

4 August 2017

Senior Adviser
Individual and Indirect Tax Division
The Treasury
Langton Crescent
PARKES ACT 2600

RE: Submission to “Tax Deductible Gift Recipient Reform Opportunities” discussion paper

As an individual who makes regular donations to charity organisations, I wish to make a submission in relation to the following two consultation questions:

Consultation question

12. Stakeholders’ views are sought on requiring environmental organisations to commit no less than 25 per cent of their annual expenditure from their public fund to environmental remediation, and whether a higher limit, such as 50 per cent, should be considered? In particular, what are the potential benefits and the potential regulatory burden? How could the proposal be implemented to minimise the regulatory burden?

With regard to the Committee’s recommendation:

73. The Committee recommended that legislative and administrative changes be pursued by the ATO to require that the value of each environmental DGR’s annual expenditure on environmental remediation work be no less than 25 per cent of the organisation’s annual expenditure from its public fund.

Individuals who make donations to environmental organisations, and indeed charitable organisations of all types, expect that those organisations will necessarily pay attention to the root causes of issues which their organisational purpose seeks to address. This means that advocacy is a critical part of the activities of charities.

Some charitable organisations may seek to engage in advocacy to the exclusion of remediation works on the issue(s) which relate to their purpose, and this is something that should be supported by a vigorous and democratic civil society. Any regulatory frameworks around charitable organisations should encourage the participation of those organisations in the development and critique of public policy.

I do not support the imposition of any requirement relating a minimum portion of annual expenditure on remediation work.

Consultation question

13. Stakeholders' views are sought on the need for sanctions. Would the proposal to require DGRs to be ACNC registered charities and therefore subject to ACNC's governance standards and supervision ensure that environmental DGRs are operating lawfully?

With regard to the Committee's recommendation:

75. The Committee recommended that administrative sanctions be introduced for environmental DGRs that encourage, support, promote, or endorse illegal or unlawful activity undertaken by employees, members, or volunteers of the organisation or by others without formal connections to the organisation.

While it is clear that charitable organisations should obey laws and regulatory requirements, like any responsible organisation in a society in which the rule of law is respected, there should be a distinction drawn between the requirement to obey laws and the exercise of non-violent civil disobedience as a protest against laws that may need to be reviewed.

The public, non-violent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies should not be sanctioned. Charitable organisations who provide support or information to their members or volunteers undertaking such non-violent protest action should not be sanctioned.

Yours sincerely,



Lenore Keough

