

## Charitable Trusts

On 21 November 2022, the Ombudsman commenced an important new function as the Western Australian Charitable Trusts Commission (**WACTC**) following the commencement of the *Charitable Trusts Act 2022 (CT Act)*.

Complaints may be made directly to the Ombudsman as the WACTC or matters may be referred to the Ombudsman by the Attorney General for investigation.

Charitable trusts play a significant role in the Western Australian Aboriginal community as they are utilised to hold mining royalties and native title settlement funds. The Office has significant expertise in investigations involving Aboriginal communities and complainants to support this new function.

### Information regarding reporting

The annual reporting of the work of the Office as the WACTC will be developed over future annual reports. This will include deidentified case studies and further information and systemic analysis over time arising from being the WACTC.

## Role of the Ombudsman as the Western Australian Charitable Trusts Commission

The role of the Ombudsman, as WACTC, is set out in Section 30 of the CT Act, and is to:

- (a) conduct investigations, including audits of the accounts of charitable trusts under investigation;
- (b) make an investigator's report on each investigation; and
- (c) make recommendations to the trustees of charitable trusts in respect of matters arising out of investigations.

The Ombudsman is afforded specific powers under the CT Act as well as being able to rely on existing powers under the *Parliamentary Commissioner Act 1971* which includes the powers, rights and privileges of a Royal Commission.

The CT Act also provides the Ombudsman with specific investigative powers, including the power to issue a notice requiring a person to provide a document or information relating to a charitable trust or concerning any person involved in the administration of a charitable trust.

The Ombudsman must prepare a report on an investigation and that report must be provided to the Attorney General. The report may be accompanied by a notice for a trustee to take reasonably necessary action(s) in a specified timeframe. Failure to comply with a notice and take those actions is grounds for the removal of the trustee.

## Complaints and enquiries received

From 21 November 2022 to 30 June 2023, the Office received:

- Seven enquiries about Charitable Trusts (three of which progressed to a complaint); and
- Six complaints about Charitable Trusts.

Of the six complaints received, five were closed during 2022-23:

- Four matters were out of the Ombudsman's jurisdiction; and
- One matter was resolved by the Office.

If a complaint is outside the Ombudsman's jurisdiction, where possible, the Office provides the complainant with contact details for other State and Commonwealth regulators who may be able to assist with their complaint.