

# EXPOSURE DRAFT



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

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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

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## 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	<p>The earlier of:</p> <p>(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</p> <p>(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 <i>Legislation Act 2003</i>.</p> <p>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.</p>	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1 Amendments

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## 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:

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## 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*.