



Necessitous circumstances fund – schedule for deductible gift recipient applicants

Complete this schedule if your organisation is applying for endorsement as a deductible gift recipient (DGR) under the category [Necessitous circumstances fund](#) (item number 4.1.3).

For instructions on using this schedule, refer to [Necessitous circumstances fund – schedule for DGR applicants](#) on [ato.gov.au](#)

If you are seeking endorsement for the whole of your organisation as a necessitous circumstances fund: in this schedule, when we say ‘your organisation’ or ‘your fund’, they mean the same thing. They both apply equally to your organisation.

If you are seeking endorsement for your organisation for the operation of a necessitous circumstances fund: in this schedule, when we say ‘your fund’, we mean the necessitous circumstances fund. When we say ‘your organisation’, we mean your organisation as a whole.

Completing this schedule

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

Section A: Applicant information

1 Your organisation's Australian business number (ABN)

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2 Your organisation's legal name

3 Does your organisation have a website and/or social media pages?

No

Yes Provide details.

Section B: Fund

A fund mainly manages money or property to make distributions to other entities or people. It does not directly deliver services.

A necessitous circumstances fund is a public fund established and maintained to provide relief for individuals in Australia who are in necessitous circumstances.

 For more information, refer to [Necessitous circumstances funds](#) and Taxation Ruling [TR 2000/9](#) *Income tax: necessitous circumstances funds*.

Where services go beyond distributions of money or goods, the organisation is more likely to be characterised as an institution rather than a fund. In this case, the organisation may be eligible for endorsement under item 4.1.1- registered public benevolent institutions. Refer to [Public Benevolent Institution](#) and the [DGR table](#).

Your fund must have and operate under its own set of rules.

4 Have you established a ‘fund’ with fund rules?

No **Do not complete this schedule.** Only a fund can qualify as a necessitous circumstances fund (item 4.1.3).

Yes

Section C: Australian government agency or charity

To be a necessitous circumstances fund, your fund must be operated by or be:

- an Australian government agency
- a registered charity with the Australian Charities and Not-for-profits Commission (ACNC).

5 Is your organisation an Australian government agency?

No

Yes Go to **section D**.

6 Is your organisation registered with the ACNC as a charity?

No

Yes Go to **section D**.

7 Which of the following best describes your organisation? Select ONE box only

Your organisation is currently applying for registration as a charity with the ACNC.

Other – **Do not complete this schedule**. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

! Your organisation must be registered by the ACNC as a charity to qualify as a necessitous circumstances fund (item 4.1.3) or for the operation of a necessitous circumstances fund.

> To apply for registration as a charity with the ACNC, refer to the [ACNC website](#)

Section D: Purpose

Your fund's purpose should be clearly stated in its constituent or governing document and your activities should be consistent with its stated purpose.

The term 'necessitous circumstances' refers to financial necessity. It does not extend to needs generally. For example, being sick, incapacitated or aged are not necessitous circumstances on their own.

Being in necessitous circumstances:

- involves poverty, though it may not be abject poverty or destitution
- does not mean just being without luxuries.

A person is in necessitous circumstances where they don't have enough financial resources to have a modest standard of living in Australia.

The particular circumstances giving rise to financial necessity will not necessarily be permanent. For example, tropical cyclones, floods and other disasters can cause people to be in short-term financial need.

8 Is it clear from your fund's constituent or governing documents that it is established for the relief of necessitous circumstances?

No **Do not complete this schedule**. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide your fund's objects as they appear in its constituent or governing document.

! Objects might be called 'purposes', 'objectives', 'trusts' or 'aims' in your organisation's constituent or governing document. Do not include powers, such as the power to operate a bank account, hire employees or sell land, even if they are described as objects in your organisation's constituent or governing document.

9 Is your fund exclusively, or at least chiefly, for the relief of persons in necessitous circumstances?

If a fund gives relief indifferently to persons who are and who are not in necessitous circumstances, it does not qualify.

No **Do not complete this schedule**. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes

Section E: In Australia

The persons receiving relief from their necessitous circumstances must be in Australia.

10 Does your fund limit its help to persons who are in Australia?

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide the clause number.

Section F: Relief of persons in necessitous circumstances

Your fund must be for persons in necessitous circumstances and it must also provide relief from those circumstances.

11 Who does your fund help or intend to help?

12 Why do they need help?

13 Are they receiving the help because they are in necessitous circumstances?

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Briefly explain the financial necessity (further details will be collected in later questions).

14 Does the help provided relieve their necessitous circumstances?

No ► Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes ► Explain what help is provided and how it relieves necessitous circumstances.

15 Does your fund help a specifically named person or persons as stated in your fund rules?

No ► Go to question 16.

Yes ► Provide a response to the following, as applicable.

! For the remainder of this question, the reference to a person also means persons if applicable to your fund.

Describe the financial hardship caused by the person's condition or circumstances.

Describe the living and carer arrangements required, including:

- modifications required to home accommodation to suit a person's situation
- modifications required for vehicles to suit their situation
- any requirement for full-time/part-time carers.

Provide details of health insurance and compensation covering the person's condition or circumstances.

If the person is eligible for assistance under the National Disability Insurance Scheme (NDIS), provide details of the assistance received and any expected assistance.

Itemise the person's income (or immediate family income if applicable) including:

- salary/wages received by the person, and their partner if applicable
- any income-tested government benefits
- any investment income
- any other income, including gifts and donations received in relation to the person's condition.

Itemise the person's expenses and liabilities (or immediate family expenses and liabilities if applicable) including:

- medical treatments and travel costs associated with the treatments, if applicable
- general living expenses (such as cars, rates, rent/mortgage, utility, insurance, groceries)
- school and education expenses for children (such as tuition, textbooks, activities, uniforms, stationary), if applicable
- any other ongoing expense/liability that is relevant.

Itemise the person's assets (or immediate family assets if applicable) including:

- property and contents (estimate only)
- car/s (estimate only)
- cash/savings
- investments.

Does your fund's constituent or governing document allow benefits to be provided to recipients that are not specifically named?

No Go to **Section G.**

Yes

16 Provide a response to the following

Explain how recipients will be selected.

Provide details of the application process and if in existence, list any policy documents and/or a copy of the application form (used by potential recipients) that has been attached to this application.

Provide details of:

- how distributions to/for recipients will be approved, including sign-off processes, and
- how it will be ensured that distributions to recipients from the fund doesn't relate to merely desirable advantages.

Section G: Public fund

➤ For information about public funds and responsible persons (including sample clauses), refer to [Public funds](#).

17 Is it the intention of your fund to invite the public to contribute to the fund?

No ➤ **Do not complete this schedule.** Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes ➤ Provide the clause number.

18 Does the public or a significant part of it currently contribute to your fund?

Not applicable ➤ Select this if your fund is new and has not commenced fundraising.

No ➤ **Do not complete this schedule.** Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes

19 How is the control and administration of your fund best described Select ONE box only

Controlled by a governmental or quasi-governmental authority ➤ Provide the name of the authority and go to Question 21

Managed by members of a committee, a majority of whom have a degree of responsibility to the general community ➤ Provide the clause number.

Other ➤ **Do not complete this schedule.** Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

20 Who controls or administers your fund?

The name of the body (for example, 'Board of Directors' or 'Management Committee').

Number of people who comprise that body.

Name of each person who has the required degree of responsibility to the community, and their office or position which indicates this:

Example

Name	Office or position
<i>John Smith</i>	Certified Practising Accountant
<i>Dean Road</i>	Member of Parliament
<i>Leanne Harry</i>	Mayor of Denisville

Name	Office or position

Any additional evidence you can provide to help confirm your institution is controlled or administered by people with the required degree of responsibility to the community.

21 Are gifts and deductible contributions made to your fund kept separate from any other funds of your organisation? A separate bank account and clear accounting procedures are required.

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide the clause number.

22 Are receipts issued in the name of your fund?

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide the clause number.

23 Does your fund operate on a non-profit basis?

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide the clause number.

24 Does your fund have a winding up clause, so that if the fund is wound up, any surplus money or other assets must be transferred to another DGR?

No Do not complete this schedule. Your fund does not qualify as a necessitous circumstances fund (item 4.1.3).

Yes Provide the clause number.

25 Provide the requirement that your fund must notify the ATO of any changes to the fund rules as it appears in your fund rules or as an undertaking in writing. Provide the clause number if applicable.

Section H: Gift fund

You do not need to maintain a separate gift fund if your public fund only receives gifts or deductible contributions. This is because a public fund may itself satisfy the gift fund requirement if it only receives gifts or deductible contributions and has an appropriate winding up clause.

You also do not need to maintain a separate gift fund if your organisation is seeking endorsement as a DGR as a whole or is already endorsed as a DGR as a whole.

Otherwise, your organisation is required to maintain a separate gift fund.

 For more information, refer to [Gift fund requirements](#).

26 Is your organisation required to maintain a separate gift fund?

No Provide the reason and go to **Section I**.

Yes

27 Does your organisation maintain a gift fund with an appropriate [winding up and revocation](#) clause?

No **Do not complete this schedule.** Your fund does not qualify as a as a necessitous circumstances fund (item 4.1.3).

Yes Complete the table below to ensure all the gift fund requirements are met and go to **Section J**.

Requirement	Do you satisfy this requirement? (Y/N)	Clause number if applicable*
It is a fund		
It has a name		
It is maintained and used only for the principal purpose of the necessitous circumstances fund		
All gifts and deductible contributions of money or property for that purpose are made to it		
Any money received by the organisation, because of such gifts or deductible contributions is credited to it		
It does not receive any other money or property		
<p>The organisation is required by a law, its constituent documents or governing rules – to transfer any surplus assets of the gift fund to another gift deductible fund, authority or institution when the necessitous circumstances fund is wound up or the DGR endorsement is revoked, whichever occurs first.</p> <p>Sample clause for a necessitous circumstances fund: If the necessitous circumstances fund is wound up or if the endorsement (if any) of the necessitous circumstances fund as a deductible gift recipient is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.</p> <p>If the organisation is a registered charity, the above clause must state that the surplus assets of the gift fund shall be transferred to a charity with a similar charitable purpose to which income tax-deductible gifts can be made.</p>		

* For Australian statutory bodies that are not required to include winding up clauses, provide the title of statute.

Section I: Winding up and revocation of DGR status if a gift fund is not required


A prerequisite for DGR endorsement is that your fund is required – by law, its constituent documents or rules governing its activities – to transfer surplus gifts and deductible contributions to another gift deductible fund, authority or institution on winding up or revocation of DGR endorsement, whichever is the earlier. For registered charities, the transfer must be to another DGR with similar objects, which is charitable at law.

 For more information, refer to [Winding up and revocation](#)

28 Is your fund required, by a law, its constituent documents or governing rules, to transfer the following on the earlier of winding up or revocation of endorsement?

- surplus gifts, deductible contributions, and
- any money received because of such gifts and contributions to another DGR.

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

Yes  Provide the clause number.

Section J: 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

Name of person completing this form

Position held

Business hours phone number (8:30 am to 5:30 pm weekdays)

Mobile phone number

Email address

I am authorised to make this declaration on behalf of the organisation. The information contained within this schedule is true and correct.

Signature

Date

Day / Month / Year
 / /

Lodging your schedule

If you are completing this schedule as part of the ACNC charity registration application process:

- attach the completed schedule to the ACNC charity registration application form, where indicated
- **do not** attach your evidence documents; the ATO will request these from you at a later date.

If you are not completing this schedule as part of the ACNC charity registration application process, send the completed schedule with:

- an [Application for endorsement as a deductible gift recipient](#) (NAT 2948)
- evidence documents (if applicable) and
- a copy of your constituent or governing document

to:

Australian Taxation Office
PO Box 3373
PENRITH NSW 2740