

1 June 2016

The Commissioner  
Australian Securities and Investments Commission  
GPO Box 9827  
SYDNEY NSW 2001

**Cc:**

Mr Murray Baird  
Assistant Commissioner (General Counsel)  
Australian Charities and Not-for-profits Commission  
GPO Box 5108  
MELBOURNE VIC 3001

Dear Sir/Madam

**Australian Securities and Investments Commission Register**

I write to raise an issue of concern to QLS members about the potentially misleading state of the information published on the Australian Securities and Investments Commission (**ASIC**) register in relation to charities.

Since 2013 a charitable company which is registered as a charity with the Australian Charities and Not-for-profits Commission (**ACNC**) has been required to notify the ACNC of any change to its officers, rather than ASIC.

Long standing commercial practice when seeking details of a company is to search the ASIC database. As this database is no longer up to date this is causing confusion and upset for many in the public sector.

Charities may also be unaware of the requirement to lodge with the ACNC as well as with ASIC.

As a result the information on the ASIC register has not been updated for some years and is often out of date.

We recommend this might be addressed by:

- (a) ensuring that the ACNC and ASIC data base is synchronised;
- (b) ensuring the ASIC database is also updated (for example, by an ACNC notification being issued to ASIC once a corporate entity registers on the ACNC database and updates that register from time to time); or

- (c) making it clear on the ASIC data base that ASIC is not the register for those companies and that the information on the ASIC Register may be out of date with a direct link from that search page to the ACNC Charity Register.

We would be pleased to liaise with you. Please contact Julia Connelly, coordinating Policy Solicitor, Advocacy & Governance, at [J.Connelly@qls.com.au](mailto:J.Connelly@qls.com.au) or on (07) 3842 5884.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bill Potts', with a long horizontal flourish extending to the right.

Bill Potts  
**President**