



Holy Spirit Association for the Unification of World Christianity Ltd

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The Treasurer of Australia

Dear Treasurer,

Submission regarding the *Charities Bill 2013* and the *Charities (Consequential Amendments and Transitional Provisions) Bill 2013*.

In relation to the draft legislation *Charities Bill 2013* and the *Charities (Consequential Amendments and Transitional Provisions) Bill 2013*, I have the following points of concern for charities and religions:

- Clause 1.5 of the Bill's Explanatory Memorandum (highlighted below) makes a public benefit test by saying that a benefit would take into consideration "*any possible detriment which arises from the purpose, or would commonly arise, from carrying out of the purpose to the general public, a section of the general public or a member of the general public. Examples of detriment or harm include damage to mental or physical health, damage to the environment, encouraging violence or hatred towards others, damaging community harmony, or engaging in illegal activities such as vandalism or restricting personal freedom.*"

Under this new law the public benefit test would only apply to churches if it were proven that the church's purpose was found to be harmful under the conditions of the new law, after complaint, and after inquiry by the commission. This is because of the presumption of public benefit for the advancing of religion in the new legislation.

Clause 1.5 however is very dangerous and poorly worded. Put simply it is too broad and open to abuse.

What is defined as a "*possible detriment*" to the general public?

The fact is every church has detractors and people who complain about them. That is natural for any organization or group that aspires to define spiritual issues, the nature of the divine or do something active in the community.

Christianity was a controversial religion for hundreds of years and its originator was crucified. There are currently serious issues facing certain Christian denominations regarding clerical pedophilia. Islam, for all of its millions of followers and good works, is surrounded by controversy. Smaller or newer organizations such as the Seventh Day Adventists, Mormons or Church of Scientology are often branded as lunatics, irritations or cults.

Who can say what is a “*possible detriment to a section of the general public or a member of the general public*”.

Such a detriment is not defined in the bill. Yet such a detriment could determine that an organization should not be classified as for the public benefit, **even if it only affected one single person** - i.e. “*a member of the general public*”.

But this is just the first of a series of questions the legislation opens.

Putting the proposed definition of charity and definition of public benefit together raises the following questions:

1. How can spiritual benefit be measured with secular values?
2. How can the setting of moral, family and community values be measured?
3. In what way can the behaviour of parishioners (charitable, social and community work) be measured?
4. Who decides what harm is and with what spiritual or secular qualification?
5. How are the review panel’s members chosen? Who chooses them?
6. What are their qualifications to make decisions about religious organizations or charities?
7. What are the rules by which such reviews are made?
8. What evidence is accepted?
9. At what point do people become responsible for their own actions?

Restating the text above: “*Examples of detriment or harm include damage to **mental or physical health**, damage to the environment, encouraging violence or hatred towards others, **damaging community harmony**, or engaging in illegal activities such as vandalism or **restricting personal freedom**”.*

It doesn’t take a lot of imagination to realize that any critic or detractor could accuse virtually any religious organization of engaging in such activities.

Whether it be issues of clergy pedophilia, radicalism and fundamentalism, or ignorance and intolerance of a religious organization’s activities, virtually every religious organization, mainstream or otherwise, could be accused by critics of engaging in activities that are of *possible detriment*.

The presumption of public benefit begins with the inherent belief that spiritual values are beneficial regardless of which religion. Spiritual people know that their belief system serves and benefits them. They also know that the fundamentals of religious moral guidelines benefit society.

Solutions

So what should be done about this proposed legislation?

There is no need for this legislation.

The Charities Uses Act of 1601 has proven sufficient for 412 years – why does it need alteration now?

If legislation had to be passed, one possible solution would be to substitute the words “*possible detriment*” with the words “*proven damage*”. *Proven damage* would need to be proven *beyond reasonable doubt*.

However that still leaves a multitude of issues. Allowing single critics and groups of detractors to nullify the overall positive benefits of a religious organization is a destructive and dangerous step in a democratic and free society.

Legislation that fails to adequately define who, and on what basis, a review of a religious organization’s qualification of benefit to the community is conducted, is equally dangerous.

The fact is, this legislation is **not well drafted, badly worded and open to extreme abuse and damage.**

I believe there is no need for the legislation.

Yours sincerely,

A handwritten signature in black ink that reads "Gregory Stone". The signature is written in a cursive, flowing style.

Gregory Stone,

Director, Holy Spirit Association for the Unification of World Christianity Ltd

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