the relevance of required disclosures. These proposals strike a good balance between preparer effort and user needs.'

In practice, few entities that may adopt RDR have done so, many instead issuing 'special purpose' reports.

Kris Peach said, 'With increasing concern from regulators, investors and the broader community about the transparency and comparability of special-purpose financial reports, it is our hope that these proposals will encourage more entities to adopt general-purpose financial reports using the RDR regime.'

In particular, the AASB is proposing to reduce the disclosures required around financial instruments and interests in other entities based on feedback from constituents that these disclosures were too detailed and of little interest to users.

Closing date for feedback is 26 May.

ACNC publishes new templates

The ACNC has recently published new templates designed to be used by auditors for financial reporting.

Developed with the assistance of the Australian Auditing and Assurance Standards Board (AASB), the templates are intended

to suit general-purpose and special-purpose reports for a range of charitable organisations.

The free resources are available at **acnc.gov.au**. Other free templates to help charities manage finances, governance and more, are also available on the ACNC website.



ACNC

2017 Annual Information Statement to be released in July

The 2017 Annual Information Statement is set to be released in late July and will be accompanied by a range of resources and a redesigned online guide for easier use.

Several improvements to the 2017 online form have been made, including improved auto-calculation and the ability to update responsible-persons' information.

Charities in Tasmania and South Australia will benefit from streamlined reporting arrangements, other states likely to benefit in coming months.

FINANCIAL REPORTING

Data Integrity Project results available

The ACNC last year contacted nearly 7000 charities to ensure that information in their 2015 annual information statements was accurate and up to date.

The most common faults were miscalculated figures and incorrect reporting of the size of charities.

The survey's purpose was to ensure that the public can confidently rely on information on the charity register. The commission also uses the information to improve the annual information statement form and develop guidance and education materials.

You can find the full report, with the commission's top tips for avoiding reporting errors, at acnc.gov.au/dataintegrity.

FINANCIAL REPORTING

Issues paper asks big questions

A new issues paper asks big questions aimed at firing up debate on how financial reporting and accountability in the not-for-profit and charitable sectors can be improved.

Launched by Anglicare Australia, the ACNC and the Australian Accounting Standards Board, the paper responds to calls for improved reporting by NFPs and charities.

David Gilchrist, the paper's author and a director of the management consultancy Baxter-Lawley, said that to pin down how better reporting in the sectors should look is problematic.

'This report is the first step in developing an understanding of how we might move forward,' said Dr Gilchrist.

Better Financial Reporting for Australian NFPs focuses on the transaction-neutral framework of the AASB. It asks whether the framework meets the needs of financial-information users and whether there needs to be a more nuanced, sector-specific path.

The paper notes that it is difficult to identify users of NFP and charity financial

reports and equally difficult to identify their information needs.

The paper's aim is to start developing a reporting framework that is fit-for-purpose, resource efficient (meets a cost-benefit test),

and sensitive to the relative financial risks of organisations involved.

The paper doesn't aim to provide answers but raises a set of 13 core questions intended to facilitate discussion.

The questions are:

1. Who are the users of NFP and charitable organisations' financial reports?
2. What are their financial reporting needs?
3. Do standards support the provision of high-quality financial information to users of NFP financial reports?
4. Do reporting arrangements allow NFPs and charities to meet their obligations in a cost-effective manner?
5. Should volunteer time be allowed and donated assets be required to be reported in financial reports as in AASB1058; in some different way or not at all?
6. If volunteer time and donated assets should be reported, how should they be valued and reported?
7. Should restricted assets be separated from unrestricted assets in the statement of financial positions for NFPs?
8. Regardless of the answer to question 7, how should restricted assets be valued?
9. Should capital grant income be reported in the statement of financial performance?
10. Should income relating to contracts for outcomes delivery over more than one financial period be matched to expenses incurred on an annual basis if the income is not at risk?
11. Should a different test be applied to NFP and charitable organisations to determine whether consolidation should be undertaken?
12. Are the income levels appropriate segregation points for differentiating reporting requirements?
13. Should there be more tiers added? If so, how should they be segregated and what should they be required to report?

GOVERNANCE

ACNC releases guide on managing information and data

The ACNC has released *Managing people's information and data*, which provides charities with a broad overview of their responsibilities and the laws that may apply on data collection and protection, as well as practical tips for charity-board members.

ACNC commissioner Susan Pascoe said that the guide was a timely reminder for charities that the public want to see responsible management of people's information and data.

'The community expects a charity to be responsible and ethical when managing information and data about its donors, supporters, staff and volunteers, and the people it helps,' Ms Pascoe said.

'Understanding and meeting community expectations is crucial for protecting a charity's reputation and public support for its work.

'The people in charge of a charity should make sure that its information and data management practices reflect its values and those of the community.'

The ACNC sees information and data management as an important part of good governance and encourages charities to consider them carefully.

Beyond legal requirements, charities' responsible persons need to consider public perception of their information and data management. Maintaining public trust, confidence and support is crucial for a charity's work.

The guide can be found at acnc.gov.au/informationanddata.



GOVERNMENTS

Red-tape reduction proposal for ACT

Legislation is before the ACT's Legislative Assembly to reduce red tape for hundreds of registered charities.

Significant progress on red-tape reduction was made last year through legislative changes in Tasmania and South Australia.

The moves follow talks between the ACNC and state and territory governments. The ACT government is also proposing regulatory reform to remove duplicate reporting for incorporated associations and charitable fundraisers registered with the commission.

The ACT reform is in two stages:

- Remove duplication between Commonwealth and ACT legislation for ACT incorporated associations registered with the ACNC, and
- Explore whether there are further changes that can be made to simplify processes for incorporated associations and charitable-collection licence-holders registered in the ACT.

The ACT government has already announced that it would 'carve out' charities from legislation. It is proposing to amend the Associations Incorporation Act 1991 and the Charitable Collections Act 2003 to make this happen from July.

ACT incorporated associations registered with the ACNC will be exempt from:

- Part 5 of the *Associations Incorporation Act 1991*– Accounts, Audit and Annual Returns. This means that, if the legislation passes, ACNC-registered charities in the ACT will be required to provide annual reports to the ACNC only from July 2017, including for their 2016-17 return. Charities are already required to meet governance standards and reporting requirements in federal legislation
- Section 62 (3) of the Act – notice of changes in committee. It is proposed to amend also section 122 of the Act – service of documents to include the option of address for service as notified from time to time by the association to the ACNC, and
- Section 121– Registered office of incorporated association. ACNC charities will not need to notify the ACT regulator of changes in registered office, if they have one. ACNC charities are required to provide the ACNC with an address for service, which the ACT regulator will use if required. It is also proposed to replace the requirement to notify the place of register in the annual return [section 67(2)] with a requirement to make the register available for inspection at reasonable times and at a place nominated by the association.

There is also a proposal to remove for incorporated associations in the ACT fees associated with lodging annual statements and changing public officers and committee details.

Proposed changes to the *Charitable Collections Act 2003* for charities registered with the ACNC would exempt them from sections 14 (2) and 15 (1) (b) of the Act – they will not be required to be licensed under the Charitable Collections Act or provide reports to the ACT.

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