

16 March 2021

Senior Advisor
Not-For-Profit Unit, Not-for-profits and Tax Administration Branch
Treasury Melbourne
Level 16, 530 Collins Street
Melbourne VIC 3000

To Whom it May Concern,

ActionAid Australia welcomes the opportunity to make a submission to Treasury's consultation into proposed changes to governance standard three in the *Australian Charities and Not-for-profits Commission Regulation 2013*.

As a charity working to support women living in poverty to stand up and claim their human rights by collectively confronting the injustices they face, ActionAid is extremely concerned by the proposed changes to the governance standards for Australian Charities. In more than 45 countries, ActionAid supports women to understand their rights, reflect on the people and systems that affect them, and harness their collective power to change their lives and positions in society. More than 70,000 Australians support our efforts to advance economic and climate justice for women and advocate for women's rights in emergencies.

The Government's proposed new *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 2) Regulations 2021* unfairly target charities and would restrict our ability to carry out our work, including advocacy on the issues that affect women's rights and gender equality. The amendments would impose regulations on charities that go beyond what is required of businesses and other actors. ActionAid is particularly concerned that the proposed changes will:

- **Undermine our ability to advocate for women's rights.** These regulations mean we risk losing our charity status if we speak in support of, or promote, a peaceful protest. We could also be penalised if we do not take action to stop our staff from attending, or publicly supporting, protests. The right to protest is a fundamental element of any healthy and inclusive democracy and is critical to the realisation of gender equality.
- **Expand our already heavy administrative burden.** In order to comply with these regulations, we would need to get legal advice on a huge number of summary offences at the State and Territory and Federal level, and establish a system to document the steps we have taken to ensure that we do not inadvertently support any relevant activities.

ActionAid notes that the Government's recommendations directly contradict the findings of a 2018 Government-commissioned review of the ACNC legislation, which concluded that

existing governance standard three is not appropriate and should be repealed in its entirety.¹ It is alarming that the Government has overlooked these findings and has instead chosen to propose an extension to these rules. In the midst of a pandemic and an economic recession, where women in developing countries are being pushed further into poverty, it is inconceivable that we would be required to divert resources to such unnecessary administrative processes.

ActionAid is committed to working side-by-side with women in Australia and partner countries to support all women, everywhere, to access their rights. Accountability is critical to achieving this goal and we work hard to ensure we are always accountable to the women we work with and our supporters in Australia. Unfortunately, these proposed new rules will do little to improve this accountability, while undermining our ability to undertake lawful activities in support of gender equality.

In this regard, ActionAid recommends that the Government does not proceed with these regulations in any form.

Regards,

A handwritten signature in blue ink, appearing to read 'MHigelin', written in a cursive style.

Michelle Higelin
Executive Director, ActionAid Australia

¹ Commonwealth of Australia (2018) *Strengthening for Purpose: Australian Charities and Not-for-profits Commission Legislation Review: Report and Recommendations*, <https://treasury.gov.au/sites/default/files/2019-03/p2018-t318031.pdf>