



17 March 2021

Senior Advisor  
Not-For-Profit Unit, Not-for-profits and Tax Administration Branch  
Treasury Melbourne  
Level 16, 530 Collins Street  
Melbourne VIC 3000  
By email: [charitiesconsultation@treasury.gov.au](mailto:charitiesconsultation@treasury.gov.au)

Dear Advisor,

**EXPOSURE DRAFT CONSULTATION ON UNLAWFUL ACTIVITY – CHANGES TO THE GOVERNANCE STANDARDS FOR REGISTERED CHARITIES**

1. This submission has been prepared by the Charity Law Association of Australia and New Zealand (“CLAAZ”).
2. CLAAZ is registered as a charity with the Australian Charities and Not-for-Profits Commission (ACNC). It is established to advance the education of its members and the public in charity law and to improve the administration of charities by contributing to the development of reform and improvement of charity law in Australia and New Zealand.
3. CLAAZ membership includes leading academics and legal practitioners in the field of charity law and regulation.
4. CLAAZ has had the opportunity to read the submission in this matter of the Charities and Not For-Profits Committee of the Law Council of Australia (“LCA”) and supports that submission as reflecting the views of CLAAZ.
5. In particular, CLAAZ adopts the conclusion set out in the LCA submission as follows:

*“The Committee submits that the proposed amendment to ACNC governance standard three is unnecessary and cumbersome, is inconsistent with the objects of the ACNC Act and the powers of the Commonwealth, creates uncertainty in the law, is inconsistent with core rule of law values, provides inappropriate and poorly supervised discretion to the ACNC Commissioner and will constitute an unreasonable and unjustifiable burden on charities.*

*For these reasons we urge that the Proposal does not proceed.”*

6. For the reasons set out in the LCA submission, CLAAZ submits that the proposed amendment to Governance Standard 3 is not appropriate and ought not proceed.

Yours sincerely,

**Professor Matthew Harding**

Chair, CLAAZ Board of Directors.