Regulation

Australian Charities and Not-for-Profits Commission

This government body is intended to regulate charities (initially), provide education and support, establish an information portal, and facilitate reduction of regulatory duplication. Will operate under the Australian Taxation Office, although intended to be operationally independent.

To be established by 1 October 2012, with legislation to be introduced by 18 June. Significant redrafts of the Exposure Draft legislation are underway and will be released to targeted stakeholders, with last redrafts by mid-May.

Standardised governance principles

A separate Consultation Paper discussed governance principles to be included within the ACNC legislation (such as statutory duties of responsible individuals).

Treasury has provided some indication of governance principles it will include, which are significantly different from those foreshadowed. There will also be lengthy transitional arrangements. These principles will be released to targeted stakeholders.

Taxation

Not-for-Profit Sector Tax Concession Working Group

This was established to consider the recommendations of the Henry Review affecting the NFP sector. It will discuss fringe benefits tax and deductible gift recipient status. Its recommendations must be revenue neutral.

Reporting date in December 2012.

Unrelated business income tax (UBIT)

Income from unrelated business activities which is not applied to an entity’s charitable purposes will be taxed.

ETA for Exposure Draft: April/May 2012.

‘In Australia’ conditions

Proposals to change the requirements for entities to operate ‘in Australia’ for the purposes of tax concessions, including a standard definition of ‘not-for-profit’.

Significant changes likely. ETA for 2nd Exposure Draft: June/July 2012.

Other

Statutory definition of charity

Enactment of a statutory definition of charity.

ETA: July 2012 for commencement in July 2013.

Fundraising regulation

Proposals for a national system of fundraising regulation. Submissions on consultation paper due 5 April.