

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates

2014 - 2015

**Department/Agency: Australian Charities and Not-for-Profits Commission**

**Question: BET 29**

**Topic: Aboriginal and Torres Strait Islander organisations**

**Reference: Hansard page no. 6 - 02 June 2015**

**Senator: Siewert, Rachel**

**Question:**

Senator SIEWERT: I have a specific area that I want to follow up with you. It is to do with Aboriginal and Torres Strait Islander organisations. Do you have the capacity to investigate, or have you investigated, any complaints about charities that are registered with ACNC that are Indigenous corporations or Aboriginal and Torres Strait Islander corporations, specifically that are registered under the C(ATSI) Act?

Ms Pascoe: Certainly we have investigated some Indigenous charities. Whether they are registered under the C(ATSI) Act I think we should take on notice.

Senator SIEWERT: If you could take that on notice, that would be appreciated. Would you have the capacity to investigate a company where the complaint dealt with a failure to fulfil trustee obligations imposed by the Commonwealth legislation under the prescribed body corporate regulations?

Ms Pascoe: We had better take that on notice as well.

**Answer:**

BET – 29 - The ACNC can investigate an alleged breach of the ACNC legislation or regulations in relation to any registered charity. We evaluate all concerns raised about registered charities consistently and systematically.

There are 35 native title prescribed bodies corporate (PBC) registered as charities with the ACNC.

A PBC is required by the Native Title (Prescribed Bodies Corporate) Regulations 1999 to be registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act). The CATSI Act is administered by the Registrar of Indigenous Corporations (ORIC).

The ACNC and ORIC have a Memorandum of Understanding on working together in relation to registered charities that are registered under the CATSI Act.

The ACNC will work with the appropriate regulators if the concerns are beyond the regulatory scope of the ACNC and will make appropriate referrals to the relevant agency.

The ACNC has received 39 complaints or concerns regarding Indigenous or Aboriginal and Torres Strait Islander charities.

Five of these charities were also registered with ORIC; and these complaints were referred to ORIC to avoid duplication.

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Of the remaining 34 complaints, 33 were resolved through education and regulatory guidance.

The remaining complaint regarding an Aboriginal and Torres Strait Islander charity, which was a federally regulated entity not registered with ORIC, progressed to an investigation with the ACNC. In this instance the ACNC exercised our powers and entered into an enforceable undertaking with the charity. The enforceable undertaking sought to address a number of matters of concern raised with the charity throughout the investigation.

The ACNC worked with the charity to provide regulatory advice and educational materials, during meetings held with the charity and inform the relevant regulator of any matters on finalisation.