

9 March 2018

The Review Panel
Review of the ACNC legislation
The Treasury, Canberra

**Submission to the Review of the Australian Charities
and Not-for-profits Commission legislation.**

The Association of Australian Medical Research Institutes (AAMRI) has consulted its 49 members and has found that members are generally satisfied with both the current function of the legislation, as well as its administration by the Australian Charities and Not-for-profits Commission. We do not see the need for any significant changes to the Act. However, we would like to offer comments on two specific areas relevant to the review: a proposal that has been put forward to expand the Objects of the ACNC Act, and data interaction between the ACNC and ASIC.

Objects of the ACNC Act

AAMRI fully supports the position put forward by Research Australia opposing any expansion of the Act's objectives.

The ACNC Commissioner, the Hon Dr Gary Johns, has put forward a submission recommending the Objects of the Act be extended to promoting the effective use of resources of not-for-profit entities, and enhancing the accountability of not-for-profit entities to donors, beneficiaries and the public. We disagree that there is a need to extend the objects of the Act in this way. To do so would go against the existing Object to reduce red-tape and would also place the Commissioner in a position to make determination on how charities should be using their resources. This would be an infringement on the independence of charities and could stifle their ability to pursue activities in line with their mission.

Data interaction between the ACNC and ASIC

Our members are generally satisfied with the level of reporting required to the ACNC and find this preferable to the previous reporting arrangements. However, as charities are now only legally obliged to report to the ACNC this has meant the old corporate details of charities listed on the ASIC website are now significantly out of date. The result of this is that the financial and directors' details on the ASIC website are incorrect, presenting a negative impression of a charity's ability to manage its reporting obligations.

Despite repeatedly highlighting this issue to both the ACNC and ASIC there has been little progress made in either linking the two data sets together or removing the details of charities

from the ASIC register. We suggest that if there are any impediments within the Act with respect to fixing this issue then this should be addressed by the review.

Thank you for the opportunity to put forward a submission to the review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tony Cunningham', with a stylized flourish at the end.

Professor Tony Cunningham AO

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