



**Australian Marine Conservation Society Inc.**  
PO Box 5815, South Brisbane, QLD, 4101 ph: 07 3846 6777 fax: 07 3846 6788  
email: [amcs@amcs.org.au](mailto:amcs@amcs.org.au) website: [www.marineconservation.org.au](http://www.marineconservation.org.au)

Senior Advisor  
Not-For-Profit Unit, Not-for-profits and Tax Administration Branch  
Treasury Melbourne  
Level 16, 530 Collins Street  
Melbourne VIC 3000

Via email: [charitiesconsultation@treasury.gov.au](mailto:charitiesconsultation@treasury.gov.au)

March 2021

Dear Sir/Madam,

**Submission to the consultation on proposed changes to the governance standards for registered charities in relation to unlawful activities**

The Australian Marine Conservation Society (AMCS) is a national environmental organisation working towards the conservation of Australia's coastal and marine environments and the marine biodiversity they support. We are a not-for-profit charity registered with the Australian Charities and Not-for-profits Commission (ACNC).

AMCS has a long-standing involvement in improving the protection and management of Australia's marine environment. Since forming in 1965, AMCS has played a significant role in many of the main advancements for marine conservation in Australia. AMCS has over 250,000 supporters nationwide.

Thank you for the opportunity to make a submission to the Treasury consultation on the draft legislative instrument proposing changes to governance standard three in the *Australian Charities and Not-for-profits Commission Regulation 2013*.

AMCS has serious concerns about the proposed regulations which detail when a charity may be deregistered for not complying with Australian law and the impact they would have on charities. Consequently, AMCS does not support these proposed regulations and does not believe they should proceed. Our main concerns include that the proposed changes:

- Are disproportionate and out of step with the *Charities Act 2013*. Under the Act, deregistration for offenses should be based on assessment of the charity's purpose, which under legislation must not be to promote activities that are unlawful or against public policy, and assessment of the extent to which a committed offence demonstrates the charity's purpose is unlawful.
- Expand the scope of a governance standard that the government's own review, *Strengthening for Purpose: Australian Charities and Not-for-profits Commission Legislation Review 2018*,

recommended be abolished. The findings of that review recommended that governance standard three was not appropriate and should be repealed.

- Unfairly target charities by seeking to apply restrictions and standards which are not applied to other sectors such as the business and private sectors.
- Create uncertainty for and would impose a large administrative burden on charities. Due to the pandemic and associated economic recession the charitable sector is already under significant financial and capacity pressure.

Please contact me if we can provide any further information in relation to this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darren Kindleysides', with a stylized flourish at the end.

Darren Kindleysides  
CEO, Australian Marine Conservation Society