



Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 2) 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 24 June 2021

David Hurley
Governor-General

By His Excellency's Command

Michael Sukkar
Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and
Community Housing

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1 Name

This instrument is the *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 2) 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 this instrument or a provision of this instrument is disallowed or taken to have been disallowed on or before that last day.</p>	Disallowed before commencing (C2021G00903)

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After paragraph 45.15(2)(a)

Insert:

- (aa) as a summary offence under an Australian law, and the offence relates to:
 - (i) entering or remaining on real or personal property; or
 - (ii) destroying or damaging real or personal property; or
 - (iii) appropriating personal property belonging to another entity; or
 - (iv) causing personal injury to an individual, or any other kind of impairment of an individual's health, including the risk or threat of causing such injury or impairment; or

2 At the end of subsection 45.15(2)

Add:

- Note 4: When forming a reasonable belief about compliance with a governance standard, such as whether an act or omission may be dealt with as described in paragraph (aa), the Commissioner may consult with a law enforcement agency or other relevant entity.

3 At the end of section 45.15

Add:

- (3) A registered entity must maintain reasonable internal control procedures to ensure that its resources are neither used, nor continued to be used, to actively promote another entity's acts or omissions that may be dealt with as described in paragraph (2)(a), (aa) or (b).

- Note: The internal control procedures could, for example, deal with:
- (a) who can access or use the entity's funds, premises or social media accounts; or
 - (b) when using the entity's resources is improper; or
 - (c) relevant training for its responsible entities and employees.

- (4) For the purposes of subsection (3), a registered entity's resources include:
 - (a) its funds; and
 - (b) its responsible entities, and employees, when acting in that capacity; and
 - (c) its websites, social media accounts and other publications;but does not include any of its volunteers who are not one of its responsible entities.

4 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. 2) Regulations 2021

70.1 Application

- (1) The amendments made by the amending instrument apply in relation to acts or omissions occurring 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. 2) Regulations 2021*.