Aboriginal and Torres Strait Islander Commission (Forgiveness of Debt) Directions 2004

I, AMANDA ELOISE VANSTONE, Minister for Immigration and Multicultural and Indigenous Affairs, give these Directions to the Aboriginal and Torres Strait Islander Commission under subsection 12 (1) of the Aboriginal and Torres Strait Islander Commission Act 1989.

Dated 10 May 2004

A Vanstone
Minister for Immigration and Multicultural and Indigenous Affairs

1 Name of Directions
These Directions are the Aboriginal and Torres Strait Islander Commission (Forgiveness of Debt) Directions 2004.

2 Commencement
These Directions commence when they are given to the Aboriginal and Torres Strait Islander Commission.

3 Definition
In this Direction:

Commission means the Aboriginal and Torres Strait Islander Commission;

qualified auditor means
  (a) the Auditor-General of a State, of the Australian Capital Territory or of the Northern Territory; or
  (b) a person registered as a company auditor or a public accountant under
a law in force in a State, the Australian Capital Territory or the Northern Territory; or
(c) a member of the Institute of Chartered Accountants in Australia, or of the Australian Society of Certified Practising Accountants approved by the Minister in writing as a qualified auditor for the purposes of this Direction.

4 Commission may waive, etc., debt
The Commission may:
(a) waive, write off, or otherwise forgive, in whole or in part, a debt owing to the Commission; or
(b) accept an arrangement for the repayment of all or part of a debt owing to the Commission;
if, and only if, the conditions set out in clauses 5 and 6 are satisfied.

5 Notification of the Minister
The Commission must not:
(a) waive, write off, or otherwise forgive, in whole or in part, a debt owing to the Commission; or
(b) accept an arrangement for the repayment of all or part of a debt owing to the Commission;
unless the Commission has given the Minister 60 days notice, in writing, of its intention to do so.

6 Auditor’s report
(1) The Commission must obtain a report, prepared by a qualified auditor, which certifies that:
(a) the whole or part of the debt owing to the Commission that the Commission intends to waive, write off or otherwise forgive cannot reasonably be recovered; or
(b) the arrangement for the repayment of all or part of the debt owing to the Commission that the Commission intends to accept is reasonable in the circumstances;
as the case requires.

(2) The Commission must give the report mentioned in subclause (1) to the Minister when it notifies the Minister, in accordance with clause 5, of its intention.