

12 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  
Via Email: [charitiesconsultation@treasury.gov.au](mailto:charitiesconsultation@treasury.gov.au)



Dear Senior Advisor,

Thank you for the opportunity to provide feedback on the exposure draft for the *Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 2) Regulations 2021*. World Animal Protection is concerned that the proposed amendments to this regulation would unreasonably infringe upon the freedom of political speech and the right to protest.

The insertion in subsection 45.15(2) of paragraph (aa) is of particular concern. The definition provided for a summary offence which would constitute a breach of the regulation and which may justify deregistration is very broad. This would capture non-violent and peaceful protest actions that are typically engaged in by many campaigning organisations. The right to peaceful protest is a fundamental pillar of a free and democratic society. Using the threat of de-registration to stop charitable organisations engaging in protest actions is not in line with freedom of speech or the broader democratic values by which our society operates.

As an animal welfare charity, we are acting for those who do not have the opportunity to pursue change through the ballot box. Animals are sentient beings who deserve lives worth living. Despite this, their needs are often overlooked by Governments. Introducing legislation that attempts to silence those speaking out for animals is not the answer. In order to limit the need for protest, the Government could take meaningful action by introducing an Independent Office of Animal Welfare.<sup>1</sup> This would

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<sup>1</sup> World Animal Protection, *Advance Australian Animal Welfare: The urgent need to re-establish national frameworks* (2016)  
[https://www.worldanimalprotection.org.au/sites/default/files/media/au\\_files/advance\\_aw\\_report\\_lr.pdf](https://www.worldanimalprotection.org.au/sites/default/files/media/au_files/advance_aw_report_lr.pdf)

help provide genuinely independent and transparent oversight of the welfare of animals in this country. It would help promote better animal welfare and alleviate a significant number of the concerns held by animal organisations.

In conclusion, we do not support the reforms in their current form as they unduly infringe on freedom of political speech and the right to protest. We thank you again for the opportunity to make a submission on this draft reform. We hope the concerns we have raised are considered by the Government. We are available to provide more information as required throughout the reform process. We also consent to our submission being made publicly available.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simone Clarke', written in a cursive style.

Simone Clarke  
Executive Director  
World Animal Protection Australia