



New South Wales

Charitable Trusts Regulation 2022

under the

Charitable Trusts Act 1993

Her 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to repeal and remake, without significant amendments, the *Charitable Trusts Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation prescribes trusts that are charities endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* of the Commonwealth, Subdivision 50-B, as a class of prescribed trust.

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, 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 2022*.

2 Commencement

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

Note— This Regulation repeals and replaces the *Charitable Trusts Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this Regulation—

the Act means the *Charitable Trusts Act 1993*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

4 Prescribed trusts

For the Act, section 22A, definition of *prescribed trust*, paragraph (b), trusts that are exempt from income tax under the *Income Tax Assessment Act 1997* of the Commonwealth, section 50-5, item 1.1 are a prescribed class of trusts.

Note— An entity can only be endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* of the Commonwealth, Subdivision 50-B if the entity is a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth and meets certain other requirements under the *Income Tax Assessment Act 1997* of the Commonwealth.

5 Repeal and savings

- (1) The *Charitable Trust Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Charitable Trust Regulation 2017*, had effect under that Regulation continues to have effect under this Regulation.