



25 January 2012

Manager
Philanthropy and Exemptions Unit
Personal and Retirement Income Division
The Treasury
Langton Crescent
PARKES ACT 2600

Email: NFPReform@treasury.gov.au

Dear Sir/Madam

Submission on Exposure Draft of the Australian Charities and Not for Profits Commission Bill

Thank you for the opportunity to make submissions in relation to the Exposure Draft of the Australian Charities and Not for Profits Commission Bill ("**Draft**").

About Movember

Movember's vision is to have an everlasting impact on the face of men's health. We do this by raising awareness and funds through the annual Movember campaign. On Movember 1st, guys register at Movember.com with a clean-shaven face and for the rest of the month grow their moustache and raise funds by seeking out sponsorship for their Mo growing efforts. Mo Bros effectively become walking, talking billboards for the 30 days of November, and through their actions and words raise awareness by prompting private and public conversation around the often ignored issue of men's health.

The funds raised through the Movember campaign are allocated to programs in line with Movember's vision and strategic goals. In Australia, funds are committed to programs supporting prostate cancer and male depression initiatives. Some of these funds are carried out directly by Movember and some through our men's health partners in Australia; the Prostate Cancer Foundation of Australia and beyondblue: the national depression initiative.

Movember has been endorsed by the Australian Taxation Office as a deductible gift recipient and for various charity tax concessions.

Further information about Movember is available on our website at www.movember.com.

General comments

Movember welcomes NFP sector reform and recognises that an accountable and transparent sector generates public trust and confidence. Movember strongly supports the creation of the ACNC as a “one-stop shop” regulator for the charity and not for profit sector, and in particular to reduce regulatory duplication at a federal and state level.

We have reviewed the Draft and set out below our submissions.

Submissions on the Draft

1 Sub-division 55-E - Substituted accounting periods

Section 55-90 provides that entities that have accounting periods that end on a day other than 30 June may apply to the Commissioner to have this changed.

We submit that where an existing charity already has an alternative accounting period then this should carry over as part of the registration process. To require existing charities to re-apply for their existing accounting period, and to potentially change an existing accounting period if the application is unsuccessful, would place an unnecessary regulatory burden on the charity.

2 Australian Charities and Not-for-profits Register

Section 100-10 requires the Commissioner to maintain a register incorporating a range of information, including in relation to each “responsible individual” the “qualifications of the responsible individual in relation to the registered entity.

We consider that it is unclear what qualifications will be required to be included and submit that this information should not be required to be included in the register. See our further submissions in relation to qualifications and responsible individuals in our response to question 5 in our submission regarding Treasury’s Consultation Paper on Review of not-for-profit governance arrangements.

3 “Responsible individual”

We note that the definition of “responsible individual” in section 210-15 of the Draft largely mirrors the language in the definition of “officer” in the Corporations Act 2001.

In the ACNC Implementation Design Discussion Paper, the proposed Application for registration as a charitable entity (Attachment A to that Discussion Paper) requires that the charity provide information regarding its “officers”. Similarly, the proposed Annual Information Statement for a charitable entity (Attachment D to the Discussion Paper) requires the charitable entity to update details regarding “officers”. The proposed forms in the Discussion Paper also require various certifications by “authorised officers”.

It is unclear if “officers” and “authorised officers” are intended to be the same group as “responsible individuals”. We submit that the language in the ACNC legislation and in the ACNC forms should be consistent.

We note that we have also made further comments in relation to responsible individuals in our response to question 8 in our submission regarding Treasury’s Consultation Paper on Review of not-for-profit governance arrangements.

4 Regulatory powers of the ACNC

We submit that the ACNC legislation should provide the ACNC with additional powers to allow entities to change legal forms. Our further submissions on this are set out in our response to question 33 in our submission regarding Treasury’s Consultation Paper on Review of not-for-profit governance arrangements.

Please contact me on (03) 8416 3900 or via email on astrid@movember.com if you would like to discuss these submissions in further detail.

Yours sincerely,



Astrid Heward
General Counsel