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**From:** Andre Oboler <ceo@ohpi.org.au>  
**Sent:** Wednesday, 1 February 2023 3:53 AM  
**To:** Charities Consultation  
**Subject:** Query regarding ministerial rules

Dear Treasury,

Are you able to provide guidance on four questions related to how Harm Prevention Charities will be regulated under the proposed changes?

- Due to a ministerial rule, all charities on the register, regardless of size, must submit audited accounts each year. This is a substantially different burden for small charities to what is required by the ACNC for a small charity. Will this requirement cease under the proposed legislation?
- The requirements for a being a responsible person for a harm prevention fund are more explicit and detailed than the general guidelines at the ATO (see: <https://www.ato.gov.au/non-profit/getting-started/in-detail/types-of-dgrs/public-funds/?page=3>) it is unclear if the guidelines at the ATO could be clearer (like the current form for harm prevention charities) or if this would be a substantive change to who is regarded as a responsible person. Could you clarify?
- The Committee of Management of the Public Fund is currently reported annually (and on any changes) to the Register. The ACNC has no provision for listing or reporting these people, and the ATO only requires notification of changes to the governing documents. Under the changes would there no longer be a need to report changes to the membership of the Committee of Management of the Public Fund?
- There was some drafting confusion when the ACNC was created. Can you confirm the public fund does not require a separate ABN or legal structure? (Assuming the endorsed organisation's constitution provides the rules for the fund, and the bank account is of course separate, and decisions regarding the allocation of funds are made by the public fund's Committee of Management which is made up of a majority of responsible people)

Kind regards,

Andre

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