



New South Wales

Charitable Trusts Regulation 2017

under the

Charitable Trusts Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Charitable Trusts Act 1993*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to empower trustees of trusts that are charities endorsed as exempt from income tax under Subdivision 50-B of the *Income Tax Assessment Act 1997* of the Commonwealth to provide money, property or benefits to, or for the establishment of, deductible gift recipients within the meaning of that Act.

This Regulation is made under the *Charitable Trusts Act 1993*, including paragraph (b) of the definition of *prescribed trust* in section 22A and section 25 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Charitable Trusts Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Prescribed trusts

Trusts that are entities all of whose ordinary and statutory income is exempt from income tax because of item 1.1 of section 50-5 of the *Income Tax Assessment Act 1997* of the Commonwealth are prescribed as a class of trusts for the purposes of paragraph (b) of the definition of **prescribed trust** in section 22A of the *Charitable Trusts Act 1993*.

Note. An entity can only be endorsed as exempt from income tax under Subdivision 50-B of the *Income Tax Assessment Act 1997* of the Commonwealth if the entity is a registered charity (that is, it is registered with the Australian Charities and Not-for-profits Commission under the *Charities Act 2013* of the Commonwealth) and meets certain other requirements under the *Income Tax Assessment Act 1997* of the Commonwealth.