



8th December 2011

Submission on Proposed Change of Definition of Charity

The following is in response to the request for submissions outlined in ‘A Definition of Charity, Consultation Paper October 2011’, published by the Australian Treasury as part of its review of the not-for-profit sector.

The Federation of Australian Buddhist Councils (FABC) is the peak body representing Buddhism in Australia. Buddhism according to the last Census is the second largest religion in Australia. The combined membership of the five state Buddhist councils represents more than 200 Buddhist temples and organisations nationwide, their members include the majority of more than 400,000 Australian Buddhists.

The FABC works closely with the Australian Sangha Association (the peak body representing ordained Buddhist Australians) developing and promoting Buddhism in Australia and representing Australian Buddhists to national and international forums.

We have had discussions among the Buddhist community and there has been a meeting between our Bhante Sujato and your Department. **The Buddhist community shares the Government’s concern about fictitious religious organizations claiming charitable status.** Unhealthy forms of religious or quasi-religious organizations can do great harm to individuals, and do great damage to the reputation and practice of genuine forms of religion.

Whilst we recognise that there are genuine problems faced by the Government, **we have identified two issues which would affect us as a religious group** if changes are made to the current definition of Charities.

If the reform of the legal framework that governs Charities is to be implemented, we would expect that the Government addresses these issues that we believe would impact on Australia’s Buddhist communities. **We trust the Treasury will take account these concerns in framing the legislation.**

Areas of Concern

1. Onerous Burden of Proof on Genuine Charities

In the current system the government already has the legislative means and machinery to rebut the presumption of public benefit. We are concerned that **the shift of the onus of proof of public benefit will impose a financial and administrative burden on genuine charities** which are



often poor and in need of support by government. Although the Treasury has attempted to assure us that this burden will not be onerous, we are not convinced as we have not been given details of what the government plans to implement. The essential question is whether this will be the most effective way of weeding out attempts to rot the system.

RECOMMENDATION: Seek ways to identify and deal with those who are abusing their charitable status without imposing an administrative burden on every legitimate charity. Since the Treasury stands to increase its tax revenues from this reform, the increased revenues should, at least in part, be reimbursed to charities to offset any increased financial or administrative burden. While we may support a system that will require an initial application by religious bodies to be recognised, we would like a confirmation that this will not be imposed annually.

2. Disproportionate Impact on Minorities

Much of the Buddhist community is from an immigrant background, and this means that any administrative requirements become a far greater burden, simply due to the language barrier. In addition, as a religion that is only just getting established in Australia, Buddhist organizations tend to have weak administrative and managerial skills, and will often find completing extra forms to be difficult if not an impossible burden.

Adding to this difficulty is that it is not merely a question of translating language, but of translating ideas. **Buddhists, of course, believe that their activities are of public benefit, but this benefit is often of a different kind than that likely to be recognized under Australian law and norms.**

Maintaining a religious culture is an absolutely essential aspect of successfully integrating an immigrant community. Yet such benefits would be doubly difficult for a traditional Buddhist from an immigrant background to translate and explain in a way that makes sense to an officer of the Treasury.

RECOMMENDATION: Ensure that translation services are made available. Educate Treasury officers in minority religions. Provide examples of benefits that will typically apply in the case of minority religions. The FABC is prepared to assist the department in this area.

END OF SUBMISSION