



# Submission to Treasury

Proposed Changes to  
ACNC Governance Standards

Australian Charities and Not-for-profits Commission Amendment  
(2021 Measures No. 2) Regulations 2021

March 2021

Missions Interlink (ABN 54 056 007 820) PO Box 5214 Pinewood VIC 3149

### Introduction

Missions Interlink welcomes the opportunity to put forward its views on the Proposed Changes to ACNC Governance Standards and engage with Treasury on this significant issue.

We note that the purpose of the proposed changes to ACNC Governance Standard Three is “...to ensure that governance standard three is more consistent with the disqualifying purposes set out in the *Charities Act 2013*.” While Missions Interlink supports this purpose and commends the Australian Government in seeking to give the public confidence in the charitable sector, thereby ensuring reliability and sustainability of charities, the move to increase the powers of the ACNC Commissioner is concerning.

### About AEA MI

Missions Interlink is a professional peak body representing Christian organisations focused on cross-cultural and global mission. It is a member-based organisation representing 154 charitable organisations that are based and controlled in Australia, and almost all of whom are registered with the ACNC.

### Summary of Concerns

On behalf of our 154 constituents, we are particularly concerned by a proposed increase to the powers of the ACNC Commissioner.

The proposed provision would enable the ACNC Commissioner to exercise their enforcement powers under Chapter 4 of the Act if they reasonably believe that it is more likely than not that an entity will not comply with a governance standard.

While strongly agree that no charities should ever be engaged in illegal activities, this particular proposed provision is contrary to the principle of presumption of innocence that our Commonwealth legal system is built upon. No person or entity should have to put the time and effort into proving its innocence before any act has been committed or is even intended. Such power seems to be against the basic principles of justice, fairness and procedural transparency, all of which are the fundamental values for any regulator in a democratic society we live in.

We should be very grateful if these concerns could be considered by Treasury. Because the Australian Charities and Not-for-profits Commission Regulation 2013 already requires that charities not engage in illegal activities, and in our view the Commissioner’s current powers are sufficient and adequate for this purpose and do not need to be increased.

Should you wish to further discuss any of the above, please do not hesitate to contact Missions Interlink.

Yours sincerely,

Nataliya Osipova  
National Director