

|  |
| --- |
| **EXPOSURE DRAFT** |

Australian Charities and Not‑for‑profits Commission Amendment (2021 Measures No. 1) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2021

David Hurley

Governor‑General

By His Excellency’s Command

Zed Seselja **[DRAFT ONLY—NOT FOR SIGNATURE]**

Assistant Minister for Finance, Charities and Electoral Matters  
Parliamentary Secretary to the Minister for Finance and Parliamentary Secretary to the Treasurer

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Australian Charities and Not‑for‑profits Commission Regulation 2013 2

1 Name

This instrument is the *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 1) Regulations 2021*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The earlier of:  (a) if both Houses of the Parliament approve this instrument*—*the day after the day that the second House passes the resolution to do so; and  (b) the day after the last day on which a resolution disallowing this instrument or a provision of this instrument could be passed by either House of the Parliament as referred to in section 42 of the *Legislation Act 2003*.  However, the provisions do not commence at all if that instrument or a provision of that instrument is disallowed or taken to have been disallowed on or before that last day. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Charities and Not‑for‑profits Commission Act 2012.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Charities and Not‑for‑profits Commission Regulation 2013

1 Section 4

Insert:

***abuse*** has the same meaning as in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

***participating non‑government institution*** has the same meaning as in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

***sexual abuse*** has the same meaning as in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

2 At the end of Subdivision 45‑B

Add:

45.30 Governance standard 6—Maintaining and enhancing public trust and confidence in the Australian not‑for‑profit sector

Object

(1) The object of this governance standard is to maintain and enhance public trust and confidence in the Australian not‑for‑profit sector by ensuring that a registered entity’s governance enables it to be accountable for its past conduct relating to institutional child sexual abuse.

Standard

(2) A registered entity must take reasonable steps to become a participating non‑government institution if the entity is, or is likely to be, identified as being involved in the abuse of a person:

(a) in an application for redress made under section 19 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*; or

(b) in information given in response to a request under section 24 or 25 of that Act.

Note 1: The reasonable steps that a registered entity could take include agreeing to participate in the National Redress Scheme for Institutional Child Sexual Abuse (the ***Redress Scheme***) and becoming a participating non‑government institution.

Note 2: Once a registered entity has become a participating non‑government institution, the entity is subject to the Redress Scheme.

(3) For the purposes of subsection (2), it does not matter whether the application is valid.

3 At the end of the instrument

Add:

Part 3‑1—Application, saving and transitional provisions

Division 1—Application of the Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 1) Regulations 2021

70.1 Application

(1) The amendments made by the amending instrument apply in relation to applications for redress made under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* before, on or after the day the amending instrument commences.

(2) In this section:

***amending instrument*** means the *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 1) Regulations 2021*.