

TRANSCRIPT

Charities say rule changes will 'stifle' advocacy

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Hosts Robbie Buck and Wendy Harmer

Toby oConnor, CEO National Council of the St Vincent de Paul Society in Australia

Buck: Yes, this full-page ad we saw in the paper yesterday, and of course it's part of an ongoing campaign from charities across the nation, about proposed changes to charitable status. The contributors to the ad yesterday were mainly religious-based organisations. So St Vincent de Paul Society, Catholic Social Services Australia, Anglicare Australia, the Benevolent Society, UnitingCare Australia and the BaptistCare Australia. And this morning we are joined by Toby oConnor who's the national CEO of St Vincent de Paul Society. Morning Toby.

oConnor: Morning Robbie, how are you?

Buck: Yeah, we are well. These are strange days that we exist in for so many different reasons. But it's sort of unusual to see a full-page ad from a group of charities like yourselves. Tell us what's happening here.

oConnor: So, look thanks for your interest in this because we, the major charities, and in fact, all charities, believe that this is a threat to our ability to advocate on behalf of people who don't have a voice.

So, what the government has introduced into the Senate, so it currently sits in the Senate, is a revision to the regulations of the entity that regulates the activities of charities known as the Australian Charities and Not-for-profit-Commission. So, there is a regulator that already exists, and they want to supplement the regulations. Some of those supplements are going to be meaningful for us. What that will mean in reality is that – let me give you a really hard example here. The Society, along with other community groups on Palm Sunday generally have rallies in the major cities around Australia in support of refugees. Now some of that clearly is not in keeping with the policies of the federal government. We're very unhappy about the way we treat refugees on Nauru etc. In that rally, if a person is wearing a T shirt that is branded with the St Vincent de Paul Society logo and they do not follow a direction from say, a police officer, to move along, or to not cross the road, or they're picked up jay walking, they're committing a summary offence. The committing of a summary offence which is very, very minor then gives the commissioner of the ACNC the power to review the status of the charity with the option of taking away the charitable status. That's a major threat to charities and other groups who want to advocate on policies and social issues that may not be in keeping with the government's current position.

Harmer: So, how is this actually stated in the legislation? Can you just walk us through that, if you would?

oConnor: So, Wendy, its essentially saying that where a summary offence is committed, then the Commissioner has the option of reviewing the status of the charity.

Harmer: So, it doesn't actually articulate that if a member of your organisation or a volunteer or whatever it might be, makes an anti-government statement, it's not written like that specifically.

oConnor: No, it's not written like that specifically but we know from previous Coalition governments where they have put into funding agreements with organisations that they are not to criticise government policy that this is a step towards that same direction and that's what we're fearful of.

Buck: Politically, where does this sit at the moment in terms of numbers.

oConnor: Look its in the Senate. We're aware that there are some Coalition senators who are unhappy with it. But at the end of the day, we're calling on the Labor Party, the Greens and the cross benchers to vote against – well they actually have to disallow this as a regulation. It's not legislation, it's a regulation, so there's a different pathway. So, somebody needs to bring forward a disallowable motion and they would then have to get the numbers on that. So, it is in the Senate at the moment, and we are calling on the Senate to reject this.

The other thing to mention is that the ACNC itself, has had a review of its own legislation conducted about a year and a half ago. That review found that there was no reason to change this specific regulation at all. So, it seems to be going against the advice of the review panel that reported to the government about the current operations of the ACNC.

Harmer: You say, or this group of folk, who have put together this ad, it will mean a huge administrative and cost burden, red tape as well, and the risk that these regulations will create, will divert our time and resources. So, what will you be involved in there, administratively and cost-wise?

oConnor: Yeah, so Wendy when we say, go back to the instance of the rally for Palm Sunday, obviously we have the right tickets to do that rally, but it would mean that we would need to brief all of our folk about what to do and what not to do to be very cautious about doing anything that would qualify as a summary offence. So just getting that out to our members – so your listeners know – the Society has roughly 50,000 members across Australia. Now they're drawn from all walks of life, and all age groups. But in NSW for instance, the average age is 72. These are not folk who are going to throw molotovs or anything. They're law-abiding citizens. They're drawn from the left and the right. They simply want their democratic right to talk about policies that they do not believe are just.

At the end of the day, governments need to be accountable to the people and they also need to promote the common good. And we don't think that these regulations do either of those two things.

Buck: OK. And the time-frame for this Toby?

oConnor: I think there's two weeks before this will pass if nobody disallows it. And just one final comment. While we are regarded as charitable and connected to a faith, we've been asked by a lot of smaller organisations. At a meeting recently there were about 90 different community groups. They're really looking to the larger charities to take the lead on this. But let me assure the public that there is enormous support right across the sector that these regulations are going to do damage to our ability to advocate on behalf of those who we want to promote in the community.

Buck: Finally Toby, just going back to my initial point that these are very difficult times and I take it that there probably are a lot of people calling on charities at the moment.

oConnor: Look that's absolutely right Robbie. And look one of the things that we've been working hard with the government on is ensuring that those who are most in need are getting the government support, as well as drawing down on resources and financial assistance from the big charities. So in this regard, working very closely with senior government ministers, is a bit of a.... you know, we just can't work out why they would be turning around and then promoting these regulations. It doesn't make a lot of sense in a collaborative partnership.

Harmer: And if you were de-registered as a charity, what would that mean to you and these other organisations?

oConnor: Well, it means that you can't effectively fundraise. You wouldn't be able to provide tax deductibility to your donors. So it would have a massive hit on the capacity of the Society to raise the funds which are then given out to people in need. It would be devastating for us.

Buck: OK. We'll keep across this. Thanks you so much for your time this morning Toby.

oConnor: Thanks very much for your interest.

Buck: Toby oConnor who is the National CEO of the St Vincent de Paul Society, one of the charities that took out that full-page ad yesterday.