



23 February 2018

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Dear Mr Crowe

### **Review of Australian Charities and Not-for-profits Commission (ACNC) Legislation**

I refer to The Honourable Michael Sukkar MP's invitation for public submissions in relation to the ACNC legislation for the consideration of the Review Panel appointed by the government.

My office is generally supportive of the recommendations made in the Submission to the Review from the ACNC (**the Submission**). There are only two matters in the Submission that I wish to draw to your attention.

#### **Recommendation 7**

In Recommendation 7, the ACNC asks that the Review Panel consider whether the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) (**ACNC Act**) should be amended to require that registered charities, other than trusts and basic religious charities, have a minimum number of three responsible persons and at least two responsible persons who ordinarily reside in Australia, with the Commissioner having the power to exempt entities should there be special circumstances where different governance arrangements are appropriate.

The Public Trustee is the trustee of a number of charitable trusts and it is pleasing to see the exclusion in relation to trustees. Whilst this exclusion seems appropriate for the Public Trustees within Australia and trustee companies, where the trustees are individuals perhaps there would be some benefit in a requirement that the minimum number of trustees were three, with at least two of those persons ordinarily residing in Australia.

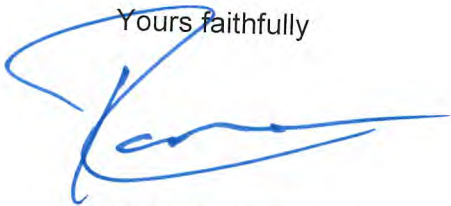
Further, for corporate trustees, that are not a Public Trustee within Australia or a trustee company, perhaps some consideration might be given to such companies meeting the same requirements as registered charities that are companies limited by guarantee – in an effort to continue the focus on good governance.

## Recommendation 21

Recommendation 21 provides that further work is to be undertaken by the ACNC and the Australian Accounting Standards Board in consultation with the sector to develop a suitable reporting framework for registered charities. The Public Trustee's experience in the preparation of financial reports for a number of different charitable trusts of varying sizes might be of some assistance to the ACNC. I invite the Review Panel to contact the Acting Executive Director Investment & Finance Services, Ms Justine Callaghan, on (07) 3213 9487 or by email at [justine.callaghan@pt.qld.gov.au](mailto:justine.callaghan@pt.qld.gov.au) should you wish to discuss the Public Trustee's experiences in this area.

Should the Review Panel have any need to raise any questions generally in relation to the Public Trustee's experience as trustee for a number of charitable trusts, I invite the Review Panel to contact the Deputy Official Solicitor, Ms Kathryn Williams on (07) 3213 9352 or by email at [kathryn.williams@pt.qld.gov.au](mailto:kathryn.williams@pt.qld.gov.au) .

Yours faithfully



Peter Carne  
Public Trustee of Queensland