

20 March 2025

Australian Charities and Not-for-profits Commission

Email: cis@acnc.gov.au

Dear Sir/Madam,

**RE: Decision Impact Statement: Equality Australia Ltd and updates to our
Commissioner's Interpretation Statement: Public Benevolent Institutions (CIS)**

Who we are

A national membership association, Governance Institute of Australia (Governance Institute) advocates for governance and risk management professionals, providing community and support to over 7,500 members.

As an Institute of Higher Education, the Governance Academy provides practical training and expert insights, equipping professionals with the tools to excel in their roles and drive better decision-making in their organisations.

Our members have primary responsibility for developing and implementing governance frameworks in public listed, unlisted, and private companies, as well as the public sector and not-for-profit organisations, including charities. They have a thorough working knowledge of the operations of the markets and the needs of investors. We regularly contribute to the formation of public policy through our interactions with Treasury, ASIC, APRA, ACCC, ASX, ACNC and the ATO. We are a founding member of the ASX Corporate Governance Council. We are also a member of the ASIC Business Advisory Committee, the ASX Business Committee and the ACNC Sector Users Group.

Many of our members serve as officers of charities, or work for, or are involved with charities and are therefore involved in compliance with the ACNC requirements. Governance Institute is itself a charity operating in the legal form of a company limited by guarantee, established to promote and advance the efficient governance, management and administration of commerce, industry and public affairs and the development of secretaryship of organisations through education and the dissemination of information.

Preliminary comments – Charity subtypes

One issue our members have raised in connection with the Draft CIS is that while it does address charities that can have more than one subtype and can be classified as Public Benevolent Institutions (PBIs), it does not address a charity that may sit between two or more categories of Deductible Gift Recipient but may not be clearly in one particular group such as PBI or Health Promotion Charity (HPC). Do these entities fail registration as a charity or are they fitted into a 'predominant' category? In our members' experience the issue arises very frequently in practice, particularly as most charities serve more than one purpose.

Our members consider it may be useful for the ACNC to indicate how it treats entities in this situation with examples of what it considers would be acceptable for registration as a charity and what would be unacceptable, including those entities that are caught between the PBI and HPC categories.

Draft Decision Impact Statement: Equality Australia Limited

Our members have no comments on the Draft Decision Impact Statement.

CIS Statement: Public Benevolent Institutions

Our members have the following comments:

- They support the changes to improve the clarity of expression, for example, paragraph 6 of the mark-up.
- They consider that the concept expressed in paragraph 46(c)(i) is more clearly expressed in Example 9 on page 27 and it would be better to adopt the wording from Example 9.

If you have any questions in connection with this Submission, please contact me or Catherine Maxwell, General Manager, Policy and Advocacy.

Yours faithfully,

(Sgd) Megan Motto, CEO