



Have you reviewed your governing documents recently?

NFPs need to review their governing documents prior to completing the NFP self-review return.

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You will need to refer to your governing documents when you lodge the NFP self-review return to self-assess your eligibility to income tax exemption.

The lead up to an Annual General Meeting is an ideal time to locate and review your NFP's governing documents, to ensure you are operating for purpose and that they are up to date, including containing appropriate not-for-profit clauses.

What are an NFP's governing documents

A NFP's governing documents are the formal documents that set out:

- your organisation's purpose
- how your organisation is governed, operates and makes decisions.

Governing documents may sometimes be called rules or articles of association, constitution, rule book or deed of trust.

When should you review your governing documents

We recommend you conduct a review of your NFP's income tax exempt status annually and whenever there is a major change to the structure or activities of the organisation. To do so, your NFP will also need to review its governing documents to confirm compliance with all

the substantive requirements and to ensure you are operating for purpose.

If you find that your NFP's purposes have changed since establishing the organisation, or that the governing documents don't have appropriate clauses that prohibit the distribution of income or assets to members, your organisation may need to update its governing documents.

Your NFP can still self-assess as income tax exempt and lodge the 2023–24 NFP self-review return, provided you have not distributed any assets or income to members. NFPs should update their governing rules as soon as possible after identifying a need to do so.

For more information on the NFP self-review return questions including information on governing documents, visit ato.gov.au/NFPselfreviewguide.

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