



Australian Government



Australian  
**Charities** and  
Not-for-profits  
Commission

# CHANGING YOUR CHARITY'S GOVERNING DOCUMENT

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# What to do when changing your charity's governing document



These suggestions are to help guide the process of changing your charity's governing document:

- Work out what changes need to be made to your charity's governing document before you begin the process of making changes. If you are going to make changes, it might be a good time to update your charity's governing document generally.
- Check requirements for making changes to your charity's governing document. The governing document itself may set requirements for making changes or there might be legislation that sets certain requirements.

- Follow any other requirements of the legislation that apply to your charity.
  - For example, completing and lodging forms or other documents with a relevant federal or state regulator. There may be a fee for making changes.
  - Find out more from the regulator that incorporated your charity. If it is a company limited by guarantee, the regulator is ASIC; if it is an incorporated association, it is the state or territory regulator.
- Notify the ACNC of a change to your charity's governing document within the required time period.
- If you are unsure about the change, consider seeking professional advice.



# What to avoid when changing your charity's governing document

Common pitfalls to avoid:

- Making a change that may result in your charity no longer being entitled to registration as a charity.
  - For example, changing your charity's purposes to include a non-charitable purpose. Similarly, if your charity's not-for-profit clause or dissolution clause in its rules change, it may affect its entitlement to registration as a charity.
- Leaving rule changes too late and risking delaying your charity's plans. Remember that rules often set notice periods and the charity's Responsible People and its members will need time to discuss and agree on the change.

