

Review Secretariat
Department of Finance

PGPAActReview@finance.gov.au

14 June 2018

Dear Secretariat

ACNC's Response to Draft Report - PGPA Act and Rule Independent Review

The Australian Charities and Not-for-profits Commission (**ACNC**) welcomes the opportunity to provide feedback to the independent review of the current Commonwealth resource management framework - 'PGPA Act and Rule'.

Background

The ACNC was established on 3 December 2012 by the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) (ACNC Act). The objects of the ACNC Act are to:

- maintain, protect and enhance public trust and confidence in the Australian not-for-profit sector; and
- support and sustain a robust, vibrant, independent and innovative Australian not-for-profit sector; and
- promote the reduction of unnecessary regulatory obligations on the Australian not-for-profit sector.

The ACNC Act also sets out the arrangements for staff assisting the ACNC Commissioner, who are made available by the Commissioner of Taxation, but are subject to the directions of the ACNC Commissioner.

ACNC feedback

The ACNC notes the existing irregularity under the PGPA framework which makes the ACNC accountable authority, the Commissioner of Taxation.

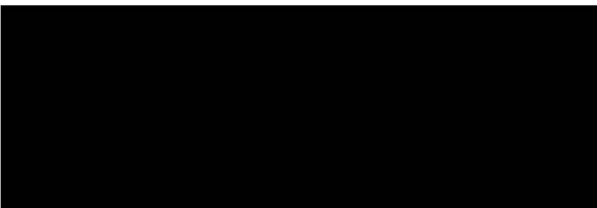


This is problematic because it erodes the independence of the ACNC. It creates the need for the Commissioner of Taxation to be accountable for ACNC matters for which they do not have operational oversight.

The ACNC saw this independent review was an opportunity to explore alternatives and consider recommendations to address this issue, however the ACNC notes this has not been addressed in the draft report.

If you would like to discuss any comments or seek further information, please do not hesitate to contact Mel Yates, Director - Corporate Services on 03 927 59595 or Melville.Yates@acnc.gov.au.

Yours sincerely



Hon Dr Gary Johns
Commissioner
Australian Charities and Not-for-profits Commission
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