

**ATTENTION**

Rectors and Wardens

SUBJECT**Australian Charities and Not-for-profits Commission:
Notifying changes to the membership of your parish council****DATE**

22 February 2017

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KEY POINTS

- Parishes have an ongoing obligation to notify the Australian Charities and Not-for-profits Commission (“ACNC”) of any change in their ‘responsible persons’.
- For this purpose, ‘responsible persons’ means all the members of your parish council, including the rector and wardens.
- Parishes have 28 days (60 days if your annual revenue is less than \$250,000) to notify the ACNC of a change.

DETAIL**Purpose**

1. The purpose of this circular is to remind parishes of their obligation to notify the ACNC of any changes in the membership of their parish council, particularly following the Annual General Meeting (“AGM”).

Responsible persons

2. As you would be aware from previous circulars, in addition to submitting an Annual Information Statement, your parish is required to notify the ACNC about certain changes as they occur. In particular, you must notify the ACNC of a change in the membership of the ‘responsible persons’ for your parish. These are the members of your parish council.
3. It is important to remember that the membership of your parish council includes your rector and, for parishes with one church, the wardens. For parishes with more than one church the membership of the parish council includes your rector and the wardens of the principal church plus one of the wardens of each other church appointed from time to time by the wardens of that church.
4. Any change of rector or acting rector will trigger the need to notify the ACNC. Similarly, you will need to notify the ACNC if there is a change to the lay membership of your parish council, such as typically happens at an AGM.
5. A change in the membership of your parish council does not occur if a person who has been a member until the AGM is simply re-elected as a member at the AGM or re-appointed by the rector.

Time frame for notifying

6. You have 28 days to notify a change, unless the annual revenue of your parish is less than \$250,000, in which case you have 60 days.

7. Administrative penalties may apply for failing to notify the ACNC by the due date. The amount of the penalty increases the longer the time between when the notification was due and when it was given. Having said that, the ACNC usually takes a graduated approach to compliance, and would generally only seek to apply penalties where it believes there has been an intention to mislead or willful neglect.

Completing the notification

8. To notify a change in the membership of your parish council go to the ACNC website www.acnc.gov.au, select the *Charities Portal* tab and log in and then select *Change to responsible person*. This will take you to a screen where you can view those responsible persons currently listed on the Register for your parish and where you can add and remove responsible persons.
9. When adding a new responsible person you are only required to enter information to the mandatory fields, marked with an asterisk.
10. In answering the following particular questions, we suggest you provide answers as follows –
 - (a) *What position does the person hold?*
Select 'Other' from the drop down menu and then enter either "Rector", "Warden" or "Parish Councillor" as appropriate.
 - (b) *On what date did this person become a Responsible Person?*
Provide the date on which the rector was licensed to the parish, or the date the person was elected or appointed to the parish council, for example the date of the AGM.
 - (c) *Have you searched the ASIC Register of Banned or Disqualified Persons for the name (and any known former name) of this Responsible Person?*
Select No. This obligation does not apply to Basic Religious Charities.

Further information

11. If you wish to discuss the matters raised in this circular please contact Martin Thearle by email at mrt@sydney.anglican.asn.au or phone on 9265 1682.

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