



New South Wales

Customer Service Legislation Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are—

- (a) to provide for exemptions from certain requirements under the *Associations Incorporation Act 2009* and the *Charitable Fundraising Act 1991* for an entity that is registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth, and
- (b) to permit a certificate of registration under the *Property and Stock Agents Act 2002* to be issued, extended or restored in exceptional circumstances so that the certificate has a duration of more than 4 years, and
- (c) to prescribe an exceptional circumstance, and
- (d) to extend a part of the *Retail Leases Act 1994*, that currently applies to Sydney (Kingsford-Smith) Airport, to the new Sydney West Airport.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Associations Incorporation Act 2009 No 7**

Schedule 1[2] and [3] provide that a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth (*the Commonwealth Act*) is not

required to lodge certain financial documents or a summary of the registered entity's financial affairs for a financial year under the *Associations Incorporation Act 2009* if the registered entity has given statements and reports under the Commonwealth Act for the financial year and the information in the statements and reports is publicly available to the extent required by that Act. **Schedule 1[1]** make a consequential amendment. **Schedule 1[5]** includes a transitional provision to provide that the proposed amendments do not apply to past financial years.

Schedule 1[4] permits the regulations under the principal Act to exempt a registered entity from requirements under the principal Act.

Schedule 2 Amendment of Charitable Fundraising Act 1991 No 69

Schedule 2[3] provides that a registered entity under the Commonwealth Act is taken to hold an authority to conduct a fundraising appeal in New South Wales in certain circumstances. **Schedule 2[1], [2] and [4]** make consequential amendments. **Schedule 2[5]** includes transitional provisions for registered entities that currently hold authorities.

Schedule 3 Amendment of Property and Stock Agents Act 2002 No 66

Schedule 3 permits a certificate of registration to be issued, extended or restored in exceptional circumstances so that the certificate has a duration of more than 4 years and permits exceptional circumstances to be prescribed by regulations.

Schedule 4 Amendment of Property and Stock Agents Regulation 2022

Schedule 4[1] prescribes an exceptional circumstance for a certificate of registration.

Schedule 4[2] sets out fees for applications for the issue, extension or restoration of a certificate of registration in exceptional circumstances.

Schedule 5 Amendment of Retail Leases Act 1994 No 46

Schedule 5 extends a part of the *Retail Leases Act 1994* that currently applies to Sydney (Kingsford-Smith) Airport so that it also applies to the new Sydney West Airport.