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Senior Adviser
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The Treasury

Tax Deductible Gift Recipient Reform Opportunities Discussion Paper

Yarra Climate Action Now (YCAN) is an independent community group of volunteers based in the City of Yarra, Melbourne that is committed to taking action to ensure a safe and stable climate now and for generations to come.

We wish to make a submission regarding the consultation paper which proposes potential reforms to Deductible Gift Recipient (DGR) tax arrangements.

As a small local group with limited resources, YCAN relies on larger environmental groups to provide us with up to the minute information and to organise rallies and petitions, which if we agree with the goals, we can support. This helps us give our members a voice that is heard.

It is clear to us that there is a political motive in this review process. While ostensibly it relates to management arrangements for all not for profits, it singles out environmental organisations (ENGOS) for particular scrutiny.

We will therefore limit this response to the questions raised in the discussion paper that are most relevant to environmental organisations.

ENGOS have already been subject to considerable scrutiny in recent years. The House of Representatives Standing Committee on the Environment's inquiry on the Register of Environmental Organisations (REO inquiry) was widely criticised as being political in nature. During the REO inquiry process, it was made clear that the Australian Charities and Not for Profits Commission (ACNC) believes that it has the appropriate enforcement powers to regulate charities.

We find it extremely disappointing that Treasury has therefore decided to reopen this line of attack by revisiting issues from a politically motivated inquiry. To us, it seems clear that the motive of this change is an attempt at social

engineering of the environmental movement to fit the interests of the fossil fuel and mining lobby.

Response to specific consultation paper questions

4/ Should the ACNC require additional information from all charities about their advocacy activities?

- Charities are already subject to substantial annual reporting requirements
- If a member of the public believes that a charity is engaging in inappropriate activity, they can make a complaint to the ACNC
- This would increase the time and resources that charities need to put into reporting and compliance

11/ What are stakeholders' views on the idea of having a general sunset rule of five years for specifically listed DGRs?

- The time and effort that would be required within charities to re-apply, and for this paperwork to be processed by government would be enormous. This would be at a direct cost to taxpayers.
- If the system isn't broken, why try to fix it? Stick with the current system, where there is regular reporting and a complaints process that can identify charities that may need to be reviewed.

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?

- This issue was already dealt with at length during the REO inquiry.
- There are many thousands of organisations already working on remediation activity.
- Why would the government force ENGOs to limit or unduly constrain their activity? Once again this could only be seen as being politically motivated.
- If the Treasury wishes to propose reforms to the management of DGR listed organisations, it should as part of this process reaffirm advocacy as being an entirely valid and necessary activity of charity.

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?

- We do not support the introduction of specific sanctions for environmental DGRs

- This is exactly what the Minerals Council of Australia have been calling for – the government would be seen as following the lead of the fossil fuel and mining sectors if it placed specific sanctions against ENGOS
- Non-violent protest is a cornerstone of sustaining a healthy democracy. It is nonsense to propose that engagement in peaceful protests implies that an NGO is involved in ‘illegal’ activity
- We have been involved in large climate change rallies, linking with groups from around the world. This is how our members can make their concerns about continuing use of fossil fuels and the effect it is having on our environment heard by all levels of government, and indeed, heard by governments worldwide. The collaboration of groups large and small and individuals in getting together to protest sends powerful messages. And no doubt that is why those who support the fossil fuel lobby are seeking to make it more difficult.
- In the past such rallies have had lasting effects on the way Australia has evolved. The people have made their voices heard on issues as diverse as conscription and the Franklin Dam by taking to the streets in peaceful protest. Rallies in support of Indigenous people’s rights led to Government finally saying Sorry. Such protests are the civil rights of democratic countries.
- This question also refers to ‘recommendation 6’ of the REO review. This would penalise NGOs where their staff, volunteers, members or even people ‘without formal connections to the organisation’ were involved in ‘illegal’ activity. This is both unable to be policed and deeply draconian. How would it even be monitored?
- This question clearly intends to try and limit the activity, and it could be argued the effectiveness, of ENGOS.

In conclusion, we urge you to put aside the recommendations in the paper that are clearly politically motivated.

A legitimate and non political review of the governance arrangements for not for profits will be broadly welcomed, both by the community and the NFP sector, if they remove unnecessary duplication, inconsistencies in how different charities are managed, and reduce reporting burdens while ensuring transparency and rigor in the reporting process.

However, an attempt to limit or sanction environmental groups for working to protect the natural environment will be seen as being politically motivated and will be seen as such by the broader community.

For smaller environmental groups such as YCAN, whose sole goal is a safe planet for future generations, we are greatly concerned that the recommendations proposed will limit our democratic right to have our voice heard.

Sincerely,
 Carole Wilkinson
 On behalf of YCAN