



Public ancillary fund – schedule for deductible gift recipient applicants

Complete this schedule if your fund is applying for endorsement as a deductible gift recipient under the category public ancillary fund (item number AA.A.AA).

For instructions on using this schedule, refer to [Public ancillary fund – form for deductible gift recipient applicants](#) or search for QC25341 on ato.gov.au

Completing this schedule

- Download a copy of the schedule to your computer and check that you can save information in the schedule.
- Type directly into the schedule.
- Place **X** in ALL applicable boxes.
- You **must** answer all questions unless we tell you otherwise.

The example answers are provided to help you answer the responsible person question and are not prescriptive.

Section A: Applicant information

1 Your trust's Australian business number (ABN)

2 Your trust's legal name

3 Is your trust a 'fund'?

A fund is a pool of money or property that is set aside and managed by a trustee or trustees for the purpose of making distributions. A fund does not engage in delivery of services.

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes

Section B: Tax concessions

To be exempt from income tax, your trust must be endorsed by us as a tax concession charity (TCC).

➤ You can apply for this endorsement through the ACNC registration process or by using the [Application for endorsement as a tax concession charity](#) (NAT 10651) if your trust is registered with the ACNC as a charity.

If your trust is endorsed as a TCC it will be eligible to apply for a refund of franking credits attached to franked dividends.

4 Is your trust endorsed as a tax concession charity (TCC)?

No

Yes

5 Which of the following best describes your trust's tax concession charity (TCC) status?

Select ONE box only

Your trust is currently applying for TCC endorsement.

Your trust would be entitled to TCC endorsement but has not applied for endorsement. Your organisation must be endorsed as a TCC to be income tax exempt. You can apply for endorsement through the ACNC charity registration process or by using the [Application for endorsement as a tax concession charity](#) (NAT 10651) if your trust is registered with the ACNC as a charity.

Other – explain why your trust is not TCC endorsed and why it is not applying for TCC endorsement.

Section C: Established and maintained

For a gift to a public AF to be deductible under section 30-15 of the *Income Tax Assessment Act 1997*, the fund must be established and maintained under a will or an instrument of trust solely for the purpose of:

- providing money, property or benefits to a fund, authority or institution
 - gifts to which are deductible under item 1 of the table in section 30-15 of the *Income Tax Assessment Act 1997*, and
 - for any purposes set out in Subdivision 30-B of that Act that covers the fund, authority or institution
- the establishment of such a fund, authority or institution.

Your fund must be established and operated on a non-profit basis. Your fund must not provide any benefit directly or indirectly to any of the following:

- the trustee
- a member, director, employee, agent or officer of the trustee
- the donor or founder
- an associate of any of these entities.

6 Is your fund established and maintained under a will or an instrument of trust?

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes

7 If your fund is established under a deed of trust, is that deed in a form that strictly accords with the *Public ancillary fund model deed*?

➤ Refer to [Public ancillary fund model trust deed](#).

No List and explain any differences.

Yes

8 Are any differences consistent with the *Public ancillary fund guidelines*?

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes

9 Where the *Public ancillary fund guidelines* require that the governing rules of your fund include certain provisions, are they in the will or instrument of trust?

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes

10 Provide your fund's objects as they appear in its will or instrument of trust

Provide the clause number

11 Provide the definition of eligible entity, eligible charity or eligible recipient as it appears in the will or instrument of trust

Provide the clause number

12 Provide the requirement that prevents the founder (and others – for example, shareholders or donors) from benefiting as it appears in the will or instrument of trust

Provide the clause number

13 Provide the requirement that prohibits your fund from indemnifying the trustee, or an employee, officer or agent of the trustee, for a loss or liability attributable to:

- dishonesty, gross negligence or recklessness of the trustee, or an employee, officer or agent of the trustee
- a deliberate act or omission known by the trustee, or an employee, officer or agent of the trustee, to be a breach of trust

Provide the clause number

14 Provide the requirement that receipts must be issued in the name of your fund as it appears in the will or instrument of trust

Provide the clause number

15 Provide the requirement that the public must be invited to contribute to your fund as it appears in the will or instrument of trust

Provide the clause number

16 If your fund is established under a deed of trust, has the deed been executed?

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes Provide the date

Day	Month	Year
□□	□□	□□□□

 /

Day	Month	Year
□□	□□	□□□□

 /

Day	Month	Year
□□	□□	□□□□

17 If your fund is established under a will, what is the date of execution and the date of death of the testator?

⚠ If the will has not been executed and the testator has not died, do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Date of execution of will

Day	Month	Year
□□	□□	□□□□

 /

Day	Month	Year
□□	□□	□□□□

Date of death of testator

Day	Month	Year
□□	□□	□□□□

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Day	Month	Year
□□	□□	□□□□

18 What is the state or territory whose trust laws govern the will or instrument of trust?

Section E: Responsible person

There must be at least three directors, and a majority of the directors must be a 'responsible person'.
A responsible person is an individual with a degree of responsibility to the Australian community as a whole.

21 Provide the names of the responsible persons and how they qualify as a responsible person

Example answers

- *John Smith qualifies as a responsible person because he is a member of the Institute of Chartered Accountants in Australia, which is a professional body having a code of ethics or rules of conduct.*
- *Mary Brown qualifies as a responsible person because she has received formal recognition from the government for her services to the community in the field of medical research. In 2008, Ms Brown was awarded the Medal of the Order of Australia (OAM).*

The name of the responsible person	How they qualify as a responsible person

Section F: Winding-up

The trust deed must require the trustee to transfer the following to a fund, authority or institution, gifts to which are deductible under item 1 of the table in section 30-15 of the *Income Tax Assessment Act 1997*, for any purposes set out in the item of the table in Subdivision 30-B of the Act:

- any surplus gifts of money or property, deductible contributions, and money received because of such gifts or contributions on whichever is the earliest of
 - the winding-up of the trust, or
 - revocation of the trust's endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997*
- its net assets on the winding-up of the trust or the trust ceasing to be a public AF according to the meaning given by section 426-102 in schedule 1 to the *Taxation Administration Act 1953*.

22 Provide the requirements for the following, as they appear in the will or instrument of trust:

- **winding-up**
- **revocation of endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997***
- **ceasing to be a public AF according to the meaning given by section 426-102 in schedule 1 to the *Taxation Administration Act 1953***

Provide the clause number

Section G: Agreement to comply with the public ancillary fund guidelines

- It is a condition of endorsement that your fund and the trustees comply with the rules in the *Public ancillary fund guidelines*. Subsection 426-102(1) of schedule 1 to the *Taxation Administration Act 1953* requires that each trustee agree to comply with the rules in the *Public ancillary fund guidelines*, in the approved form. The approved form is the [Agreement to comply with the public ancillary fund guidelines](#) (NAT 74032).

23 Has the Agreement to comply with the public ancillary fund guidelines been signed by each trustee of the trust?

No Do not complete this schedule. Your fund does not qualify for endorsement as a deductible gift recipient.

Yes Submit the signed agreement with your application.

Section H: Declaration

Before you submit this form, check that you have provided true and correct information.

Penalties

Penalties may be imposed for giving false or misleading information.

Privacy

Taxation law authorises the ATO to collect information and disclose it to other government agencies. This includes personal information of the person authorised to sign the declaration. For information about your privacy go to ato.gov.au/privacy

Who can complete this declaration

This declaration must be completed by one of the following people or a person authorised by them:

- a director of a trustee of the trust
- the company secretary of a trustee of the trust
- the public officer of a trustee of the trust.

Name of person completing this form

Position held

Business hours phone number (8.30am to 5.30pm weekdays)

Mobile phone number

Declaration

I am authorised to make this declaration on behalf of the organisation.

The information contained within this schedule is true and correct.

Date / /

How to lodge this form

If you are:

- completing this schedule as part of the Australian Charities and Not-for-profits Commission (ACNC) charity registration application process, attach the completed schedule to the ACNC charity registration application form where indicated
- not completing this schedule as part of the ACNC charity registration application process, attach a completed [Application for endorsement as a deductible gift recipient](#) (NAT 2948)
- send the completed schedule to

Australian Taxation Office
PO Box 3373
PENRITH NSW 2740