

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: ACNC

Question: SBT 1285-1292

Topic: Statutory Reviews

Reference: written - 30 October 2015

Senator: Wong, Penny

Question:

1285. Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

- a) What work has been done towards preparing for the review? If none, why not?
- b) Please provide a schedule or a workplan for the review
- c) When did/will this work begin?
- d) When is/was the review due to commence.
- e) What is the expected report date.
- f) Who is the minister responsible for the review
- g) What department is responsible for the review
- h) List the specific clauses or legislation under review caused by the statutory provision.
- i) List the terms of reference.
- j) What is the scope of the review.
- k) Who is conducting the review.

1286. How were they selected?

1287. What are the legislated obligations for the selection of the person to conduct the review?

1288. What is the budgeted, projected or expected costs of the review?

1289. When was the Minister briefed on this matter?

1290. What decision points are upcoming for the minister on this matter?

1291. List the number of officers, and their classification level, involved in conducting the review

1292. Will the report will be tabled in parliament or made public. If so, when?

Answer:

1285. The *Australian Charities and Not-for-profits Commission (Consequential and Transitional Act 2012* (the ACNC C&T Act) Schedule 1, Part 9, Item 16 sets out that it together with the *Australian Charities and Not-for-profits Commission Act 2012* (the ACNC) are to be reviewed after five years of operation:

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Treasury Portfolio
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16 Review of operation of ACNC Act and this Act

- (1) The Minister must cause a review to be undertaken of the first 5 years of the operation of:
 - (a) the ACNC Act; and
 - (b) this Act.
- (2) The persons undertaking the review must give the Minister a written report of the review within 6 months after the end of the 5 year period.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

The Explanatory Memorandum sets out:

Five year review

14.74 The ACNC Consequential and Transitional Bill provides for a statutory review of the ACNC legislation. This ensures that five years after the commencement of the Bill, the Minister must appoint a person to review the operation of the ACNC Bill and the ACNC Consequential and Transitional Bill. The review will focus on the operation of the legislation and the ACNC and how the objects of the ACNC Bill have been achieved.

The reviewer must provide a report and present the report to the Parliament.

- a) The ACNC has prepared a post establishment phase paper, tied to its strategic plan, making specific provision for the review which will occur after 3 December 2017.
- b) The post-establishment phase paper and the strategic plan is attached.
- c) The post-establishment phase paper was prepared in October 2015.
- d) The review is due to commence after 3 December 2017.
- e) A report must be given to the Minister within 6 months after the end of the 5 year period.
- f) The Minister responsible for the review is the Treasurer.
- g) The department responsible for the review is the Treasury.
- h) The legislation under review is the *Australian Charities and Not-for-profits Commission Act 2012* and the *Australian Charities and Not-for-profits Commission (Consequential and Transitional Act 2012)*.
- i) There are no terms of reference yet set.
- j) The scope of the review is not yet known.
- k) The person to conduct the review is not yet known.

1286. N/A

1287. There are no legislated obligations for the selection of the person to conduct the

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Treasury Portfolio
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review.

1288. Unknown at this time.

1289. The ACNC has not briefed the Minister on this matter.

1290. The upcoming decision points for the Minister on this matter are the appointment of the reviews and the scope of the review.

1291. N/A.

1292. The report will be tabled in each House of parliament within 15 sitting days of that House after its receipt by the Minister.